

The Constantly Changing Work Authorization Rules

The Trump Administration, immigrant rights groups, and the courts are battling over who controls the legal status and employment authorization of those who have a recognized, temporary immigration status. This Alert provides the current work authorization status for the following groups of workers who have a recognized, temporary status:

CHNV Parole Programs (Category C11)

From the announcement of the parole program for Venezuelans and their immediate family members on October 12, 2022, through the subsequent addition of the programs for Cubans, Haitians, Nicaraguans, and their immediate family members in January 2023, and until January 22, 2025, approximately 532,000 inadmissible aliens were granted advance authorization to travel to the United States and receive consideration for parole into the United States. The Department of Homeland Security (DHS) decided to terminate the parole status and work authorization of people who entered the United States pursuant to one of the CHNV programs as of April 24, 2025. Litigation ensued. On April 10, 2025, a federal judge in Boston said she will issue an order staying the federal government's decision to revoke legal immigration status from hundreds of thousands of Cubans, Haitians, Nicaraguans, and Venezuelans. The effect of this ruling is that the work authorization of those in the CHNV programs will not end as of April 24, 2025. Instead, employers can rely on the expiration dates on each worker's Employment Authorization documents (EADs), until the DHS obtains relief from the stay.

Parole under the Biden-era CBP One App (Category C11)

In related news, migrants who entered the U.S. under the Biden-era CBP One app have had their parole protections terminated and have been ordered to leave the U.S. immediately or face a permanent ban from reentry. The app was used by

nearly 1 million migrants to schedule appointments at official ports of entry before they were paroled into the U.S. The migrants were permitted to seek asylum and given temporary work authorization for two years while they waited for the outcomes of their respective proceedings. The parolees designated under United for Ukraine — which provided legal status for Ukrainians affected by the war — and Operation Allies Welcome — which resettled Afghans following the U.S. exit from Afghanistan — are not affected. We will provide more details when available.

Temporary Protected Status Workers (Category A12 or C19)

TPS workers from Venezuela - Venezuelans with a TPS-related EAD with a September 10, 2025; April 2, 2025; March 10, 2024; or September 9, 2022, expiration date are authorized to work until April 2, 2026, pending further litigation. The Department of Homeland (DHS) is seeking relief from a federal district court order that requires use of the April 2, 2026, date. If DHS prevails in its appeal, the work authorization for TPS worker from Venezuela could expire before April 2, 2026.

TPS workers from Haiti - USCIS has automatically extended through August 3, 2025, the validity of EADs issued under the TPS designation for Haiti with an original expiration date of August 3, 2024, June 30, 2024, February 3, 2023, December 31, 2022, October 4, 2021, January 4, 2021, January 2, 2020, July 22, 2019, January 22, 2018, or July 22, 2017. Immigrant rights groups are challenging the August 3, 2025, expiration date, but no decision has been issued yet.

TPS workers from Afghanistan - Work authorization expired November 20, 2024, for many, but those who complete registration requirements may obtain work authorization through May 20, 2025.

TPS workers from Burma (Myanmar) - USCIS automatically extended through May 25, 2025, the validity of EADs issued with an expiration date of May 25, 2024, or Nov. 25, 2022, under the TPS designation of Burma. Those who complete registration requirements may obtain work authorization with an expiration date of November 25, 2025.

TPS workers from Cameroon - Work authorization expired December 7, 2024, for many, but those who complete registration requirements may obtain work authorization until June 7, 2025.

TPS workers from El Salvador - USCIS has automatically extended through March 9, 2026, the validity of EADs issued under the TPS designation for El Salvador with an original expiration date of March 9, 2018, September 9, 2019, January 2, 2020, January 4, 2021, October 4, 2021, December 31, 2022, June 30, 2024, or March 9, 2025.

TPS workers from Ethiopia - USCIS has automatically extended through June 12, 2025, the validity of EADs issued under the TPS designation for Ethiopia with an original expiration date of June 12, 2024. Those who complete registration requirements may obtain work authorization until December 12, 2025.

TPS workers from Honduras - Work authorization expired March 9, 2025.

TPS workers from Nepal - Work authorization expired March 9, 2025, for many, but those who complete registration requirements may obtain work authorization through June 24, 2025.

TPS workers from Nicaragua - Work authorization expired March 9, 2025, for many, but those who complete registration requirements may obtain work authorization through July 5, 2025.

TPS workers from Somalia - USCIS automatically extended through September 17, 2025, the validity of EADs issued under the TPS designation for Somalia with an original expiration date of September 17, 2024, or March 17, 2023.

TPS workers from South Sudan - Work authorization expired November 3, 2024, for many workers, but those who complete registration requirements may obtain work authorization until May 3, 2025.

TPS workers from Sudan - USCIS automatically extended until April 19, 2026, the validity of EADs with original expiration dates of November 2, 2017, November 2, 2018, April 2, 2019, January 2, 2020, January 4, 2021, October 4, 2021, December

31, 2022, June 30, 2024, and April 19, 2025, for beneficiaries with the TPS designation of Sudan who continue to maintain TPS eligibility.

TPS workers from Syria - Work authorization expired March 31, 2025, for many workers, but those who complete registration requirements may obtain work authorization until September 30, 2025.

TPS workers from Ukraine - USCIS has automatically extended through April 19, 2026, the validity of EADs issued under the TPS designation of Ukraine with an original expiration date of April 19, 2025, or October 19, 2023.

TPS workers from Yemen - USCIS has automatically extended through September 3, 2025, the validity of EADs issued under the TPS designation for Yemen with an original expiration date of September 3, 2024, or March 3, 2023. Those who complete registration requirements may obtain work authorization until March 3, 2026.

Deferred Enforced Departure (Category A11)

USCIS announced that it posted a *Federal Register* notice for public inspection establishing procedures for certain Hong Kong residents covered by Deferred Enforced Departure (DED) to apply for EADs that will be valid through 2/5/27. The notice automatically extends through 2/5/27 the validity of current Hong Kong DED-related EADs with an expiration date of 2/5/23 or 2/5/25, and a Category Code of A11. Employees may present this EAD as evidence of identity and employment authorization for Form I-9, Employment Eligibility Verification.

Applicants for Asylum Status (C08)

Use the work authorization expiration date in the EAD.

Questions? Need more information? Call Jim Hughes at (404) 365-0900.

###