



Center for Immigration
Law and Policy



Frequently Asked Questions

NTPSA v. Noem

Updated September 3, 2025

What is the current status of Venezuela's 2023 TPS designation?

The [vacatur](#) of the January 17, 2025 extension of Venezuela's 2023 designation and the [termination](#) of Venezuela's 2023 TPS designation have gone into effect.

NTPSA v. Noem (“*NTPSA I*”), the National TPS Alliance's litigation challenging the vacatur and termination, is ongoing. But the interim protection [granted](#) by the district court on March 31, 2025, which prevented the vacatur and termination from taking effect pending a final decision in the case, was stayed by the Supreme Court on May 19, 2025.

Nonetheless, some people who hold TPS under Venezuela's 2023 designation retain TPS and/or work authorization. Specifically, pursuant to the district court's [May 30, 2025 order](#), the following documents issued under the January 17, 2025 extension remain valid *if received on or before February 5, 2025*: (1) a final approval notice or Form I-94 granting TPS through October 2, 2026; (2) an EAD valid through October 2, 2026; or (3) a Notice of Action automatically extending work authorization for 540 days.

What is the current status of Venezuela's 2021 TPS designation?

Venezuela's 2021 TPS designation *remains in effect*.

If you hold TPS under the 2021 Venezuela designation, your TPS remains valid until at least September 10, 2025. The earliest Venezuelan TPS holders protected by the 2021 designation could lose status is 60 days from the publication of any termination in the Federal Register, which has not happened yet.

If DHS terminates Venezuela's 2021 designation, the termination cannot take effect less than 60 days from the date of publication of the termination notice. Employment authorization and TPS must be automatically extended during those 60 days. This means that Venezuelan TPS holders protected by the 2021 designation will continue to be able to work, and may not be detained or deported, during this time.

What is the current status of Haiti's TPS designation?

Haiti's TPS designation remains in effect through February 3, 2026. This is the result of a district court decision in a different case, *Haitian Evangelical Clergy Ass'n v. Trump* ("HECA"). The National TPS Alliance is not a Plaintiff in HECA.

The court in *HECA* ruled that the "partial vacatur" of Haiti's TPS designation was unlawful and ordered that the termination of Haiti's TPS cannot take effect before February 3, 2026. So far, the government has not appealed that decision.

The termination of Haiti's TPS designation is also being challenged in *NTPSA v. Noem* ("NTPSA I") and another case, *Miot v. Noem*.

What has been happening in *NTPSA v. Noem*?

- On February 19, 2025, the National TPS Alliance and seven individual Venezuelan TPS holders brought *NTPSA v. Noem*, a lawsuit in federal district court challenging the vacatur of the January 17, 2025 extension of Venezuela's 2023 TPS designation and the subsequent termination of Venezuela's 2023 TPS designation.
- Plaintiffs later amended the lawsuit to add four individual Haitian TPS holder plaintiffs and include a challenge to the partial vacatur of Haiti's TPS designation, and later a challenge to the termination of Haiti's TPS designation.
- On March 31, 2025, the district court entered an order finding that the Venezuela vacatur and termination were likely unlawful because DHS Secretary Noem lacks authority to vacate a TPS extension and because the vacatur and termination were motivated by racism in violation of the Constitution. The district court ruled that neither the vacatur nor the termination could take effect while the litigation continued.
- On May 19, 2025, the Supreme Court stayed the district court's order. The Supreme Court stay allowed the vacatur and termination to go into effect while the litigation proceeds. Since the Supreme Court is the highest court in the United States, there is nowhere to appeal its decision. But *NTPSA v. Noem* is not over. The Supreme Court's

decision concerned only whether the district court properly granted *preliminary* relief while it considered the case.

