



DHS Shortens Deportation Protection Timeframe for Haitian Nationals – What Employers Need to Know About New TPS Designation Period

Insights

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The Trump administration just shortened the duration of deportation protections for certain Haitian nationals who are in the United States, and this change could impact your workplace. Department of Homeland Security (DHS) Secretary Kristi Noem announced on February 24 that she is changing a previous decision made by Biden-era DHS officials that had granted Haitian nationals Temporary Protected Status (TPS), cutting the timeframe from February 2026 to this August. What do employers need to know about this program and how it might impact the workplace?

What is Haiti TPS?

Temporary Protected Status (TPS) is a program that allows people from certain countries to stay in the U.S. temporarily because their home country is facing unsafe conditions that temporarily prevent their return. These unsafe conditions can include armed conflict (such as civil war), environmental disasters (like earthquakes or hurricanes), epidemics, or other extraordinary crises. TPS may also be granted if a country cannot adequately handle the return of its nationals due to economic or political instability.

Individuals granted TPS can live and work legally in the U.S. for a set period, but it does not lead to permanent residency. TPS is available to eligible individuals already in the United States at the time of designation. This includes people without nationality who last resided in the designated country. Those granted TPS receive key protections, including:

- **Protection from deportation** while TPS is in effect
- **Work authorization (EAD)** to legally obtain employment
- **Permission to travel** outside the U.S. under certain conditions
- **Exemption from immigration detention** based solely on their immigration status

What is Happening?

Haiti's TPS designation was originally created during the Biden administration to grant 18 months of protected status. With Secretary Noem's action, however, Haiti's TPS designation will only last for 12 months. It is now slated to end on August 3 instead of the original date of February 3, 2026.

Moreover, people who want to apply for TPS for the first time must do so by August 3 instead of the original deadline of February 3, 2026. Even if you do apply by August 3, however, Haiti's TPS program is terminating on August 3 itself and a TPS applicant should not rely upon this designation to remain lawfully present in the U.S. after that date. Individuals should seek alternatives to remain lawfully present in the U.S. immediately.

Key Recap:

- Originally, Haiti was set to have TPS for 18 months. Now, it will only be for 12 months.
- The TPS benefits, including both the extension for those already under TPS and the new designation, will end on August 3 instead of February 3, 2026.
- For people registering for TPS for the first time, the deadline is also now August 3 instead of February 3, 2026. If your employees are eligible and have not yet applied, they may do so before this new deadline.
- After August 3, Haiti's TPS designation will be terminated. Those under Haiti's TPS designation will start accruing unlawful presence after August 3. Employees in this category should seek immediately alternatives to remain lawfully present in the U.S.

When is This Happening?

An official notice with full details was published in the **Federal Register on February 24**. If one of your employees may be affected by these changes, we recommend staying informed and taking the below action as soon as possible.

What Should Employers Do?

Given these developments, employers should take proactive steps to ensure compliance and mitigate potential risks:

Review and Update Employment Eligibility Verification Processes

- **Form I-9 Compliance**: Employers are required to use Form I-9 to verify the identity and employment authorization of all new hires. Ensuring accurate completion and timely updating of these forms is essential to avoid penalties. Employers must correct previously completed Forms I-9 for each employee that previously presented an EAD with a Category Code of A12 or C19 and a Card Expires date of 02/03/2026 to include the amended expiration date of 08/03/2025. In Section 2 of the employee's Form I-9, employers should enter the amended Aug. 3, 2025, expiration date in the Additional Information field, and initial and date the correction. Employers must reverify these employees before they start work on Aug. 4, 2025.
- **E-Verify Enrollment**: While not mandatory for all employers, enrolling in E-Verify (the online system that confirms employment eligibility) provides an additional layer of compliance and

demonstrates a commitment to lawful hiring practices. After a new employee has completed Form I-9, Employment Eligibility Verification, employers should create a case in E-Verify for the employee. Enter the EAD document number that was entered on Form I-9, as well as the expiration date of Aug. 3, 2025. Note that USCIS will not provide updated EADs with the amended Aug. 3, 2025, expiration date.

Stay Informed on Policy Changes

- Monitor Government Announcements: Regularly reviewing updates from the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) is essential to stay informed about policy shifts and compliance requirements. Our Employers' Rapid Response Team website page is regularly updated with events and insights to help employers stay informed.
- Legal Consultation: Engaging with legal counsel focusing on immigration law can help employers understand the implications of new policies and develop appropriate responses.

Assess and Support Affected Employees

- Identify Impacted Staff: Employers should determine if any current employees or candidates are affected by the recent immigration policies.
- Provide Resources: Offering support, such as legal assistance, demonstrates a commitment to employee well-being and helps mitigate potential disruptions.
- Monitor for Updates in the Law: Keep track of updates in the law to see if the TPS expiration date is changed in the future.

Act Cautiously

- Don't Act on Suspicions: It would be a mistake to act based on a belief that one of your employees had their TPS status revoked or if you develop other beliefs that they are similarly ineligible to work in the country.
- Work with Counsel: Before taking any disciplinary action like termination against an employee based on their status (or perceived status), work with your FP immigration counsel to ensure you don't make compliance mistakes.

Prepare for Increased Enforcement

- Internal Audits: Conducting regular internal audits of employment verification documents ensures ongoing compliance and readiness for potential government inspections.
- Policy Development: Establishing clear policies and procedures for responding to immigration enforcement actions, including protocols for handling government inquiries or audits, is prudent.

Conclusion

If you have any questions about these developments or how they may affect your business, please contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#). Our [Employers' Rapid Response Team](#) (877-483-7781 or DHSRaid@fisherphillips.com) is on call to provide immediate legal counsel when a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance.

Visit our [New Administration Resource Center for Employers](#) to review all our thought leadership and practical resources, and make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.

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