

SUPREME COURT ALLOWS TRUMP ADMINISTRATION TO END PROTECTED STATUS FOR VENEZUELAN – WHAT EMPLOYERS SHOULD DO NOW

Insights
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The Supreme Court just cleared the way for the Trump administration to end Temporary Protected Status (TPS) for more than 350,000 Venezuelans, putting hundreds of thousands of workers at risk of losing legal authorization to remain and work in the US. Yesterday's ruling allows the Department of Homeland Security (DHS) to move forward with revoking TPS for this group, even as the broader legal battle continues in a California federal court. While protections remain for some Venezuelan migrants until at least September, employers should be on high alert. Many workers could suddenly lose their work authorization and their ability to remain lawfully in the country. What do you need to know about the decision, and what should your organization do right now?

Quick Background

- In 2023, the Biden administration added Venezuela to the TPS program – an initiative aimed at safeguarding individuals who cannot safely return to their home countries. The Biden DHS based this on a determination that conditions in the country prevented the safe return of Venezuelan nationals.
- In the final days of the Biden administration, DHS extended the program to run through October 2026.
- But in early February, Homeland Security Secretary Kristi Noem announced the revocation of TPS for Venezuelans residing in the United States, saying that Venezuela “no longer continues to meet the conditions for the 2023

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designation” and that “it is contrary to the national interest to permit the covered Venezuelan nationals to remain temporarily in the United States.”

- The notice stated that the termination of the 2023 TPS designation would take effect in April. [You can read about that announcement here.](#)
- Before that revocation could take effect, a California federal judge temporarily blocked the attempt to terminate TPS for Venezuelans. He said that ending TPS would cause “irreparable harm” to approximately 350,000 Venezuelan beneficiaries and could negatively impact the US. economy. [You can read about that decision here.](#)

What Just Happened?

- On May 19, the Supreme Court lifted a lower court’s injunction that had blocked the administration from ending TPS for Venezuelans.
- The move effectively permits DHS to cancel the 18-month extension the Biden administration granted in its final days, which had been set to run through October 2026.
- The ruling was [unsigned and issued without explanation](#), which is typical for emergency orders. Justice Ketanji Brown Jackson was the only dissenter.
- Critically, the Court did not rule on the merits. It simply allowed the policy change to take effect while litigation continues. Migrants may still challenge their deportation on an individual basis, and the broader lawsuit (*Noem v. National TPS Alliance*) remains active in the Northern District of California.

Why This Matters for Employers

If you employ workers who are in the US under the 2023 Venezuelan TPS, their immigration status and work authorization may soon be in jeopardy. The decision affects over 350,000 Venezuelans immediately, although some TPS holders remain protected into the fall. That’s because this decision does not apply to the 2021 TPS designation of Venezuela, which remains in effect until September 10.

Many HR teams and legal departments were relying on the Biden-era extension to provide stability through late 2026. That foundation has now been pulled out from under them.



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The potential impact is broad:

- The decision represents “the largest single action stripping any group of noncitizens of immigration status in modern U.S. history,” according to attorneys for the plaintiffs.
- TPS revocation could lead to mass loss of work eligibility in sectors such as hospitality, healthcare, agriculture, and manufacturing.
- Employers may struggle to replace workers on short notice.

6 Things Employers Should Do Right Now

Here are the steps your organization should take in light of the Supreme Court’s decision:

1. Identify Affected Employees

Review your workforce for individuals relying on Venezuelan TPS. Flag expiration dates and track changes to work authorization status.

2. Communicate Carefully and Compassionately

Prepare internal messaging and direct outreach to affected workers. Be clear about the ruling and your willingness to explore legal options with legal counsel. You should also provide guidance on voluntary departure and compliance responsibilities, and any resources you offer to workers.

3. Monitor EAD Validity and Updates

Keep a close eye on Employment Authorization Document (EAD) expirations. The DHS may publish updated timelines or grace periods, so make sure to stay vigilant.

4. Coordinate with Immigration Counsel

Determine whether impacted employees have alternative immigration relief (e.g., asylum, adjustment of status, family/employment-based visas, pending green card applications) that could preserve work eligibility.

5. Avoid Premature Termination

Don’t make hasty employment decisions based on this ruling. Workers may still have valid EADs or pending litigation that protects their status in the short term.

6. Compliance and Documentation Updates

This is a good time to ensure you have updated the relevant I-9 documentation in a prompt fashion. It also seems worthwhile to maintain detailed records of your relevant communications and any actions you take in response to this policy change.

7. Prepare for Wider Fallout

This ruling may foreshadow additional TPS revocations. The Trump administration has already requested Supreme Court approval to deport over 530,000 CHNV holders from Cuba, Haiti, Nicaragua, and Venezuela, and has also revoked TPS status for Haitians (a move that was also blocked by a court for the time being). We could face broader disruption in the near future.

8. Workforce Contingency Planning

Finally, consider the steps you should take to manage your necessary work in the wake of this disruptive situation. You might consider cross-training existing employees to fill potential staffing gaps. Another option: Initiating recruitment or temporary staffing solutions to minimize operational disruption.

What's Next?

- The legal battle continues in federal court in San Francisco, where plaintiffs argue that the revocation was both procedurally flawed and motivated by discriminatory animus.
- The Court's order simply removed the procedural freeze – it didn't resolve the merits.
- DHS may begin issuing notices of termination or removal for affected TPS holders in the coming weeks.
- A separate request remains pending before the Court related to deportation authority for other nationalities under TPS.

Conclusion

We will continue to monitor this fast-moving litigation and provide updates through Fisher Phillips' [Insight System](#), so make sure you are subscribed to receive the latest offerings. If your business employs workers under TPS or has questions about workforce planning in light of this ruling,

contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#).

Our [Employers' Rapid Response Team](#) (877-483-7781 or DHSRaid@fisherphillips.com) is on call to provide immediate legal counsel if a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance.