



Meltzer, Lippe, Goldstein & Breitstone, LLP
February 10, 2026

LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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LAST-MINUTE JUDICIAL STAY: HAITIAN TPS TERMINATION PAUSED – WHAT EMPLOYERS NEED TO KNOW

Of all federal laws impacted by President Trump's Administration, few would argue that Immigration Law (actually Immigration regulations and court cases) has changed the most. In this regard, the United States Department of Homeland Security ("DHS") has eliminated Temporary Protective Status ("TPS") affecting hundreds of thousands of workers from various countries such as Venezuela. Likewise, Haitians granted TPS status have been on a roller coaster for the past twelve months regarding their ability to continue to work in the United States. Specifically, on June 27, 2025, DHS announced Haitian TPS would (prematurely) end effective September 2, 2025 saying conditions in Haiti had improved enough for such Haitians to return safely. This date was extended by U.S. District Judge Brian M. Cogan to February 3, 2026 (i.e., Judge Cogan stated DHS must honor the full 18-month extension that was previously announced by the DHS under the Biden Administration). Literally, one day before this deadline, on February 2, 2026, Judge Ana C. Reyes of the United States District Court for the District of Columbia issued an 83 page Memorandum Opinion pausing DHS' termination of TPS status for Haitians pending judicial review. In doing so, Judge Reyes indefinitely postponed the termination of the protected status for thousands of Haitians living and working in the United States. DHS will most likely challenge Judge Reyes' decision in the appellate courts (e.g., the United States Court of Appeals for the District of Columbia) which have been more favorable to DHS' prior decisions. Accordingly, until an appellate decision is issued, employers should indefinitely postpone the termination of any TPS Haitian employee whose employment authorization was scheduled to end on February 3, 2026.

Employers with questions relative to the foregoing are encouraged to contact Carmelo Grimaldi, Esq., attorney in Meltzer Lippe's Labor and Employment Group at cgrimaldi@meltzerlippe.com.