- In its stay order, the Supreme Court indicated that individuals who had already received documents pursuant to the January 17, 2025 Venezuela extension might have a claim that they could continue to rely on those documents while the litigation continues.
- On May 30, 2025, the district court ruled that the following documents issued under the January 17, 2025 extension remain valid pending a final decision in the case *if received on or before February 5, 2025*: (1) a final approval notice or Form I-94 granting TPS through October 2, 2026; (2) an EAD valid through October 2, 2026; or (3) a Notice of Action automatically extending work authorization for 540 days. The government did not appeal the district court's May 30, 2025 order.
- On July 16, 2025, the Ninth Circuit held a hearing to consider the government's appeal of the district court's March 31, 2025 order.
- On August 1, 2025, the district court held a hearing on Plaintiffs' motion for *final* relief. If Plaintiffs prevail, the district court may enter new protection for both Venezuelan and Haitian TPS holders. Venezuelans TPS holders who re-registered under the January 17, 2025 extension could receive renewed work authorization and lawful status through October 2, 2026 and Haitian TPS holders could maintain work authorization and lawful status through February 3, 2026.
- On August 25, 2025, the district court stayed consideration of Plaintiffs' motion for final relief pending a decision from the Ninth Circuit Court of Appeals on the government's appeal of the district court's March 31, 2025 order.
- On August 29, 2025, the Ninth Circuit issued its decision. The panel unanimously affirmed Judge Chen's March 31, 2025 order. The decision holds that federal courts have jurisdiction to review whether TPS decisions comply with the TPS statute. It also holds that Secretary Noem has no authority to vacate a prior TPS extension, and so her vacatur of the January 17, 2025 extension of Venezuela's 2023 designation was illegal.
- Now that the Ninth Circuit has ruled, the district court may issue a decision on Plaintiffs' motion for final relief at any time.
- The district court's decision on Plaintiffs' motion for final relief is subject to appeal. The government could also again seek a stay from the Ninth Circuit and/or Supreme Court.

Plaintiffs' legal team would vigorously oppose any stay request, but of course cannot guarantee the result.

I have TPS under Venezuela's 2023 designation. Can I continue to use my C19 or A12 work permit?

If you received on or before February 5, 2025 a C19 or A12 work permit with an expiration date of October 2, 2026, *or* if you have a C19 or A12 work permit that expired on April 2, 2025 *and* you filed an application for employment authorization under the January 17, 2025 extension *and* you received on or before February 5, 2025 a receipt notice from USCIS automatically extending your work authorization for 540 day extension, *your work authorization remains valid pursuant to the district court's May 30, 2025 order.*

The district court's order May 30, 2025 *does not* preserve the validity of the blanket automatic extension of employment authorization through April 2, 2026 granted by the January 17, 2025 extension Federal Register Notice.

You should know that verifying work authorization is your employer's responsibility, not yours. While of course it is illegal to provide your employer with false information about your authorization to work, you are not required to raise the subject of work authorization with your employer.

I've already applied to renew my TPS pursuant to the January 17, 2025 extension. What will happen to my pending application now?

Our best understanding is that your application will not be processed unless there is a court order that changes the status quo.

Should I re-register for TPS pursuant to the January 17, 2025, TPS extension if I haven't already?

Even though your re-registration application will most likely not be processed at this time, you may wish to re-register in order to ensure that you would be able to benefit from a favorable final decision in *NTPSA v. Noem*. If the district court grants new protections and the January 17, 2025 extension goes back into effect, you may need to show that you re-registered before September 10, 2025 (the end of the registration period) in order to obtain TPS through October 2, 2026.

I didn't file my asylum application within a year of my entry. Can I still apply?

Yes. There is a one-year deadline from entry to apply for asylum, but there are exceptions. One of them is if you maintained TPS until shortly before applying for asylum. Another is if you were given parole until a reasonable period before applying for asylum.

If you don't have a case in immigration court or a deportation order, you can file your asylum application with USCIS. If you have a case in immigration court, you can file an asylum application with the court. (You don't need to wait until your next hearing to do so!)

Applying for asylum with USCIS does not grant you legal presence or immigration status while your application is pending, nor does it prevent ICE from detaining you or initiating deportation proceedings against you in immigration court.

