



Center for Immigration  
Law and Policy



September 18, 2025

Dear Department of Motor Vehicles (DMV):

We write in our capacity as counsel for the National TPS Alliance, a plaintiff in ongoing litigation regarding the status of Venezuela's Temporary Protected Status (TPS) designation. We understand questions have been raised about whether TPS holders from Venezuela continue to have legal authorization to live and work in the United States as may be relevant to obtain a drivers' license. As a result of ongoing litigation, **Venezuelan TPS holders continue to have legal authorization to live and work in the United States, and as such, are entitled to driver's licenses.** We urgently request that you take action to ensure that, in accordance with the law, the DMV upholds the validity of drivers' licenses to Venezuelan TPS holders, and approves requests for drivers' licenses or their renewal.

On September 5, 2025, in *National TPS Alliance v. Noem*, Case No. 25-cv-01766 (N.D. Cal.), a federal court found that the termination of Venezuela TPS was unlawful and set aside the termination, as well as the vacatur of the January 17, 2025 extension of TPS for Venezuelans. As the court explained, its ruling applies nationwide, and has entered into effect immediately. *See NTPSA v. Noem*, 2025 WL 2578045, No. 25-cv-01766 (N.D. Cal. Sep. 5, 2025). On September 17, the Ninth Circuit Court of Appeals denied the government's request for a stay to the ruling. As such, the ruling is final and binding.

USCIS has updated its official webpage to reflect the Court's orders on this subject:

TPS Venezuela beneficiaries, to include eligible 2021 TPS beneficiaries, who re-registered under the 2023 redesignation have TPS extended **through Oct. 2, 2026**, per the court order, subject to litigation updates.

*See USCIS, FAQs on the Effect of Changes to Parole and Temporary Protected Status (TPS) for SAVE Agencies*, at <https://www.uscis.gov/save/current-user-agencies/guidance/faqs-on-the-effect-of-changes-to-parole-and-temporary-protected-status-tps-for-save-agencies>

All TPS holders are granted drivers' licenses under the REAL ID Act for at least one year. The REAL ID Act permits the issuance of a driver's license to individuals with approved applications for TPS. *See REAL ID Act of 2005*, Pub. L. No. 109-13 Sec. 202 (c)(2)(C)(i-ii). The Act provides that, for TPS holders, the State may issue a temporary driver's license or temporary identification card to the person which "shall be valid only during the period of time of the applicant's authorized stay in the United States, or, if there is no definite end to the period of authorized stay, a period of one year." *Id.* **Given the federal court's finding that the termination of Venezuela's 2023 designation for TPS was unlawful, Venezuelan TPS holders' period of authorized stay will extend through at least October 2, 2026.** Thus, such TPS holders are entitled to hold valid drivers' licenses for one year, given that their current legal status is indefinite.

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We urge you to ensure that TPS holders can continue to access appropriate drivers' licenses by (1) issuing official guidance regarding how the DMV must affirm the validity of existing drivers' licenses, or for an initial drivers' license granting drivers' licenses; (2) providing training for DMV officials to ensure that the official guidance is followed; and (3) monitoring the implementation of the guidance.

These TPS holders are valued members of the community who contribute significantly to the state's economy and workforce. The ability to maintain valid drivers' licenses is essential to TPS holders' lives and livelihoods.

Sincerely,



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