

**Frequently Asked Questions About
Recent Immigration-Related Actions**

What is the status of workers from Cuba, Haiti, Nicaragua and Venezuela who were granted parole pursuant to the CHNV programs?

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 received consideration for parole into the United States. The Department of Homeland Security (DHS) decided to terminate the parole status and work authorizations of people who entered the United States pursuant to one of the CHNV programs as of April 24, 2025. Litigation ensued. In April 2025, a federal judge in Boston issued 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 authorizations 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 Document (EAD) with Category C11, unless and until the DHS obtains relief from the stay.

Please understand that some workers with an EAD with Category C11 may not have entered the United States pursuant to one of the CHNV programs. Accordingly, an employer should exercise caution in dealing with an employee whose work authorization is based on Category C11.

What is the status of TPS workers from Venezuela?

Venezuelans with a TPS-related EAD (Category A12 or C19) 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. 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 authorizations for TPS workers from Venezuela could expire before April 2, 2026. It is possible that work authorizations could be extended to October 2, 2026, if the workers complete the registration process and pay the fee for a new EAD.

What is the status of TPS workers from Haiti?

U.S. Citizenship and Immigration Services (USCIS) has automatically extended through August 3, 2025, the validity of EADs (Category A12 or C19) 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.

What should an employer do if a significant group of its employees have expiring work authorizations in the near future?

An employer should hold group or individual sessions to discuss each employee's current immigration situation. An employer should encourage its employees to apply for another immigration status that will allow the employee to remain and work in the United States. An employer may learn in these sessions that employees are seeking or have obtained work authorizations in a current category or another category. **If an employee has obtained work authorization in a current category or another category, the employer should update the employee's Form I-9 records to reflect the continuing work authorization.** The employer should complete Supplement B (formerly known as Section 3) of the most recent version of Form I-9 to evidence the employee's continuing work authorization. Some employees who have applied for renewal of work authorizations may be eligible for an automatic extension of up to 540 days from the date of expiration on the EAD.

What should an employer do if an employee has an immigration hearing that is scheduled during the workday?

If an employee misses a scheduled immigration hearing, the immigration judge probably will issue an order requiring the employee be removed from the United States. Accordingly, if the employer wants to retain the employee, the employer should allow the employee to attend the hearing.

What should an employer do about employees who have applied for asylum status?

The employer should note the distinction between employees who have asylum status and employees who have applied for asylum status. Employees who have asylum status are authorized to work indefinitely even if the EAD has an expiration date. Employees who have asylum status usually present at the time of employment (1) an unexpired EAD with category A5, (2) an expired EAD with category A5 and a Form I-797 issued for a Form I-765 renewal application, or (3) a Form I-94 with an admission class of "AY" or a notation of "asylum granted indefinitely" along with some form of identification.

Employees who have applied for asylum status may have an EAD with category C08 and with an expiration date. Employees who have applied for asylum status need to maintain current work authorization by applying for renewal of work authorization before expiration. If the employee who has an asylum application pending filed Form I-765, Application for Employment Authorization, to renew an expiring EAD, the worker may qualify for up to 540-day automatic

extension of the expiration date printed on the EAD while the application is pending. The employee qualifies for this automatic extension if:

- The Form I-797C, Notice of Action, receipt notice the employee received for the pending Form I-765 renewal application has a “Received Date” that is before the “Card Expires” date shown on the face of the worker’s EAD;
- The Form I-797C, Notice of Action, receipt notice has a “Received Date” on or after May 4, 2022, or the Form I-797C, Notice of Action, receipt notice has a “Received Date” before May 4, 2022, but the Form I-765 renewal application was pending on May 4, 2022; **and**
- The category on the employee’s current EAD matches the “Eligibility Category” or “Class Requested” listed on the worker’s Form I-797C, Notice of Action, receipt notice.

If all the above factors are true, then the employee’s employment authorization or EAD, or both, are automatically extended for up to 540 days while the worker’s EAD renewal application is pending. To determine the employee’s auto-extended **EAD expiration date**, the government provides an “Automatic Extension Eligibility Calculator” at www.uscis.gov/eadautoextend.

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

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