



Haiti TPS Update: What the Court Order Means and Employer I-9 Considerations

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On February 2, 2026, a federal judge in Washington, D.C. issued an order blocking the termination of Temporary Protected Status (TPS) for Haiti, which had been scheduled to take effect on February 3, 2026.

What changed on February 2, 2026?

The court's order prevents the termination of Haiti TPS from taking effect while the legal challenge proceeds. As a result, TPS-related protections remain in place for now.

In practical terms, this means that current Haiti TPS beneficiaries continue to have protection from removal and work authorization while their TPS designation remains valid, subject to any future court rulings or agency guidance.

What happens next?

The government has indicated its plan to appeal, and TPS-related compliance instructions (including Form I-9 and E-Verify requirements) may change as litigation continues.

Form I-9 Quick Tips for TPS EADs

1) Updating Form I-9 when an automatic extension applies

When U.S. Citizenship and Immigration Services (USCIS) announces an automatic extension of TPS-based Employment Authorization Documents (EADs) and associated employment authorization, employers should update the existing Form I-9 using USCIS-approved procedures.

1) Do not “guess” an extension date

For TPS designations, the Department of Homeland Security (DHS) typically communicates automatic extensions to employment authorization validity

(including how to update Form I-9) through official notices, including Federal Register publications and USCIS guidance.

If no official “extended-through” date has been published, employers should not assume or invent an expiration date and should closely monitor USCIS and Federal Register updates.

3) Avoid document abuse and discrimination

It is critical for employers to understand when Form I-9 reverification is required and when it is not. Failing to reverify when required, or reverifying when not required, may result in a violation of Department of Labor requirements or anti-discrimination laws.

4) E-Verify Reminder

E-Verify cannot be used to reverify employees. All reverifications or notations related to an automatic extension must be made on Form I-9.

Bottom Line

Because TPS-related litigation and agency guidance can change quickly, employers should adopt a consistent internal I-9 compliance practice.

If you have questions about a specific employer compliance issue or would like guidance on I-9 compliance best practices or conducting an internal audit, reach out to our firm for a consultation.

Helpful links:

- USCIS Landing Page for TPS for Haiti:
<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>
- Memorandum of Opinion:
<https://assets.alm.com/a3/aa/bc6defca43c186533ff234292c1f/show-public-doc-judge-decision-tps-haiti-stay-order.pdf>