



Latest Developments: TPS for Venezuela

Feb. 5, 2025

On Feb. 5, 2025, the Department of Homeland Security (DHS) published a [notice](#) in the Federal Register terminating the Jan. 10, 2025, decision that extended Temporary Protected Status (TPS) for Venezuela until Oct. 2, 2026. This FAQ addresses commonly asked questions regarding TPS for Venezuelans.

How did we get here?

Extension Under Mayorkas

On Jan. 17, 2025, DHS published a Federal Register Notice (FRN) formally announcing the extension of the TPS designation for Venezuela for 18 months. The notice was based on then Secretary Mayorkas's Jan. 10, 2025, determination that the conditions for the designation continued to be met. The FRN consolidated the filing process for TPS beneficiaries under both the 2021 designation, which was to expire on Sept. 10, 2025, and the 2023 designation, which was set to expire on April 2, 2025. As a result, TPS was to be extended for both groups until Oct. 2, 2026.

Trump Executive Order

Upon taking office, President Trump issued an executive order on Jan. 20, 2025, "Protecting the American People Against Invasion," which directed the Secretary of the DHS to ensure that designations of TPS are consistent with INA § 244 and that "such designations are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute..."

Vacatur of the Jan. 17 Mayorkas Notice

On Feb. 3, 2025, DHS [vacated](#) the Jan. 17, 2025, notice that extended the TPS designation for Venezuela and announced that DHS would revert to the TPS redesignation and extension guidance [issued](#) in October 2023.

According to the October 2023 notice, TPS for Venezuela ends on Sept. 10, 2025, for those who reregistered under the 2021 TPS Venezuela designation. For those who registered under the 2023 designation, TPS will expire on April 2, 2025. Automatic employment authorization document (EAD) extensions provided by the Jan. 17 Mayorkas Notice have also been rescinded.

U.S. Citizenship and Immigration Services (USCIS) will not accept Venezuela TPS re-registration applications (Form I-821) or associated Applications for Employment Authorization (Form I-765) filed under the Jan. 17 Mayorkas Notice. USCIS has stopped processing re-registration

applications and applications for any associated benefits that were filed for beneficiaries of the 2023 designation.

USCIS has also invalidated EADs, approval notices, and any other TPS documentation that have been issued with the Oct. 2, 2026, expiration dates. The FRN states that USCIS will provide refunds for any fees already paid.

Termination of TPS for 2023 Designation

On Feb. 5, 2025, DHS published a FRN officially terminating the 2023 designation of Venezuela for TPS. Accordingly, TPS will end for Venezuelan beneficiaries under this designation on April 7, 2025, 60 days after the publication of the notice in the Federal Register. Based on the DHS's review, the secretary has determined that "even assuming the relevant conditions in Venezuela remain both 'extraordinary' and 'temporary,' terminations of the 2023 Venezuela designation is required because it is contrary to the national interest to permit the Venezuelan nationals (or aliens having no nationality who last habitually resided in Venezuela) to remain in the United States."

The 2021 Venezuela TPS designation has not been terminated and remains in effect until Sept. 10, 2025. This designation is scheduled to be reviewed at least 60 days before expiration, on July 12, 2025.

How do I tell if my client is immediately affected by the termination?

The termination only applies to TPS beneficiaries under the 2023 designation. This includes Venezuelan TPS beneficiaries with an A-12 or C-19 EAD and a card expiration date of April 2, 2025. Automatic extensions that were previously granted through April 2, 2026, have been rescinded.

How are 2021 TPS beneficiaries affected?

Venezuelans who registered under the 2021 TPS designation should have EADs or I-797 approval notices with the following expiration dates: Sept. 9, 2022; March 10, 2024; or Sept. 10, 2025. They are not affected by the recent termination and will continue to have TPS valid until Sept. 10, 2025. Previously granted automatic extensions through March 10, 2025, remain valid. Automatic extensions through April 2, 2026, however, have been rescinded.

DHS is required to review the country conditions and issue a decision on whether to terminate or extend TPS 60 days before the current designation expires, or by July 12, 2025. If DHS fails to issue a timely decision, the statute provides an automatic extension of the designation for six months, or 180 days. INA § 244(b)(3)(C).

If DHS later decides to terminate the 2021 TPS designation, the termination cannot be effective earlier than 60 days after notice is published in the Federal Register. See INA § 244(b)(3)(B).

What documents can I provide to an employer to prove that a TPS beneficiary is eligible to work?

For TPS 2023 beneficiaries: [Feb. 5, 2025, FRN](#), stating that TPS will be valid through April 7, 2025; prior EAD or I-797 notice with an April 2, 2025, expiration date.

For TPS 2021 beneficiaries: [Oct. 3, 2023, FRN](#), showing automatic extension until March 10, 2025; expired EAD or I-797 notice; receipt showing I-821 reregistration was timely filed between Jan. 10, 2024 – March 10, 2024; [Feb. 5, 2025 FRN](#), stating that the 2021 designation remains valid until at least Sept. 10, 2025.

Can my client travel with advance parole?

Individuals who have valid TPS may still apply for and travel on advance parole. However, we urge those who are interested in traveling to be cautious. Clients should be advised of the potential for increased travel risks in the current climate. Some practitioners have reported that clients have been denied reentry despite having a valid I-512T. Practitioners should monitor for further developments.

Should my client be concerned about being placed in removal proceedings?

A valid grant of TPS provides protection from removal. However, if an individual's TPS is withdrawn, he or she could then be subject to removal proceedings. According to 8 CFR § 244.14, USCIS may withdraw the status of someone granted TPS if the agency determines that the individual: (1) was not eligible for TPS at the time it was granted or later becomes ineligible for TPS; (2) has not remained continuously physically present in the United States since being granted TPS; or (3) failed to reregister timely without good cause.