



## Frequently Asked Questions on the Status of TPS for Venezuelans Following the Supreme Court's Decision in *NTPSA v. Noem*

*Updated May 19, 2025*

### **What is the current status of Venezuela's 2023 TPS designation?**

On May 19, 2023, the Supreme Court *revoked the preliminary protection* that the district court granted on March 31, 2025 in *NTPSA v. Noem*, a federal court case brought by the National TPS Alliance and individual TPS holders.

As a result of the Supreme Court's decision, the Trump Administration can implement the [termination of Venezuela's 2023 TPS](#) designation announced on February 5, 2025 at any time. Check the [USCIS website](#) for the most updated information on whether the termination has taken effect.

### **What is the current status of Venezuela's 2021 TPS designation?**

Venezuela's 2021 TPS designation *remains in effect*.

If you hold TPS under the 2021 Venezuela designation, your TPS and work authorization remain valid until September 10, 2025.

However, you can no longer rely on the January 17, 2025 Extension of the 2023 Designation of Venezuela to extend your work authorization or TPS status beyond September 10, 2025. That means you may not rely on the automatic extension of employment authorization documents announced in the January 17, 2025 Extension.

### **What happens next in *NTPSA v. Noem*?**

Since the Supreme Court is the highest court in the United States, unfortunately there is nowhere that we can appeal its decision. But the case is not over. The Supreme Court's decision concerns only whether the district court properly granted *preliminary* relief while it considered the case.

The case continues to move forward in the district court. A hearing on Plaintiffs' request for *final* relief is set for July 11, 2025. If Plaintiffs prevail, the district court may enter new protection for

Venezuelan TPS holders. That could result in renewed work authorization and lawful status through October 2, 2026 for Venezuelans who hold TPS under the 2023 designation.

### **Does the Supreme Court's Decision affect Haitian TPS holders?**

Not directly. Plaintiffs in *NTPSA v. Noem* still plan to seek relief for Haitian TPS holders in the district court and the district court can still grant that request. If Plaintiffs prevail, the July 1, 2024 extension of Haiti's TPS designation through February 3, 2026 would once again be in effect and work authorization and lawful status for Haitian TPS holders would remain in place through that time.

### **I have TPS under Venezuela's 2023 designation. Can I continue to use my C19 or A12 work permit?**

You can no longer use your expired work permit, along with a copy of the January 17, 2025 Federal Register Notice, to show work authorization through April 2, 2026.

If you received a C12 or A19 work permit through Venezuela's 2023 TPS designation with an expiration of October 2, 2026 it is unclear whether you can continue to rely on that unexpired work permit. We will update this FAQ with more information as soon as possible.

### **I've already applied to renew my TPS pursuant to the January 17, 2025 extension. What will happen to my pending application?**

Your application will not be processed. You should be refunded the application fee.

### **Should I re-register for TPS pursuant to the January 17, 2025, TPS extension if I haven't already?**

If you register now, your application will not be processed. If the district court grants new protections and the January 2025 extension goes back into effect, you must re-register as soon as possible and, in any case, before September 10, 2025 (the end of the registration period), in order to obtain TPS through October 2, 2026.

### **I didn't file my asylum application within a year of my entry. Can I still apply?**

Yes. There is a one-year deadline from entry to apply for asylum, but there are exceptions. One of them is if you maintained TPS until shortly before applying for asylum.

If you don't have a case in immigration court or a deportation order, you can file your asylum application with USCIS. If you have a case in immigration court, you can file an asylum application with the court. (You don't need to wait until your next hearing to do so!)

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Applying for asylum with USCIS does not grant you legal presence or immigration status while your application is pending, nor does it prevent ICE from initiating deportation proceedings against you in immigration court.

### **I have TPS under Venezuela's 2023 designation. Can I be detained?**

TPS protects people from detention. Now that Venezuela's 2023 designation has been terminated, that protection is also gone. Depending on your situation, you may have other protections against detention and deportation, but not based on TPS.

