



Center for Immigration
Law and Policy



Frequently Asked Questions

NTPSA v. Noem

April 1, 2025

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

Venezuela's 2021 and 2023 TPS designations both remain in effect.

On March 31, 2025, in *NTPSA v. Noem*, a federal court case brought by the National TPS Alliance and individual TPS holders, the judge granted Plaintiffs' motion for emergency relief. Under the court's order, Venezuelan TPS holders who were scheduled to lose work authorization and lawful status the first week of April will instead maintain both pending a final decision in the case.

The effective date of the Department of Homeland Security's February decisions to vacate the January 17, 2025 extension and terminate Venezuela's 2023 TPS designation have been postponed. The January 17, 2025 Extension of Venezuela's TPS designation remains in effect.

What documents can I show my employer to prove I am authorized to work?

If you have an Employment Authorization Document ("EAD" or "work permit") with a Category of A12 or C19 and an expiration date of September 10, 2025, April 2, 2025, March 10, 2024, or September 9, 2022, you may show your employer your EAD along with a copy of the January 17, 2025 Federal Register Notice extending Venezuela's TPS designation to establish that your work authorization has been automatically extended through April 2, 2026.

What should I do if my employer still questions my work authorization?

If your employer still questions your eligibility to work, you may provide them with a copy of the letter at Appendix A, drafted by the *NTPSA v. Noem* legal team, which explains your ongoing work eligibility.

If your employer still will not accept your work authorization, please contact the NTPSA at info@ntpsalliance.org.

What documents can I show the DMV or other state agencies to prove my lawful status?

Requirements vary from state to state, but generally you may show either:

- Your EAD with a Category of A12 or C19 and an expiration date of September 10, 2025, April 2, 2025, March 10, 2024, or September 9, 2022 with a copy of the [January 17, 2025 Federal Register Notice](#) extending Venezuela's TPS designation;
- A USCIS Form I-797 or Form I-797C Notice of Action showing that your application for TPS and/or TPS-based work authorization has been received or approved.

What should I do if the DMV or other agency does not accept my proof of lawful status?

Many states use the federal government's "SAVE" system to check the immigration status of people who apply for driver's licenses.

If you have had problems getting a drivers' license, you can check the status of your SAVE verification here:

<https://www.uscis.gov/save/benefit-and-license-applicants/save-casecheck>.

If you know of many TPS holders who are having trouble receiving driver's licenses in your state, consider advocating with the DMV to change its policies. You can use the model letter attached as Appendix B to request a meeting. For help organizing and advocating with your DMV, you can also reach out to the National TPS Alliance at info@ntpsalliance.org.

Should I re-register for TPS pursuant to the January 17, 2025 TPS extension?

If you hold TPS under Venezuela's 2023 designation (meaning you first registered for TPS after October 2023) you *must* re-register before September 10, 2025 to maintain your TPS status through October 2, 2026.

If you hold TPS under Venezuela's 2021 designation (meaning you first registered for TPS in 2021) you *should* re-register before September 10, 2025 if you wish to extend your TPS status through October 2, 2026. If you do not re-register, your TPS will still remain valid through September 10, 2025. DHS is required to decide whether to extend or terminate Venezuela's 2021 designation by July 12, 2025. If DHS decides to terminate Venezuela's 2021 designation and you have not re-registered for TPS, you may lose your status and work authorization on September 10, 2025.

Will my TPS re-registration application be processed if I entered the US under the Parole for Haitians, Cubans, Nicaraguans and Venezuelans (CHNV) process?

USCIS has put a hold on all benefits requests (including TPS re-registration applications) filed by people who were paroled into the US under the CHNV process. The hold is currently being challenged in [Svitlana Doe v. Noem](#).

If you entered the US under the CHNV program, and you hold TPS under Venezuela's 2023 designation, *you should still re-register before September 10, 2025* even though your application may not be processed while the hold remains in place. Filing your re-registration application before September 10, 2025 may help ensure that you are able to extend your TPS protections through October 2, 2026 if the hold is ultimately lifted.

Can I travel outside of the US while I have TPS?

By law, TPS holders are permitted to apply for travel authorization, which may be granted at DHS's request. In practice, travel outside the United States at this time may be risky for all non-citizens, including TPS holders. If you are considering travel, it is essential that you consult with a reliable immigration attorney *before* leaving the United States.

