

Update: Supreme Court Order for TPS Venezuela

Release Date: November 14, 2025

On Feb. 5, 2025, DHS issued a Federal Register notice that terminated the 2023 designation of TPS for Venezuelans and ends TPS and related benefits associated with the designation on April 7, 2025.

On March 31, 2025, Judge Edward Chen, a federal judge in San Francisco, ordered the department to continue TPS for Venezuelans. See *National TPS Alliance, et al., v. Kristi Noem et al.*, No. 3:25-cv-01766 (N.D. Cal. Mar. 31, 2025). For more information, please see the [Federal Register notice](#).

On May 19, 2025, the U.S. Supreme Court granted the government's request for an emergency stay of Judge Edward Chen's order in *National TPS Alliance, et al., v. Kristi Noem et al.*, No. 3:25-cv-01766 (N.D. Cal. March 31, 2025). Based on the Supreme Court's order, the March 31, 2025, district court order in case No. 3:25-cv-1766 was stayed pending the disposition of the government's appeal in the United States Court of Appeals for the Ninth Circuit.

On May 30, 2025, the district court in case No. 3:25-cv-1766 ordered that—pending resolution of the litigation—TPS beneficiaries who received TPS-related documentation with October 2, 2026, expiration dates on or before February 5, 2025, will maintain that status and their documentation will remain valid.

On Sept. 5, 2025, the U.S. District Court for the Northern District of California issued a final order setting aside Secretary Noem's decision and allowed the 2023 TPS designation of Venezuela to continue.

Update: On October 3, 2025, the Supreme Court allowed the termination of the 2023 Venezuela TPS designation to take immediate effect.

What this means for Forms I-766, Employment Authorization Documents (EADs):

- For beneficiaries of the 2021 Designation for Venezuela TPS who do not have an EAD or Form I-94, Arrival-Departure Record, with an October 2, 2026 expiration date, their TPS and employment authorization terminates on November 7, 2025. 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 are automatically extended until Nov. 7, 2025. Employers must reverify TPS Venezuela beneficiaries who presented these EADs before they start work on Nov. 8, 2025.
- With a timely filed EAD renewal application, EADs with a category A12 or C19 and a Card Expires date of Sept. 10, 2025 or April 2, 2025 for TPS beneficiaries who reregistered under the Jan. 17, 2025 [Extension notice](#), may still be [automatically extended for up to 540 days](#). Employees must present their Form I-797, Notice of Action indicating their Form I-765, Application for Employment Authorization, EAD renewal application was received before Feb. 6, 2025.

Keywords

[EAD](#) [Temporary Protected Status \(TPS\)](#) [TPS](#)

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