

Global Immigration alert

May 2025

United States

Supreme Court pauses ruling that blocked termination of TPS for Venezuela

Executive summary

On 19 May 2025, the United States Supreme Court granted the Trump administration's emergency request to pause a lower court's decision that temporarily halted termination of Venezuela's designation of Temporary Protected Status (TPS). This decision lifts legal protections for thousands of Venezuelan nationals living and working in the United States in TPS and, in the event they do not possess another status or have a basis for lawfully remaining in the country, renders them removable.

Background and analysis

TPS is a humanitarian program created by Congress that allows individuals from designated countries time-limited permission to live and work in the United States. The Department of Homeland Security (DHS) maintains discretion for designating countries for TPS if they are experiencing armed conflict, natural disasters, or other extraordinary circumstances, that makes the country unsafe for the individual's return. Further, TPS protects against the threat of deportation, and DHS has discretion to extend TPS if there is credible finding that the country remains unsafe due to ongoing violence or other extraordinary circumstances.

On 3 October 2023, the Biden administration redesignated Venezuela for TPS due to ongoing armed conflict. Roughly 350,000 Venezuelan nationals registered for TPS under the October 2023 designation according to DHS. This designation, set to expire on 2 April 2025, was extended through 2 October 2026, after then-DHS Secretary Alejandro Mayorkas found the ongoing violence in Venezuela continued to pose unsafe conditions.

After swearing in, current DHS Secretary Kristi Noem determined that Venezuela no longer met the criteria to be designated for TPS. DHS then published a formal notice on 3 February 2025 of its intent to terminate the October 2023 designation of Venezuela for TPS and vacate the extension, effective 7 April 2025.

On 19 February 2025, the National TPS Alliance (NTPSA) and seven impacted Venezuelan nationals brought suit in a Northern California District Court challenging the government's early termination of Venezuela's TPS designation citing, among other claims, a violation of the Administrative Procedure Act. The United States District Court of the Northern District of California granted NTPSA's request to temporarily halt DHS's decision to vacate the TPS extension and terminate Venezuela's 2023 designation for TPS.

In response, DHS filed an emergency request with the Supreme Court of the United States to pause the lower court's decision. On 19 May 2025, in an unsigned decision and without further explanation, the Supreme Court granted DHS's request to block the lower court's decision to halt termination of TPS status for Venezuela pending resolution of the case with the United States Court of Appeals for the Ninth Circuit.

What this means

Following the Supreme Court's decision, approximately 350,000 Venezuelans no longer have legal TPS protection. Consequently, these individuals no longer have work authorization and could be placed in removal proceedings.

by DHS. Venezuelan nationals who currently hold TPS under the 2021 TPS designation remain unaffected by this ruling.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

EY | Building a better working world

EY is building a better working world by creating new value for clients, people, society and the planet, while building trust in capital markets.

Enabled by data, AI and advanced technology, EY teams help clients shape the future with confidence and develop answers for the most pressing issues of today and tomorrow.

EY teams work across a full spectrum of services in assurance, consulting, tax, strategy and transactions. Fueled by sector insights, a globally connected, multi-disciplinary network and diverse ecosystem partners, EY teams can provide services in more than 150 countries and territories.

All in to shape the future with confidence.

Follow us on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit EYLaw.ca.

About Mehlman Jacobs LLP

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2025 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 004376-25Gbl

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.

EY Law LLP

Batia Stein, Partner
+1 416 943 3593
batia.j.stein@ca.ey.com

Marwah Serag, Partner
+1 416 943 2944
marwah.serag@ca.ey.com

Melanie Bradshaw, Partner
+1 416 943 5411
melanie.bradshaw@ca.ey.com

Mehlman Jacobs LLP
Sharon Mehlman, Partner
+1 858 404 9350
sharon.mehlman@mehlmanjacobs.com

Dilnaz A. Saleem, Partner
+1 713 750 1068
dilnaz.saleem@mehlmanjacobs.com

Author: Caroline Williams, Manager, Associate Attorney
+1 214 754 3423
caroline.williams@mehlmanjacobs.com

Roxanne Israel, Partner
+1 403 206 5086
roxanne.n.israel@ca.ey.com

Jonathan Leebosh, Partner
+1 604 899 3560
jonathan.e.leebosh@ca.ey.com

Stephanie Lipstein, Partner
+1 514 879 2725
stephanie.lipstein@ca.ey.com