NATIONAL TPS ALLIANCE

October 21, 2026

RE: Status of Employment Authorization for Sudanese TPS Holders

To Whom It May Concern:

We understand questions have been raised regarding the current employment authorization status of Temporary Protected Status (TPS) holders from Sudan. Sudan was most recently designated for TPS through October 19, 2026. *See* 90 Fed. Reg. 5944 (Jan. 17, 2025).[1] On October 19, United States Citizenship and Immigration Services (USCIS) announced that Sudan's TPS designation will remain in effect, and Sudanese TPS holders will retain work authorization pending further announcement.

The full text of USCIS's announcement, posted on the USCIS website at https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-sudan, is as follows:

> "ALERT: An announcement on Sudan's TPS will be made at the appropriate time. Until such announcement is made, Sudanese individuals present in the U.S. under TPS retain protection including work authorization."

By statute, the government is required to provide for "timely" publication in the Federal Register of the decision whether to terminate or extend a TPS designation. 8 U.S.C. § 1254a(b)(3)(A). Absent a published termination decision, a TPS designation "shall remain in effect." *Id.* §§ 1254a(b)(2)(B), 1254a(b)(3)(B). Employers should be aware that any decision to terminate could not take effect for a minimum of 60 days after publication in the Federal Register, during which TPS holders would retain work authorization. *See* 8 U.S.C. § 1254a(b)(3)(C) (a TPS termination "shall not be effective earlier than 60 days after the date the notice is published"). *See also, e.g.,* 90 Fed. Reg. 30089, 30092 (July 8, 2025) (terminating TPS for Honduras but noting that "TPS beneficiaries continue to be employment authorized during the 60-day transition period").[2]

Thank you for your attention to this important matter. If you have questions about this information, please direct them to legal@ntpsalliance.org.

Sincerely,

/s/Jessica Bansal

Jessica Bansal

Counsel for National TPS Alliance

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[1] Available at https://www.govinfo.gov/content/pkg/FR-2025-01-17/pdf/2025-00770.pdf.
[2] Available at https://www.govinfo.gov/content/pkg/FR-2025-07-08/pdf/2025-12621.pdf