



BUSINESS IMMIGRATION SOLUTIONS

Recent Changes to Humanitarian Immigration Policies Under the Trump Administration

As of March 4, 2025

Summary

In recent weeks, the Trump administration has implemented significant changes to several humanitarian immigration programs that affect hundreds of thousands of individuals seeking protection in the United States. These changes include:

1. Termination of the Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) Humanitarian Parole Program
2. Implementation of an "administrative pause" on processing applications for immigration benefits from humanitarian parolees
3. Termination of Temporary Protected Status (TPS) for certain Venezuelans
4. Termination of Haiti's TPS designation, effective August 3, 2025

These policy shifts represent substantial changes to the U.S. immigration landscape and will have immediate consequences for affected individuals, their families, and U.S. employers. **This alert analyzes these developments and outlines critical actions U.S. employers must take regarding their employees' work authorization, including I-9 reverification requirements and appropriate E-Verify procedures.**

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I. Termination of the CHNV Humanitarian Parole Program

Background

On January 5, 2023, the Biden administration established the CHNV program, which allowed eligible nationals from Cuba, Haiti, Nicaragua, and Venezuela to apply for temporary parole into the United States for humanitarian reasons. The program permitted up to 30,000 people per month to enter the U.S. with two-year parole status after meeting strict eligibility requirements, including having a U.S.-based financial sponsor and passing comprehensive security vetting. By December 2024, approximately 531,000 individuals had received parole through this program.

Current Status

On January 20, 2025, President Trump issued Executive Order 14158, "Securing Our Borders," which directed the Secretary of Homeland Security to terminate categorical parole programs deemed contrary to administration policies, specifically including the CHNV program. According to recent reports, the Department of Homeland Security (DHS) has proposed terminating the program and potentially revoking the parole status of individuals who have not applied for or obtained alternative immigration benefits.

On January 28, 2025, U.S. Citizenship and Immigration Services (USCIS) announced it was pausing acceptance of Form I-134A (Online Request to be a Supporter and Declaration of Financial Support), which is required for CHNV applications. This same form is used for other humanitarian parole programs, including Uniting for Ukraine, suggesting those programs may also be affected.

Implications

The full impact of the program's termination remains uncertain, but several consequences appear likely:

- USCIS will likely reject pending CHNV applications
- Current CHNV parolees who have not applied for alternative immigration benefits may have their parole status and work authorization revoked
- Individuals whose parole is revoked could face removal proceedings, potentially through expedited removal without judicial review

- Other categorical parole programs, including Uniting for Ukraine and programs for Afghan refugees, may also be at risk

While case-by-case humanitarian parole applications remain technically available, approval likelihood appears extremely low given the administration's current policy stance. Legal challenges are anticipated based on potential violations of administrative procedures, reliance interests of current parolees, and due process concerns.

II. "Administrative Pause" on Processing Immigration Applications for Humanitarian Parolees (including CHNV and Uniting for Ukraine)

Background

On February 14, 2025, Andrew Davidson, USCIS Acting Deputy Director, ordered an "administrative pause" on accepting or processing applications for immigration benefits from individuals who entered the United States under humanitarian parole programs, including CHNV and Uniting for Ukraine.

Under this indefinite pause, USCIS has suspended processing applications for asylum, temporary protected status, family-based visas, and other immigration benefits from affected parolees. The agency cited fraud and national security concerns as justification, including "serial sponsors," applications submitted for deceased individuals or with identical addresses, and concerns about inadequate vetting.

Implications

The pause prevents affected individuals from seeking other forms of immigration status, even those they may be legally entitled to pursue under U.S. and international law. The memorandum indicates the pause will remain in effect until after a "comprehensive review and evaluation" of the affected population, with no specified timeline. Applications submitted before or during the pause are not being processed, leaving applicants in legal limbo.

Legal challenges may focus on whether the pause effectively denies statutory rights to seek asylum and other forms of protection under U.S. and international law.

III. Changes to Temporary Protected Status (TPS) for Venezuelans

Background

Temporary Protected Status (TPS) provides temporary lawful immigration status to nationals of designated countries experiencing extraordinary conditions that prevent their safe return. Venezuela was initially designated for TPS in 2021 by then-Secretary of Homeland Security Alejandro Mayorkas due to the "severe humanitarian emergency" in the country, characterized by economic crisis, political instability, food insecurity, collapse of basic services, and human rights violations. Venezuela was again re-designated a second time in 2023, resulting in two separate and concurrent Venezuela TPS designations.

