



Honduran TPS in Limbo: What Should Employers Do?

Insights

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Approximately 60,000 Honduran foreign nationals – potentially including some members of your workforce – are currently in legal limbo after the federal government failed to announce over the weekend whether their protected status would be extended. The Department of Homeland Security (DHS) had until July 5 to extend or terminate the Temporary Protected Status (TPS) program for Honduras. With the deadline passing without any announcement, what should employers do?

[Ed. Note: DHS announced on July 7 that it would rescind TPS status for Honduras, ending TPS protections from deportation for more than 52,000 Hondurans. Employers should review these suggestions if you have foreign national employees impacted by this development.]

What is TPS?

Temporary Protected Status (TPS) is a legal protection for immigrants from countries experiencing unsafe conditions, such as ongoing conflict or natural disasters. This program allows eligible individuals to live and work legally in the United States, offering a temporary safe haven.

What Happened (or Didn't Happen) Over the Weekend?

TPS for a given country must be reviewed 60 days prior to its expiration to determine, based on current country conditions, whether TPS will be extended or terminated. For Honduras, the current TPS period ended July 5. The U.S. government has not announced whether it will extend or terminate TPS for Honduras, leaving the TPS holders, as well as their employers, uncertain about their future.

What Does This Mean?

Because DHS missed the 60-day deadline for making a decision on Honduran TPS, if TPS is not extended, TPS holders from Honduras will receive an automatic six-month extension. This period is designed to allow recipients to explore alternative immigration options or prepare to leave the country voluntarily. It's also possible that DHS will announce a 60-day extension in conjunction with a decision to terminate TPS so that the termination meets the legal requirements.

What Employers Should Do Now

- **Identify Honduran TPS Employees:** Review your I-9 records to identify employees who presented Honduran TPS-based EADs (Category A12 or C19).
- **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 not extended, Section 3 of the Form I-9 must be completed with valid, current documentation. Avoid requesting specific documents.
- **Stay Informed:** Monitor USCIS's TPS Honduras page and I-9 Central for updates. Legal obligations may shift quickly if the court's ruling is overturned.

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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