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**ALERT**

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**Supreme Court Lifts Injunction that Prohibited  
Removal of Venezuelans with 2023 TPS Designation, Status  
Of Haitians and Changes to TPS for Afghans**

The Trump Administration's immigration actions have created confusion and frustration for employers who are trying to maintain a legal and stable workforce.

In January 2025 the Biden Administration extended TPS status for Venezuelans with the 2023 TPS designation from April 3, 2025, through October 2, 2026. Shortly thereafter, the Trump Administration vacated the extension, which meant that Venezuelans with the 2023 TPS designation were subject to removal after April 2, 2025. Litigation followed.

A California federal district court issued an injunction prohibiting the Trump Administration from removing Venezuelans with the 2023 TPS designation. The Trump Administration appealed to the Ninth Circuit, which allowed the injunction to continue. The Trump Administration appealed to the Supreme Court and asked that the injunction be lifted.

On May 19, 2025, the Supreme Court lifted the injunction that prohibited the Trump Administration from removing Venezuelans who received temporary protected status based on the 2023 designation. Most of those people have employment authorization documents or other documents with work authorization through April 2, 2025. The Supreme Court allowed those people who received documentation granting an extension of TPS status through October 2, 2026, to pursue their claims, but whether those claims will prevail is uncertain.

The Supreme Court decision does not affect Venezuelans who have the 2021 TPS designation. Their TPS status expires in September 2025.

**Status of Haitians**

The May 19, 2025, decision of the Supreme Court does not affect directly Haitians who have TPS status. Those workers presently are allowed to work through August 3, 2025. Nevertheless, it is likely that the Haitians with TPS status will not have authorization to work after August 3, 2025.

The Trump Administration also has asked the Supreme Court to lift an injunction relating to Haitians and others from Cuba, Nicaragua, and Venezuela who entered the United States in one of the CHNV parole programs. The Supreme Court could issue a decision on this request as early as Tuesday, May 27. If the Supreme Court agrees with the Trump Administration to lift the injunction, all those who entered under one of the CHNV parole programs could be subject to

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removal after issuance of the decision. If the Supreme Court allows the injunction to continue, those workers will have work authorization in accordance with the expiration dates stated on their employment authorization documents.

### **Changes to Temporary Protected Status for Afghans**

On May 13, 2025, the Department of Homeland Security (DHS) announced, through a Federal Register Notice, the termination of Temporary Protected Status (TPS) for Afghanistan, effective July 14, 2025. DHS Secretary determined that Afghanistan no longer met the country conditions required to meet country conditions for TPS designation.

Similarly, United States Citizenship and Immigration Services (USCIS) issued guidance for employers of impacted individuals. Employment authorization documents (EADs) bearing category code A12 or C19, with expiration dates of either May 20, 2025, or November 20, 2023, are automatically extended through July 12, 2025. As such, USCIS advises employers that beginning July 13, 2025, beneficiaries of TPS Afghanistan must be reverified before an individual begins work.

However, please note there is a discrepancy in EAD validity dates between the Federal Register Notice and DHS guidance. The Federal Register Notice states that EADs have been extended through July 14, 2025, but relevant guidance states that the extension date is through July 12, 2025.

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

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