

SUPREME COURT BACKS TRUMP'S PLAN TO TERMINATE WORK AUTHORIZATIONS FOR OVER 500,000 FOREIGN NATIONALS: 5 STEPS FOR CHNV PAROLE PROGRAM EMPLOYERS

Insights
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The Supreme Court on Friday cleared the way for the Trump administration to terminate the humanitarian parole program giving approximately 532,000 nationals from Cuba, Haiti, Nicaragua, and Venezuela the right to hold work authorizations in the US – and employers must act immediately to adapt to this massive development. Unless the government says otherwise, foreign nationals under the CHNV Parole Program no longer have permission to work in the US effectively immediately. What are the five things you should do if your workplace is impacted by the May 30 development?

Quick Timeline

- **2022:** The Biden administration created a parole program to allow individuals from Venezuela who had a US-based supporter, passed enhanced security vetting, and met other criteria to lawfully gain admission to the country and receive authorization to work.
- **2023:** The government expanded the program to include foreign nationals from Cuba, Haiti, and Nicaragua – all countries facing humanitarian crises – and thereby referenced it as the “CHNV” Parole Program.
- **January 22:** The Trump administration signaled that it would end the parole status of anyone who entered the country by virtue of the CHNV process.

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- **March 25:** The Department of Homeland Security (DHS) officially put into motion the process of stripping the right to work away from these foreign nationals, [with an effective date of April 24](#). The notice directed parolees to leave the US before their parole termination date or face enforcement actions.
- **April 14:** A Massachusetts federal judge blocked the termination of CHNV parole, ruling that DHS cannot terminate the program en masse without individualized review of each parolee.

What Did SCOTUS Do?

[In a May 30 one-paragraph order](#), a majority of SCOTUS Justices overturned the lower court’s order, allowing DHS to proceed with terminating the CHNV Parole Program and the work authorizations of the 532,000 impacted individuals while the litigation over the program plays out. Two Justices dissented (Jackson and Sotomayor) but the other seven gave the government the green light.

What Does This Mean?

This means the administration can now begin removing CHNV parolees **effective immediately**. Unless and until the government announces a new enforcement date, officials can revoke employees’ EADs at any time.

What Can You Expect?

⚠ **Loss of Workforce:** Immediate loss of work authorizations impact your business operations – especially in the manufacturing, hospitality, construction, and healthcare fields.

Compliance Risks: Employing individuals without current authorization could lead to penalties.

? **Workforce Uncertainty:** Employees and employers could face significant uncertainty as the litigation plays out.

What’s Next?

Two developments could change things for employers:

- **Short-Term:** DHS may announce another grace period to extend the time by which the work authorizations will expire.

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- **Longer-Term:** In the coming months, the litigation examining the legal status of the CHNV Parole Program will play out in courthouses across the country. It's possible another court could decide the government can't rescind work authorizations in a blanket manner, and it's even possible SCOTUS could ultimately rule on the merits in favor of the CHNV participants.

However, you cannot count on either of these possibilities taking place. We could just as easily see immediate enforcement activity and courts continuing to rule against the program. You should stay updated through regular contact with your FP immigration counsel and be prepared to adjust your internal plans and strategies based on evolving developments.

What Should You Do? 5-Step Plan

As a result of this latest dramatic shift, you should consider taking the following five steps.

Step 1: Identify Impacted Employees

First, work with your immigration counsel to conduct an internal audit to identify employees under the terminated parole programs who presented Employment Authorization cards in the C(11) category as List A documents during the Form I-9 process. To the extent you identify any workers falling under the CHNV program, make sure to document their parole expiration and work authorization end dates. It's also critical to note that not all workers you employ who happen to be from Cuba, Haiti, Nicaragua, and Venezuela, even some of those who have parole, are affected by the Supreme Court's ruling. It is specifically and only the CHNV program that is impacted, and it is only CHNV employees whose EADs can be revoked based on the Supreme Court's ruling that fall under this development.

Step 2: Evaluate Alternative Immigration Pathways

Next, consult your Fisher Phillips immigration counsel to explore visas, Temporary Protected Status, adjustment of status, or other lawful immigration options that would allow affected employees to remain eligible to work. They could also be eligible for alternative legal protections (TPS, asylum, family/employment-based visas).

Step 3: Strategic Communication with Employees

If you need to communicate with your affected workers about this situation, communicate clearly and compassionately about changes, potential outcomes, and resources available. You should also provide guidance on voluntary departure and compliance responsibilities.

Step 4: 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.

Step 5: 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.

Conclusion

If you have any questions about these developments or how they may affect your business, please contact your Fisher Phillips attorney, the author 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 when a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance.

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