I am a Venezuelan TPS holder. Am I currently at risk of being deported?

No. TPS holders cannot be deported or detained by immigration. The law is crystal clear on that question.

Section 1254a of the United States Code provides that the Department of Homeland Security (DHS) “shall not remove” any person with TPS and further states that a person with TPS “shall not be detained . . . on the basis of [their] immigration status in the United States.”

However, note that if you are convicted of a crime that would make you ineligible for TPS or otherwise fail to meet the eligibility requirements for TPS, DHS may seek to withdraw your TPS status. If that happens, you may be subject to detention and deportation.

How does the Court’s order affect Haitian TPS holders?

NTPSA v Noem challenges the Trump Administration’s efforts to cut short TPS protection for both Venezuelan and Haitian TPS holders. However, the Court’s March 31, 2025 emergency order focused only on the imminent termination of TPS for Venezuela. The Court will address the legality of the Haiti TPS vacatur in a subsequent decision.

The Court’s March 31, 2025 Decision finds that Plaintiffs are likely to succeed on their claim that the DHS Secretary lacks authority to vacate a prior TPS extension—a claim Plaintiffs have made in response to *both* the Venezuela and Haiti TPS decisions.

Haitian TPS holders should continue to stay up to date about developments in the case to receive updates about the challenge to Haiti’s TPS vacatur.

Will the government appeal the District Court decision?

The government must inform the district court by Monday, April 7 whether it plans to appeal the District Court decision.

Can this case win permanent status for TPS holders from Venezuela and Haiti?

No. Only Congress can provide permanent status for TPS holders. This lawsuit can preserve TPS temporarily while the courts decide the case. The courts cannot stop the government from terminating TPS again in the future, as long as they follow the law in doing so.

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

How can I stay up to date about 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 about the TPS program and NTPSA's work.

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

You can become an NTPSA member either by participating in a local NTPSA committee or submitting an individual membership application.
<https://www.nationaltpsalliance.org/>.

** The information in this guide does not, and is not intended to, constitute legal advice, and is for general informational purposes only. You should contact an attorney for legal advice. Information in this guide also may not constitute the most up-to-date information and should be verified with current sources.*

APPENDIX A



Center for Immigration Law and Policy

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April 2025

RE: *Automatic Extension of Work Authorization for Venezuelan TPS Holders*

To Whom It May Concern:

This letter is to inform you that, pursuant to the March 31, 2025 federal court decision in *National TPS Alliance, et. al, v. Noem, et. al*, No. CV 3:25-cv-01766 (N.D. Cal. Mar. 31, 2025), the January 17, 2025 Extension of Venezuela's TPS designation remains in effect. Accordingly, the employment authorization of TPS beneficiaries from Venezuela has been automatically extended for one year, through April 2, 2026.

The court order "grant[ed] Plaintiffs' motion to postpone the actions taken by [DHS] Secretary Noem, specifically, her decisions to vacate the extension of the 2023 Designation and to terminate the 2023 Designation."¹ Under the court's order, the "TPS designations at the time Secretary Mayorkas extended the 2023 Designation in January 2025," which include the January 17, 2025 Extension of Venezuela's TPS designation, remain in effect nationwide.

The January 17, 2025 Extension "automatically extends through April 2, 2026, the validity of certain EADs previously issued under the TPS designations of Venezuela. As proof of continued employment authorization through April 2, 2026, TPS beneficiaries can show their EAD with the notation A12 or C19 under Category and a "Card Expires" date of September 10, 2025, April 2, 2025, March 10, 2024, or September 9, 2022." See 90 Fed. Reg. 5961, *available at* <https://www.govinfo.gov/content/pkg/FR-2025-01-17/pdf/2025-00769.pdf>.

Please note that under the anti-discrimination provision of the Immigration and Nationality Act, it is illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual's citizenship, immigration status, or national origin.

¹ See Order Granting Motion to Postpone, Dkt. 93, *available at* <https://tinyurl.com/tarhyj5p>.

