



TPS for Haiti Uncertain After Court Blocks Termination Order: How Employers Can Remain Compliant

Insights

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Thousands of Haitian nationals remain in limbo after a federal court decision just temporarily blocked the government's attempt to terminate Temporary Protected Status (TPS) for Haiti. While TPS for Haiti had been slated to end on September 2, the court's July 1 ruling has placed matters on hold. Employers should not assume that employees' TPS-based employment authorization has ended. Instead, you should closely monitor further developments while continuing to prepare for the possibility of TPS winding down.

Federal Court Blocks Early Termination of Haitian TPS

On July 1, U.S. District Judge Brian Cogan issued an order temporarily blocking the Department of Homeland Security (DHS) from ending TPS protections for Haitian nationals on the accelerated timeline announced by the Trump administration. Under that plan, TPS for Haiti would have terminated on September 2. Judge Cogan's order reinstates the prior expiration timeline set during the Biden administration, which had extended TPS through February 3, 2026.

The court found that the Trump administration's attempt to curtail TPS for Haiti was procedurally improper, particularly in light of the reliance interests of hundreds of thousands of Haitian nationals who had structured their lives around the program's protections. While DHS is expected to appeal the ruling, Haitian TPS recipients currently retain lawful status and employment authorization.

Why TPS Matters to Employers

TPS allows nationals of designated countries to lawfully remain in the United States and receive Employment Authorization Documents (EADs), which qualify as List A documents for Form I-9 purposes. Once TPS is formally terminated, EADs issued under TPS become invalid, and continued employment without new work authorization may lead to legal exposure for employers.

The Employer's Risk: Unauthorized Employment and I-9 Liability

Even in the current pause, employers must be proactive. Continuing to employ an individual after their work authorization has expired violates federal law. Employers may face:

- Civil penalties for knowingly continuing to employ unauthorized workers

- I-9 audit failures for improper reverification
- Loss of federal contracts in severe cases

Even good-faith mistakes can expose an employer to liability. To be safe, employers should start planning now for a future termination of Haitian TPS.

What Employers Should Do Now

- **Identify Haitian TPS Employees:** Review your I-9 records to identify employees who presented Haitian TPS-based EADs (Category A12 or C19).
- **Track EAD Expiration Dates:** Most Haitian TPS EADs were automatically extended, but verify dates against USCIS resources.
- **Communicate Thoughtfully:** Let affected employees know about potential impacts in the future and encourage them to seek legal advice to explore potential options.
- **Plan for Reverification:** If TPS is ultimately terminated, Section 3 of the Form I-9 must be completed with valid, current documentation. Avoid requesting specific documents.
- **Stay Informed:** Monitor USCIS's TPS Haiti page and I-9 Central for updates. Legal obligations may shift quickly if the court's ruling is overturned.

Final Thoughts: Be Ready for Either Outcome

TPS for Haiti remains in effect for now, but its long-term future is uncertain. Employers should neither assume immediate termination nor wait until the last minute to prepare. By staying engaged, updating internal procedures, and maintaining open communication with affected workers, employers can remain compliant and minimize legal risk in the months ahead.

Conclusion

For questions about how these developments may affect your workplace, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#). For emergencies, reach our [Employers' Rapid Response Team](#) at 877-483-7781 or DHSRaid@fisherphillips.com. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.

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