



Center for Immigration
Law and Policy



September 18, 2025

**RE: Current Status of Employment Authorization of Venezuelan TPS Holders
Pursuant to Court Order in *National TPS Alliance v. Noem*, Case No. 25-cv-01766
(N.D. Cal.)**

To Whom It May Concern:

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 regarding the current employment authorization status of Venezuelan TPS holders. As a result of ongoing litigation, **Venezuelan TPS holders continue to have legal authorization to live and work in the United States, and accompanying employment authorization.**

On September 5, 2025, in *National TPS Alliance v. Noem*, Case No. 25-cv-01766 (N.D. Cal.), a federal court found that the February 2025 vacatur and termination of Venezuela TPS were unlawful. As a result, the January 17, 2025 extension of TPS for Venezuelans remains in effect. *See* 90 Fed. Reg. 5961 (Jan. 17, 2025), at <https://www.federalregister.gov/documents/2025/01/17/2025-00769/extension-of-the-2023-designation-of-venezuela-for-temporary-protected-status>. 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.

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

EADs with a category A12 or C19 and a Card Expires date of April 2, 2025, issued under the 2023 TPS designation of Venezuela expire on Apr. 2, 2026. Employers must reverify TPS Venezuela beneficiaries who presented these EADs before they start work on Apr. 3, 2026.

EADs with a category A12 or C19 and a Card Expires date of Sept. 10, 2025; March 10, 2024; or Sept. 9, 2022, issued under the 2021 TPS designation of Venezuela, who reregistered under the Jan. 17, 2025 Extension notice expire on Apr. 2, 2026. Employers must reverify TPS Venezuela beneficiaries who presented these EADs before they start work on Apr. 3, 2026.

See Update: Ninth Circuit Court Order TPS Venezuela, at <https://www.e-verify.gov/about-e-verify/whats-new/update-ninth-circuit-court-order-tps-venezuela>.

American Civil Liberties Union Foundation of Northern California

EXECUTIVE DIRECTOR Abdi Soltani • BOARD CHAIR Magan Pritam Ray
SAN FRANCISCO OFFICE: 39 Drumm St. San Francisco, CA 94111 • FRESNO OFFICE: PO Box 188 Fresno, CA 93707
TEL (415) 621-2493 • FAX (415) 255-1478 • TTY (415) 863-7832 • WWW.ACLUNC.ORG

In addition, receipt notices automatically extending the employment authorization of Venezuelan TPS holders for up to 540 days also remain valid under the Court's September 5 order.

Please note that employers are *required* to accept a valid automatic extension, along with a facially expired EAD, as proof of employment authorization. *See* 90 Fed. Reg. 5961 at 5969 (“If you present an EAD that USCIS has automatically extended, employers should accept it as a valid List A document if the EAD reasonably appears to be genuine and to refer to you.”). Employers may be subject to liability for “reject[ing] lawful documentation, requir[ing] additional documentation, or otherwise discriminat[ing]” against employees based on citizenship or immigration status. *Id.* State law may also prohibit such discrimination—as, for example, it does in California.

Thank you for your attention to this important matter. If you have further questions, please direct them to legal@ntpsalliance.org.

Sincerely,



Emi MacLean
ACLU of Northern California

Jessica Bansal
National Day Laborer Organizing Network

Ahilan Arulanantham
UCLA Center for Immigration Law and Policy

Counsel for Plaintiffs in *National TPS Alliance, et al. v. Kristi Noem, et al.*