

Publications

SCOTUS Allows Trump Administration to Terminate CHNV Parole Program; Current Status of Venezuelan & Haitian TPS

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On May 30, 2025, the Supreme Court of the United States granted the Trump administration's request to pause a lower court order staying the termination of the CHNV (Cuban, Haitian, Nicaraguan, Venezuelan) humanitarian parole program for the duration of the court challenge. As a result, the administration can now proceed to terminate the program while the litigation to preserve the program continues. As of this writing, the U.S. Department of Homeland Security (DHS) has not yet issued guidance on how the termination will be implemented.

The CHNV parole program is one of several special programs that were established by the Biden administration under the "humanitarian parole" authority of the Immigration and Nationality Act. The program granted individuals from Cuba, Haiti, Nicaragua, or Venezuela permission to legally enter and remain in the U.S. for a temporary period of time. These individuals were also eligible to apply for employment authorization.

On March 25, 2025, the DHS published a Federal Register Notice to terminate the CHNV program, purporting to end grants of parole and any associated employment authorization no later than April 24, 2025. A federal lawsuit challenging the termination was filed in the U.S. District Court of Massachusetts, and the judge hearing the case had issued an order pausing the termination for the duration of the court case on April 15, 2025. The new order from the Supreme Court halts this lower court order, allowing the DHS to move forward with implementing the termination while the challenge continues in the lower courts.

Until the DHS issues further guidance, employers who employ associates with employment authorization based on the CHNV program may continue to rely on the expiration date of the existing Employment Authorization Document (EAD). Individuals who were granted employment authorization based on receiving "humanitarian parole" are issued EADs with the category code (C)(11). It is important to note, however, that not all (C)(11) EADs are issued under the CHNV program, even if the worker is from one of the four designated

countries (Cuba, Haiti, Nicaragua, or Venezuela). Further, workers employed under the CHNV program may have other valid bases of employment authorization that they are able to present.

To fulfill their federal obligation to employ only employment-authorized workers and to comply with nondiscrimination provisions of the Immigration and Nationality Act, employers who employ or may employ associates granted parole should follow these guidelines for workers employed based on the CHNV program:

- Monitor announcements on I-9 Central and other official DHS sources for guidance regarding termination of employment authorization under the CHNV program;
- Continue to follow the expiration dates printed on (C)(11) EADs until DHS issues further guidance;
- Reverify employment authorization of expiring (C)(11) EADs;
- Allow associates with expiring (C)(11) EADs the opportunity to present any valid employment authorization before terminating; and
- Prepare for the loss of workers employed with (C)(11) EADs under the CHNV program who are unable to present other forms of employment authorization.

In addition to the CHNV program, the Trump administration has been pursuing the termination of Temporary Protected Status (“TPS”) designations for Venezuela and Haiti. TPS is a separate form of temporary humanitarian relief that is given to eligible nationals of designated countries, and some Venezuelans and Haitians may have EADs based on TPS, which are in the (A)(12) or (C)(19) categories. Several federal lawsuits challenging the termination of TPS for Venezuela and Haiti have been filed as well, and on May 19, 2025, the Supreme Court also lifted a lower court order that had prevented the DHS from terminating TPS for Venezuelans who first received relief under the 2023 designation.

The current status of employment authorization for Venezuelan and Haitian TPS holders is as follows:

Venezuela TPS (2021 designation): Individuals who first received TPS under the 2021 designation have not been affected by the recent Supreme Court order. Their status and employment authorization are valid until September 10, 2025, with an automatic extension in effect until April 2, 2026. However, the DHS is largely expected to announce soon whether it will terminate that designation. Employers should start preparing for the likelihood that any workers employed under this designation will need to be terminated on September 10, 2025, unless they are able to present new employment authorization documents.

Venezuela TPS (2023 designation): As a result of the Supreme Court order issued on May 19, 2025, the DHS now has permission to proceed with the termination of the TPS protections for individuals who first received relief under the 2023 designation. The prior designation expired on April 3, 2025. However, as of this writing, the DHS has not issued guidance on the termination and the automatic extension of employment authorization for these individuals until April 2, 2026. Further, the Biden administration had allowed applications to be filed for EAD renewals through October 2, 2026, and any EADs that were already approved remain valid unless and until they are revoked. Nevertheless, employers should be prepared for DHS to issue guidance terminating the employment authorization of these workers and for the loss of any who are unable to present new employment authorization documents at that time.

Haitian TPS: The DHS published a Federal Register Notice that shortened the TPS designation for Haiti from February 3, 2026 to August 3, 2025. No court orders that affect this announcement have been issued. EADs based on Haitian TPS should be treated as being valid through August 3, 2025, with no automatic extensions. Employers should be prepared for the loss of any workers who are employed under this designation and are unable to present new employment authorization documents.

Employers with workers presenting EADs based on humanitarian programs are encouraged to monitor DHS announcements closely as major policy changes and lawsuits challenging the changes are expected to continue.

If you have any questions regarding the employment authorization of workers employed pursuant to humanitarian parole, TPS, or any other basis, we encourage you to contact your Vorys attorney.