On January 17, 2025, Secretary Mayorkas consolidated and extended these designations through October 2, 2026.

Current Status

On January 28, 2025, newly appointed Secretary of Homeland Security Kristi Noem vacated the January 17, 2025 extension. On February 5, 2025, USCIS announced the termination of the October 3, 2023 designation of Venezuela for TPS, effective April 6, 2025. While the 2021 TPS designation was not terminated, the extension through October 2026 was vacated, reverting the expiration date to September 10, 2025.

DHS's notice explained that the termination was based not on changed conditions in Venezuela but on a determination that permitting Venezuelan nationals to remain temporarily in the United States is "contrary to the national interest."

This decision has already prompted legal challenges, with lawsuits pending in the Northern District of California and the District of Maryland.

Implications for Venezuelan TPS Holders

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DHS terminated the 2023 Venezuela TPS designation while maintaining the 2021 designation.

- **The 2021 TPS Designation** is for Venezuelans who have been continuously physically present in the U.S. since March 8, 2021, and meet other eligibility requirements. TPS status remains valid until September 10, 2025. However, certain EADs are only automatically extended until March 10, 2025, at which point individuals must present new documentation to maintain work authorization through September 10, 2025.
- **The 2023 TPS Designation** was for Venezuelan nationals who arrived after March 8, 2021, but before July 31, 2023. This redesignation has now been terminated effective April 7, 2025. Their EADs expire on April 2, 2025, and they will lose their TPS status and work authorization unless they qualify under the 2021 designation or another immigration category.

Two lawsuits challenging the termination of Venezuelan TPS are already pending in federal courts.

Implications for U.S. Employers & I-9 Changes

There are two separate expiration timeframes to understand – the TPS designation expiration, and the EAD expiration. This dual timeline system often creates confusion for employers.

The TPS designation refers to the period during which the Department of Homeland Security has determined that nationals of a designated country may remain in the United States due to conditions in their home country. For Venezuela, there are two relevant designations:

- The 2021 Venezuela TPS designation remains valid until September 10, 2025
- The 2023 Venezuela TPS designation is being terminated effective April 7, 2025

Further, Employment Authorization Documents (EADs) issued to TPS beneficiaries have their own expiration dates, which do not perfectly align with the TPS designation period.

- **2021 Venezuelan TPS Designation:** EADs with Category Code A12 or C19 and printed expiration dates of March 10, 2024, or September 9, 2022 (associated with the 2021 designation) have been automatically extended until March 10, 2025, even though the underlying 2021 TPS designation continues until September 10, 2025. Employers must

complete reverification in Section 3 of Form I-9 before these employees begin/continue work on March 11, 2025.

Note: Because their underlying TPS status remains valid until September 10, 2025, they may be eligible to apply for and receive a new EAD valid through the later date. If the employee has not yet received their new EAD but has applied for one before March 10, 2025, they may present a receipt notice (Form I-797) for a timely-filed application to renew their EAD, which in combination with their expired EAD, may be accepted as a List A document for Form I-9 purposes. This receipt is typically valid for 180 days.

- **2023 Venezuelan TPS Designation:** EADs with Category Code A12 or C19 and expiration date of April 2, 2025 (associated with the 2023 designation) will expire as indicated on April 2, 2025, shortly before the full termination of the 2023 TPS designation on April 7, 2025. These individuals will need to be reverified by April 3, 2025, and unless they have another basis for employment authorization, they will no longer be eligible to work after their EADs expire.

An employer typically cannot definitively determine which TPS designation an employee is registered under based solely on the EAD itself. The physical EAD cards for both designations look similar and contain the same category codes (A12 or C19). The expiration dates printed on the cards do not necessarily indicate which designation applies.

Employers must verify that employees with Venezuelan TPS authorization remain eligible to work by checking their EAD expiration dates, determining whether the March 10, 2025 automatic extension applies to their specific document, and completing proper I-9 reverification before the applicable expiration date without creating new E-Verify cases *unless* new List A or List B and C documents are presented.

