

Court Ping Pong Over TPS For Honduras, Nepal, and Nicaragua: Updates For Your Business

Insights

2.17.26

A federal appeals court recently issued a stay of the California district court order that had vacated the Department of Homeland Security's termination of the Temporary Protected Status (TPS) program for nationals of Honduras, Nepal, and Nicaragua, creating more confusion and compliance concerns for employers of TPS-recipients from these countries. The 9th Circuit Court of Appeals' decision on February 9 allowed the government to continue its termination of the program while its appeal plays out. What does this mean for employers that rely on work authorization for the roughly 61,000 beneficiaries of this program?

What is TPS?

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 temporary relief from potential deportation.

According to the latest estimates available, there were 51,225 TPS holders from Honduras, 7,160 from Nepal, and 2,910 from Nicaragua as of March 2025.

How Did We Get Here?

Last year, the Department of Homeland Security announced it was ending TPS for nationals of Honduras, Nepal, and Nicaragua, among several other countries it said no longer met the conditions of the program. An advocacy group and individual TPS holders sued over the decision in July 2025 citing violations of the Administrative Procedure Act. A California district court blocked the administration from terminating the program for those three countries as part of that litigation late last year.

The government subsequently appealed, and on February 9, a panel of judges stayed the order as the litigation pends before the Ninth Circuit. For now, this means the Trump administration's moves to end the program will be permitted to continue.

What Employers Should Do Now

- **Identify Your TPS Employees:** Review your I-9 records to identify employees who presented Honduran, Nepalese, or Nicaraguan TPS-based EADs (Category A12 or C19), and ask the employee to present any alternative work authorization. Employers should avoid reopening I-9s for unrelated TPS employees.
- **Run an E-Verify Status Change Report:** If you are an E-Verify employer, run a status change report to identify employees with an EAD that has been revoked by the DHS. Instructions to run a status check through E-Verify [can be found here](#).
- **Communicate Thoughtfully:** Let affected employees know the uncertain legal environment and encourage them to seek legal advice to explore potential options.
- **Stay Informed:** Monitor USCIS's TPS website and I-9 Central for updates. Consult with your FP counsel to stay on top of the program's status.

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.

Related People



Jinyoung Lee
Partner
303.218.3676
Email

Service Focus

Immigration

Trending

FP's Trump Administration Resource Center for Employers