KPMG

GMS Flash Alert

Immigration

2025-033 | February 6, 2025

United States – DHS Terminates Temporary Protected Status for Venezuela

In this *GMS Flash Alert*, we report an update on the Temporary Protected Status (TPS) for Venezuela.

As an update to *GMS Flash Alert* 2025-013, the Department of Homeland Security (DHS) made the decision to terminate the 2023 TPS designation for Venezuela via a Notice of Termination[1] published in the *Federal Register* on February 5, 2025.

The effective date of termination for the TPS program for Venezuela is April 7, 2025.

Per the notice, individual beneficiaries of TPS registered solely under the 2023 Venezuela designation will lose their TPS protection after April 7, 2025. In addition, employment authorization benefits related to TPS and any associated documents will also become invalid after April 7, 2025.

WHY THIS MATTERS

Current beneficiaries of the 2023 TPS Venezuela designation may wish to plan accordingly with their employer and immigration counsel to explore other options, if any, for staying in the U.S. and maintaining work authorization after their TPS protection expires.

Background on TPS for Venezuelans

On October 3, 2023, Venezuela was designated for TPS due to extraordinary conditions preventing the safe return of its nationals.[2] This designation was set to expire on April 2, 2025. However, after reviewing country conditions and considering whether permitting Venezuelan nationals covered by the 2023 designation would be contrary to the national interest of the United States, the Secretary of Homeland Security, Kristi Noem, has determined that Venezuela no longer continues to meet the conditions for the 2023 designation.

Consequently, the TPS designation for Venezuela will be terminated effective April 7, 2025. After this date, Venezuelan nationals granted TPS under the 2023 designation will lose their status and employment

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authoriziation benefits. This termination does not affect the 2021 TPS designation for Venezuela, which remains valid until September 10, 2025.

KPMG INSIGHTS

DHS' action to terminate the 2023 TPS program for Venezuela may be challenged in court. The Trump administration's previous attempts to terminate several TPS designations led to court challenges during President Trump's first term (2017-2021). DHS's decision to terminate the 2023 Venezuela TPS designation and the timing of the notice could lead to similar legal disputes. However, it is uncertain at this time whether any interim relief would be provided should the matter proceed under litigation.

KPMG Law LLP in Canada will be tracking these matters closely. We will endeavor to keep readers of *GMS Flash Alert* informed on any important developments as they occur.

FOOTNOTES:

1 *Federal Register*, "Termination of the October 3, 2023 Designation of Venezuela for Temporary Protected Status," February 5, 2025.

2 See DHS, "Secretary Mayorkas Announces Extension and Redesignation of Venezuela for Temporary Protected Status," (September 20, 2023).

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