I have TPS under Venezuela's 2023 designation. Can I be detained or deported?

TPS protects people from detention and deportation. Now that Venezuela's 2023 designation has been terminated, that protection is also gone *with one exception*. If you received on or before February 5, 2025 a notice approving your Form I-821 Application for TPS through October 2, 2026 or a Form I-94 extending your TPS through October 2, 2026, then your TPS remains valid through October 2, 2026 and you are not subject to detention or deportation.

While receipt notices from USCIS automatically extending your work authorization for 540 days also remain valid pursuant to the district court's May 30 order, those notices provide only work authorization; they do not provide protection against detention or deportation.

Depending on your situation, you may have other protections against detention and deportation (not based on TPS).

ICE can detain people for deportation if they have a deportation order. ICE can also detain people during their immigration proceedings, until a decision is made. If this happens, depending on your situation you may be eligible for a bond hearing.

Even if your TPS is no longer valid, you still cannot be deported without a final order of removal.

If you have a final order of removal and no other protection in place, ICE can deport you. You may have received a deportation order from a judge in immigration court or at the border. You can confirm if you have a deportation order from an immigration court by entering your A number on this website: <https://acis.eoir.justice.gov/es/>. If you received a deportation order at the border, it will not appear here. If you were detained at the border and returned to your home

country, it is very likely that you have a deportation order. If you were detained at the border and returned to Mexico, it is possible, but not certain, that you have a deportation order.

If you have a pending case in immigration court, your case must continue, and you must have the opportunity to file any claims for relief, including an asylum application.

If you are not in immigration proceedings or have a deportation order, ICE can begin immigration proceedings against you. ICE claims authority to do this even if you were previously in immigration proceedings and the judge canceled them. If you have been in the country for less than two years, ICE may attempt to put you in expedited removal (see next question). If you are arrested and fear returning to your home country, it is important to inform as many officials as possible about your fear.

Determining your legal status can be difficult. We recommend speaking with a trusted immigration attorney to better understand your situation and your options.

**I have TPS under Venezuela's 2023 designation. Could I be deported without a hearing?
Am I subject to expedited removal?**

People who have been in the United States for less than two years and who entered without inspection may be subject to expedited removal. If you arrived more than two years ago, you cannot be placed into expedited removal.

Even if you entered less than two years ago, you should not be subject to expedited removal if you entered with parole, because the law only allows expedited removal of those who were not "admitted or paroled." Still, the government believes they can place previously paroled individuals into expedited removal if their parole is no longer valid. That is currently being challenged in ongoing litigation, *CHIRLA v. Noem*. To stay up to date with that litigation, see JAC's website available [here](#).

Expedited removal allows DHS to deport you without a hearing before an immigration judge, unless you proactively express a fear of deportation. People who express a fear of deportation must be given an interview with an asylum officer to explain their fear of returning and their asylum claim. This is called a credible fear interview or a reasonable fear interview. If you pass the interview, you will be placed in regular immigration proceedings with the opportunity to present your asylum application in a full hearing before an immigration judge. If you do not pass the interview, you have the right to appeal that decision for a shorter hearing before an immigration judge.

I heard there's a new registration requirement for noncitizens. Do I need to register with USCIS?

Beginning in April 2025, a new rule requires that 1) noncitizens register with USCIS, 2) carry proof of their registration at all times, and 3) promptly update their information with USCIS if they change their address. Failure to comply with any of these requirements constitutes a misdemeanor punishable by imprisonment (up to 6 months for failure to register, up to 1 month for failure to carry proof of registration or to update your address) and a fine.

Anyone who has been granted work authorization is already considered registered and does not need to register again, even if their work permit expires. Your work permit constitutes proof of your registration. Carrying your work permit, even if it has expired, satisfies the requirement to carry proof of registration.

How can I stay up-to-date on developments in NTPSA v. Noem?