Overall, while March and April 2025 represent important deadlines for employer verification processes, only those under the 2023 designation face a complete end to their TPS-based work authorization at that time. Those under the 2021 designation should be able to continue working until September 10, 2025, provided they obtain updated documentation after their current EADs expire in March 2025.

Employee work authorizations for Venezuelan nationals in the U.S. under TPS should be evaluated on a case-by-case basis. Refer to the [USCIS TPS Page for Venezuela](#) for current government guidance, and [E-Verify guidance issued February 5, 2025](#) for Venezuelan TPS

holders. Consult with qualified immigration counsel for case-specific guidance, particularly for complex situations where an employee may have alternative bases for work authorization.

IV. Changes to Temporary Protected Status (TPS) for Haiti

Background

Haiti was first designated for TPS following the devastating 2010 earthquake. The Biden administration re-designated Haiti for TPS in May 2021 due to political crisis, gang violence, and socioeconomic challenges. This designation allowed eligible Haitian nationals residing in the U.S. since July 29, 2021, to receive temporary legal status and work authorization. During the first Trump administration (2017-2021), DHS attempted to terminate Haiti's TPS but was blocked by federal courts.

In December 2023, the Biden administration extended this designation through February 3, 2026, providing employment authorization documents (EADs) with corresponding expiration dates.

Current Status

On February 20, 2025, DHS Secretary Kristi Noem announced the termination of Haiti's TPS designation, effective August 3, 2025. This termination cuts short the previously approved extension period by approximately six months. This action aligns with similar decisions on other humanitarian programs, including Venezuela's TPS termination and the CHNV program cancellation.

Implications for Haitian TPS Holders

Approximately 154,000 Haitian nationals currently hold TPS protection. Haitian TPS holders will lose legal status and work authorization after August 3, 2025, unless they secure alternative immigration status. Those without another pathway to legal status may face removal

proceedings after the termination date. Legal challenges are widely anticipated, given that similar termination attempts during the first Trump administration were successfully contested in federal courts.

Employment Implications & I-9 Changes

The termination of Haiti's TPS designation requires U.S. employers to adjust their I-9 verification practices for affected employees. Employment Authorization Documents (EADs) with Category Code A12 or C19 and an expiration date of February 3, 2026, are now only valid until August 3, 2025.

Employers must:

- Enter the amended expiration date of August 3, 2025, in the "Additional Information" field in Section 2 of the I-9 form, and initial/date this correction.
- Calendar the August 3, 2025 deadline for reverification, and request updated documentation from affected employees before the expiration date.
- Complete Section 3 of Form I-9 before employees begin/continue work on August 4, 2025

E-Verify employers with existing employees with Haitian TPS must consider the following:

- Employers should not create new E-Verify cases when making the expiration date correction on I-9 forms.
- No E-Verify action is required unless/until the employee presents new work authorization documentation for reverification.
- When reverifying on or before August 3, 2025, create a new E-Verify case only if the employee presents a new List A document or a new combination of List B and C documents.

Employers should immediately identify all Haitian employees with TPS-based work authorization (particularly those with EADs showing a February 3, 2026 expiration date) and make the required I-9 corrections with the new August 3, 2025 expiration date. Employers should notify affected employees about the TPS termination and their need to present new documentation before August 3, 2025, while also calendaring the reverification deadline and thoroughly documenting all compliance actions taken to demonstrate good faith efforts.

Refer to the [USCIS TPS Page for Haiti](#) for current government guidance, and [E-Verify guidance issued February 24, 2025 for Haitian TPS holders](#). Consult with qualified immigration counsel for case-specific guidance, particularly for complex situations where an employee may have alternative bases for work authorization.

Conclusion

The recent immigration policy changes reflect a significant shift in the U.S. approach to humanitarian protection. These changes have created substantial uncertainty for hundreds of thousands of individuals who entered the United States through legal channels established under the previous administration. We anticipate further developments as legal challenges proceed and as the administration continues to implement its immigration agenda.

Berardi Immigration Law will continue to monitor these rapidly evolving situations closely and provide updates as new information becomes available. Clients with specific questions regarding these policy changes should contact our immigration team for individualized guidance.

This alert is intended for informational purposes only and does not constitute legal advice. Individuals affected by these policy changes should consult with qualified immigration counsel regarding their specific circumstances.

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