



# Workplace Immigration April 14 Update: H-1B Cap Reached, Venezuela TPS Revived, and Electronic Device Searches

Insights

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Employers should be mindful of four critical immigration developments that have recently taken place and could impact your workplace. Here is the latest update from our Immigration Team.

## Court Revives Venezuela TPS Program

- **What Happened?** A California federal court just temporarily blocked the Trump administration's attempt to terminate Temporary Protected Status (TPS) for Venezuelans in the United States. Venezuela was added to the TPS program – an initiative aimed at safeguarding individuals who cannot safely return to their home countries – in 2023 during the Biden administration. But the Trump administration quickly moved to end the program as part of its immigration crackdown. U.S. District Judge Edward Chen's March 31 injunction stated that ending TPS would cause "irreparable harm" to approximately 350,000 Venezuelan beneficiaries and could negatively impact the U.S. economy. He also noted that the government's rationale for ending the program appeared to be "unconstitutional animus" and lacked evidentiary support.
- **What Does This Mean?** This decision allows Venezuelan TPS holders to retain their work authorizations and protection from deportation while the legal challenge proceeds.
- **What Should Employers Do?** The court gave the Department of Homeland Security (DHS) one week to file an appeal, which could mean we could see a quick reversal of this ruling. Until you hear anything further, you should proceed as if TPS still applies to Venezuelan workers, recognize the original Employment Authorization Document (EAD) expiration date, and not terminate their employment.

## CHNV Parole Program Saved as Well

- **What Happened?** On April 10, a federal judge stopped the Trump administration from ending a program that allowed hundreds of thousands of Cuban, Haitians, Nicaraguans and Venezuelans to temporarily live and work in the United States. The CHNV parole program, launched by the Biden administration in October 2022, granted two-year permits to live and work in the U.S. to people from these countries who were able to secure financial sponsors and meet other eligibility requirements. However, last month the administration revoked legal protection for those people granted relief, resulting in them losing their legal protections on April 24 and potentially setting them up for deportation. The U.S. District Court's announcement that there

will be a stay on the revocation is similar to that occurring in response to the revocation of the TPS program described above.

- **What Does This Mean?** This decision allows Cuban, Haitian, Nicaraguans, and Venezuelans who were granted parole into the U.S. and authorization to work under the CHNV parole program to retain their work authorizations and protection from deportation while the legal challenge proceeds.
- **What Should Employers Do?** This is a recent development so you will want to keep a close eye on how to matter progresses. In the meantime, you should proceed as if the CHNV parole program still applies and recognize the original Employment Authorization Document (EAD) expiration date of these workers and not terminate their employment. [You can read more about this development here.](#)

## H-1B Cap Reached

- **What Happened?** The [H-1B visa program for fiscal year \(FY\) 2026](#) recently concluded its initial registration and selection phases. As expected, USCIS received well more than enough electronic registrations to meet the cap (65,000 visas for the general category and an additional 20,000 for those with a U.S. master's degree or higher) and has notified selected beneficiaries of their lottery selection.
- **What Does This Mean?** For those selected, employers can proceed with filing necessary forms to finalize the process. For those not selected, employers will have to determine alternative pathways if they want to retain or hire these foreign workers.
- **What Should Employers Do?** The filing period for workers selected began on April 1 and will last at least 90 days. During this time, make sure you file at the correct location or online, include the selection notice, and provide evidence of the beneficiary's valid passport or travel document used during registration. If your employees were not selected, consider a variety of [short-term, long-term, and lesser-known alternatives](#) to ensure you can continue to employ foreign national employees.

## Electronic Devices Searched at Border

- **What Happened?** Recent reports indicate a marked increase in border officials searching electronic devices – including phones, laptops, tablets and other electronic devices – of individuals returning to the U.S. after overseas travel. U.S. Customs and Border Protection (CBP) has the authority to search citizens and non-citizens alike, even without a warrant or suspicion.
- **What Does This Mean?** Employers are reporting that CBP has been accessing company-issued devices – and company data – from their foreign workers on a near-daily basis.
- **What Should Employers Do?** Advise your workers that CBP has the authority to physically inspect electronic devices at the border, and they should be truthful during any such interactions and not argue or interfere with an inspection. While your workers are not required to provide

their passwords, refusing to do so may result in possible consequences, such as device seizure or denial of entry. To avoid potential security breaches of confidential or sensitive business information, employers should consider implementing policies regarding traveling with electronic devices [as outlined in our Insight here](#).

## Conclusion

If you have any questions about these developments or how they may affect your business, please contact your Fisher Phillips attorney, the author of this Insight, or any member of our [Immigration Practice Group](#). Our [Employers' Rapid Response Team](#) (877-483-7781 or [DHSRaid@fisherphillips.com](mailto: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.

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