You can stay up-to-date by following NTPSA on social media: Facebook, Instagram, Twitter, and YouTube. NTPSA members also receive regular updates on the TPS program and NTPSA's work.

Can NTPSA v. Noem achieve permanent status for TPS holders?

No. Only Congress can grant permanent status to TPS holders. Even if we win our challenge to the vacatur and termination of TPS for Venezuela and partial vacatur of TPS for Haiti, the courts cannot prevent the government from canceling TPS again in the future, as long as they comply with the law in doing so.

The National TPS Alliance is fighting for legislation that provides a path to permanent status for TPS holders. If you would like to join those efforts, see the information on how to join NTPSA below.

How can I become a member of the National TPS Alliance?

You can become a member of NTPSA either by participating in a local NTPSA committee or by submitting an individual membership application. More information is available on the NTPSA website: <https://www.nationaltpsalliance.org/>.

Additional FAQs re Status of CHNV Parole Program (June 12, 2025)

What is the current status of existing parole grants issued through the program for individuals from Cuba, Haiti, Nicaragua, and Venezuela (CHNV)?

On May 30, 2025, the Supreme Court allowed the government to revoke the parole status of individuals who are in the United States under the CHNV parole program. In a one-paragraph order, the Supreme Court granted the government's emergency request to stay a district court order from April 14, 2025 in [*Svitlana Doe v. Noem*](#), a federal class action case brought by the Justice Action Center (JAC) and Human Rights First (HRF) challenging the government's termination of a number of humanitarian parole programs, including CHNV. The April 14th district court order had stopped the government from revoking grants of CHNV parole while the litigation moved forward. The Supreme Court decision staying this order allowed the government to move forward with revoking all existing CHNV parole grants. On June 12, 2025, [DHS announced](#) that it sent individual notices of termination via email to CHNV beneficiaries revoking their parole grants and parole-based work permits effective immediately.

While the Supreme Court's decision places CHNV recipients at risk of detention and deportation, the litigation challenging CHNV parole revocations and other programmatic parole terminations will continue to move forward. To follow that litigation, you can check JAC's website updates available [here](#).

I entered through CHNV parole and my work permit under this parole grant has not yet expired. Can I continue to work with my work permit that was issued as a result of my CHNV parole?

The Supreme Court's May 30 decision also allowed the government to move forward with revoking work authorizations issued for CHNV parole recipients. On June 12, 2025, [DHS announced](#) that it sent individual notices of termination via email to CHNV beneficiaries revoking their parole grants and parole-based work permits effective immediately. We recommend that you check the [USCIS website](#) for the most updated information on the status of the CHNV program.

If you received work authorization through a pending application for –or grant of–an immigration benefit *other* than CHNV parole, the Supreme Court's May 30 decision does not affect the validity of that work authorization.

You should also know that verifying work authorization is your employer's responsibility, not yours. While of course it is illegal to provide your employer with false information about your authorization to work, you are not required to raise the subject of work authorization with your employer. We recommend that employers consult with a trusted legal service provider to determine the continued validity of any given employee's work authorization document.

Is the government currently processing applications for other immigration benefits filed by individuals who entered through CHNV?

On May 28, 2025, the district court in *Svitlana Doe v. Noem* issued a decision ordering the government to resume processing of applications for other immigration benefits (i.e. asylum, family based petitions, Cuban Adjustment Act, etc.) filed by individuals who entered through a number of parole programs, including CHNV, while the litigation moves forward.

The Supreme Court's May 30th decision does not affect the validity of this order, and so it remains in place unless and until something changes in the litigation. This means U.S. Citizenship and Immigration Services (USCIS) should now be processing previously paused applications for other immigration benefits filed by individuals who entered through various parole programs, including CHNV.

** The information in this guide does not, and is not intended to, constitute legal advice, and is for general informational purposes only. You should contact an attorney for legal advice. Information in this guide also may not constitute the most up-to-date information and should be verified with current sources.*