



# Haiti TPS Update: Courts, Congress, and What Comes Next

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As legal and legislative challenges concerning Temporary Protected Status (TPS) for Haiti continue, several significant developments have occurred in recent weeks.

On March 6, 2026, the U.S. Court of Appeals for the D.C. Circuit denied the government's emergency motion to stay the district court's order blocking the termination of [Haiti's TPS designation](#). On March 16, 2026, the U.S. Supreme Court granted expedited review of the case, with oral arguments scheduled for late April and a decision expected by early July.

With the fate of nearly 350,000 Haitians hanging in the balance, the House of Representatives took action on April 16, 2026, passing a bill "to require the Secretary of Homeland Security to designate Haiti for temporary protected status" (H.R. 1689). The bill is now set to head to the Senate.

This post provides an overview of these developments and their potential implications.

## D.C. Circuit Court Decision and Supreme Court Review

The D.C. Circuit Court's decision in *Miot v. Trump* upheld the lower court's preliminary injunction, effectively preventing the government from terminating Haitian TPS while litigation continues. Although the Trump Administration asked the U.S. Supreme Court to lift the injunction on the termination of TPS, the Court denied that stay. For Haitian TPS holders, this means that their work authorization and protection from removal remain intact for the time being. However, the future of these protections remains subject to change depending on any future court rulings, agency guidelines, or congressional action.

The U.S. Supreme Court granted expedited review of the decision in *Miot v. Trump* and consolidated the case with *Mullin v. Doe*, a similar challenge involving Syrian TPS. The justices agreed to consider Syria and Haiti disputes, with the court's ruling expected to bring clarity to several other lawsuits filed in response to the Trump administration's changes to the TPS program.

## What Does the Passage of H.R. 1689 Mean for Haitian TPS Holders?

The bill directs the Department of Homeland Security (DHS) to grant TPS to eligible Haitian nationals until April 20, 2029. Rather than expanding an existing TPS designation, the bill would mandate a new TPS designation for Haiti.

If enacted, eligible Haitian nationals already in the United States would be able to apply for work authorization as well as protection from removal and detention through April 20, 2029.

It is worth noting that the legislative and judicial tracks are proceeding simultaneously. The Supreme Court's decision in *Miot et al. v. Trump et al.*, is also expected by early July, which would place it on a similar timeline as congressional action. Haitian TPS beneficiaries and their employers should monitor both developments closely, as either could significantly affect the status of Haiti's TPS designation.

## Current I9 and TPS EAD Requirements

On March 25, 2026, U.S. Citizenship and Immigration Services (USCIS) updated its guidance on Employment Authorization Documents (EADs) and Form I-9 compliance. Employers who completed I-9s under the earlier guidance should be aware of the following:

- The validity of Employment Authorization Documents (EADs) issued under the TPS designation of Haiti with an original expiration date of February 3, 2026, August 3, 2025, August 3, 2024, June 30, 2024, February 3, 2023, December 31, 2022, October 4, 2021, January 4, 2021, January 2, 2020, July

22, 2019, January 22, 2018, or July 22, 2017 is automatically extended per court order. *Miot et al. v. Trump et al.*

- When completing the Expiration Date (if any) fields on Form I-9, input “as per court order” in Section 1 and “July 1, 2026” in Section 2 along with a note in the additional information box.
- When completing a case in E-Verify, enter the expiration date of “July 1, 2026” from the Form I-9. Check back to USCIS websites regularly for updated information.
- Employers may download the Alert and TPS Haiti webpages and attach them to Form I-9. Check back to USCIS websites regularly for updated information.

## Key Takeaways

At the judicial level, the U.S. Supreme Court is scheduled to hear oral arguments in *Trump v. Miot*, in late April, with a decision expected by early July. Depending on the outcome, the decision could either maintain the current protections in place or permit the termination of Haiti’s TPS designation.

At the legislative level, H.R. 1689 will proceed to the Senate, where its prospects remain uncertain. If enacted, the bill would require DHS to designate Haiti for TPS through April 20, 2029.

As of now, current TPS protections for Haitian nationals remain in effect as per the District Court’s order. However, given the ongoing developments, further changes may occur with limited notice.

Employers and TPS beneficiaries should continue to monitor both proceedings closely and ensure that internal compliance remains aligned with current guidance.

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:

U.S. Court of Appeals D.C. Circuit Decision:

<https://media.cadc.uscourts.gov/orders/docs/2026/03/26-5050Final.pdf>

Supreme Court Docket:

<https://www.supremecourt.gov/docket/docketfiles/html/public/25-1083.html>

USCIS March 25, 2026, TPS for Haiti Update:

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>

USCIS Landing Page for TPS for Haiti:

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>