ICE can detain people for deportation if they have a deportation order. ICE can also detain people during their immigration proceedings, until a decision is made. Depending on your situation, you may be eligible for a bond hearing. Trump ordered ICE to detain all people while their cases are pending, but in practice, ICE does not have the capacity to detain everyone in deportation proceedings.

### **I have TPS under Venezuela's 2023 designation. Can I be deported?**

TPS protects people from deportation. Now that Venezuela's 2023 designation has been terminated, that protection is also gone. However, you still cannot be deported without a final order of removal.

If you have a final order of removal and no other protection in place, ICE can deport you. You may have received a deportation order from a judge in immigration court or at the border. You can confirm if you have a deportation order from an immigration court by entering your A number on this website: <https://acis.eoir.justice.gov/es/>. If you received a deportation order at the border, it will not appear here. If you were detained at the border and returned to your home country, it is very likely that you have a deportation order. If you were detained at the border and returned to Mexico, it is possible, but not certain, that you have a deportation order.

If you have a pending case in immigration court, your case must continue, and you must have the opportunity to file any claims for relief, including an asylum application.

If you are not in immigration proceedings or have a deportation order, ICE can begin immigration proceedings against you. ICE can do this even if you were previously in immigration proceedings and the judge canceled them. If you have been in the country for less than two years, ICE may attempt to put you in expedited removal (see next question). If you are arrested and fear returning to your home country, it is important to inform as many officials as possible about your fear.

Determining your legal status can be difficult. We recommend speaking with a trusted immigration attorney to better understand your situation and your options.

### **I have TPS under Venezuela's 2023 designation. Could I be deported without a hearing? Am I subject to expedited removal?**

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People who have been in the United States for less than two years and who entered without inspection may be subject to expedited removal. If you arrived more than two years ago, you cannot be placed into expedited removal. Likewise if you entered less than two years ago with a visa or parole (through the Venezuelan parole program, arriving by plane, or if you were briefly detained at the border and released into the US), you cannot be placed into expedited removal.

Expedited removal allows DHS to deport you without a hearing before an immigration judge, unless you proactively express a fear of deportation. People who express a fear of deportation must be given an interview with an asylum officer to explain their fear of returning and their asylum claim. This is called a credible fear interview or a reasonable fear interview. If you pass the interview, you will be placed in regular immigration proceedings with the opportunity to present your asylum application. If you do not pass the interview, you have the right to appeal that decision to an immigration judge.

### **I heard there's a new registration requirement for noncitizens. Do I need to register with USCIS?**

Beginning in April 2025, a new rule requires that 1) noncitizens register with USCIS, 2) carry proof of their registration at all times, and 3) promptly update their information with USCIS if they change their address. Failure to comply with any of these requirements constitutes a misdemeanor punishable by imprisonment (up to 6 months for failure to register, up to 1 month for failure to carry proof of registration or to update your address) and a fine.

Anyone who has been granted work authorization is already considered registered and does not need to register again, even if their work permit expires. Your work permit constitutes proof of your registration. Carrying your work permit, even if it has expired, satisfies the requirement to carry proof of registration.

### **How can I stay up-to-date on developments in NTPSA v. Noem?**

You can stay up-to-date by following NTPSA on social media: Facebook, Instagram, Twitter, and YouTube. NTPSA members also receive regular updates on the TPS program and NTPSA's work.

### **Can NTPSA v. Noem achieve permanent status for TPS holders?**

No. Only Congress can grant permanent status to TPS holders. Even if we win our challenge to the vacatur and termination of TPS for Venezuela and partial vacatur of TPS for Haiti, the courts cannot prevent the government from canceling TPS again in the future, as long as they comply with the law in doing so.

The National TPS Alliance is fighting for legislation that provides a path to permanent status for TPS holders. If you would like to join those efforts, see the information on how to join NTPSA below.

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## **How can I become a member of the National TPS Alliance?**

You can become a member of NTPSA either by participating in a local NTPSA committee or by submitting an individual membership application. More information is available on the NTPSA website: <https://www.nationaltpsalliance.org/>.

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