Further, employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, including an expired Employment Authorization Document that has been automatically extended via Federal Register Notice. *See* January 2025 Extension Notice at 5971 (“Employers may not require extra or additional documentation other than what is required to complete Form I–9.”). *See also* USCIS Handbook for Employers, Sec. 5.3 Automatic EAD Extensions for Temporary Protected Status (TPS) Beneficiaries, at <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/50-automatic-extensions-of-employment-authorization-and-or-employment-authorization-documents-eads-in/53-automatic-ead-extensions-for-temporary-protected-status-tps-beneficiaries>.

Thank you for your attention to this matter.

Sincerely,

Ahilan Arulanantham
Professor from Practice, Faculty Co-Director
Center for Immigration Law and Policy, UCLA School of Law

Emi MacLean
Senior Staff Attorney
ACLU of Northern California

Jessica Bansal
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Eva Bitran
Director of Immigrants’ Rights and Senior Staff Attorney
ACLU of Southern California

Counsel for Plaintiffs in NTPSA v. Noem

APPENDIX B

ADDRESS

ADDRESS

ADDRESS

ADDRESS

Dear [HEAD OF DMV NAME]:

We, the National TPS Alliance [AND OTHERS], write to raise concerns about the Department of Motor Vehicles' ongoing threats to revoke valid drivers' licenses to holders of Temporary Protected Status (TPS) from Venezuela. As a result of ongoing litigation, Venezuelan TPS holders continue to have legal authorization to live and work in the United States. However, we are concerned that [STATE] is interfering with the lives and livelihoods of TPS holders by revoking appropriately held drivers' licenses in violation of the Court's ruling. We urgently request that you take action to ensure that, in accordance with the law, the DMV upholds the validity of these drivers' licenses to Venezuelan TPS holders.

On March 31, 2025, a federal court postponed any and all implementation or enforcement of the Trump Administration's efforts to vacate and terminate TPS for Venezuela, pending resolution of litigation in [*NTPSA v. Noem*](#), No. CV 3:25-cv-01766 (N.D. Cal. Mar. 31, 2025). The Court "grant[ed] Plaintiffs' motion to postpone the actions taken by Secretary Noem, specifically, her decisions to vacate the extension of the 2023 Designation and to terminate the 2023 Designation." Under the Court's ruling, the "TPS designations at the time Secretary Mayorkas extended the 2023 Designation in January 2025," which include the [January 17, 2025 Extension of Venezuela's TPS designation](#), remain in effect. That ruling protects people who benefited under both Venezuela's 2021 and 2023 TPS designations. Venezuelan TPS holders who were scheduled to lose work authorization and lawful status the first week of April will instead maintain both, pending a final decision in the case.

All TPS holders are granted drivers' licenses under the REAL ID Act for at least one year. The REAL ID Act permits the issuance of a driver's license to individuals with approved applications for TPS. *See* REAL ID Act of 2005, Pub. L. No. 109-13, Sec. 202 (c)(2)(C)(i-ii). The Act provides that, for TPS holders, the State may issue a temporary driver's license or temporary identification card to the person which "shall be valid only during the period of time of the applicant's authorized stay in the United States *or, if there is no definite end to the period of authorized stay, a period of one year.*" *Id.* Given the federal court's postponement, Venezuelan TPS holders' period of authorized stay already extends for an indefinite period beyond April, and could well last through *at least* October 2, 2026 (the end date under the January 17 extension). Thus, such TPS-holders hold valid drivers' licenses.

We urge you to ensure that TPS holders can continue to access appropriate drivers' licenses by (1) issuing official guidance regarding how the DMV must affirm the validity of existing drivers' licenses, or for an initial drivers license granting drivers' licenses for terms of at least one year; (2) providing training for DMV officials to ensure that the official guidance is followed; and (3) monitoring the implementation of the guidance.

Approximately [NUMBER] TPS holders currently reside in [STATE]. These TPS holders are valued members of the community who contribute significantly to the state's economy and workforce. The ability to maintain valid drivers' licenses is essential to TPS holders' lives and livelihoods.

We urgently request confirmation that you have complied with the above requests to ensure that TPS holders can continue to access appropriate drivers' licenses or, if not, an urgent meeting to discuss these serious and ongoing issues related to the provision of drivers' licenses for TPS holders. Please contact [CONTACT NAME] at [CONTACT INFO] with confirmation of the actions that you have taken, and/or to schedule a meeting as soon as possible.

Sincerely,

SIGNATORIES