

IMMIGRATION LAW

INFORMATION MEMO

FEBRUARY 6, 2026

TPS for Haiti Remains in Effect Following Federal Court Stay

Haiti's Temporary Protected Status (TPS) designation and related benefits were scheduled to terminate on Feb. 3, 2026. On Feb. 2, 2026, Judge Ana C. Reyes of the U.S. District Court for the District of Columbia issued an order staying the Secretary's TPS termination decision (*Miot et al. v. Trump et al.*, No. 25-cv-02471-ACR, D.D.C.).

The plaintiffs, Haitian TPS beneficiaries, challenged DHS's decision to terminate the designation, arguing it did not comply with statutory requirements. The court found that the plaintiffs were likely to succeed on the merits and issued a stay of the termination. DHS had cited two reasons for ending Haiti's TPS designation: (1) that Haiti no longer faces "extraordinary and temporary conditions" preventing safe return and (2) that allowing TPS holders to remain in the U.S. is "contrary to the national interest."

As a result of the court's stay, TPS protections for Haitian nationals remain in effect until further notice.

Implications of the Court's Stay:

The court's order preserves TPS protections for Haitian beneficiaries while the case proceeds:

- **Protection from Removal:** TPS beneficiaries are protected from detention and deportation for the duration of the stay.
- **Employment Authorization:** Individuals with valid Employment Authorization Documents (EADs), including those automatically extended under the court's order, may continue working in the U.S. while the stay is in effect. These protections remain in place, but the court has not issued a final ruling and the situation may evolve.

Extended Validity of EADs:

The following EADs issued under Haiti TPS retain their validity and are granted automatic extension per the court's order:

- Original expiration dates: Feb. 3, 2026; Aug. 3, 2025; Aug. 3, 2024; June 30, 2024; Feb. 3, 2023; Dec. 31, 2022; Oct. 4, 2021; Jan. 4, 2021; Jan. 2, 2020; July 22, 2019; Jan. 22, 2018; July 22, 2017.

Employer Compliance Considerations While TPS Remains in Effect

While TPS protections continue pursuant to court order, employers should review employment verification practices to ensure ongoing compliance and operational readiness.

- **I-9 Recordkeeping and Consistency:** Confirm that Forms I-9 accurately reflect correct work authorization validity periods, including any court-ordered extensions.
- **Monitoring Legal and Agency Developments:** Track updates from USCIS, the Department of Justice, and other relevant agencies that may impact employment eligibility verification obligations.

- **HR and Compliance Preparedness:** Review and update internal procedures so HR and compliance personnel understand current TPS protections and can promptly adjust reverification or onboarding practices if changes occur.
- **HR System Functionality:** Ensure electronic I-9 platforms and HR systems can accommodate TPS-related EADs extended under the court's order to reduce the risk of work authorization interruptions.

The federal government is expected to appeal the order and may request expedited review from higher courts, including the possibility of emergency relief.

We are closely following the TPS litigation and will provide updates as developments occur. If you have any questions or would like additional information please contact [Liz Heifetz](#), any member of our [immigration practice](#) or the Bond attorney with whom you are regularly in contact.

