

# Global Immigration alert

May 2025

## United States

### Department of Homeland Security announces termination of Temporary Protected Status for Afghanistan

#### Executive summary

On 12 May 2025, the U.S. Department of Homeland Security (DHS) announced that the Secretary of Homeland Security is terminating the designation of Afghanistan for Temporary Protected Status (TPS). The current designation is set to expire on 20 May 2025, but due to the announcement will be temporarily extended for 60 days, and termination will be effective 14 July 2025 at 11:59 pm, local time.

This decision follows a review of country conditions and consultations with appropriate U.S. government agencies. Nationals of Afghanistan (and individuals having no nationality who last habitually resided in Afghanistan) who have been granted TPS must depart the United States by the termination date if they are not able to apply for another lawful status.

#### Background and analysis

TPS is a temporary immigration benefit granted to eligible nationals of a country designated for TPS under the *Immigration and Nationality Act (INA)*. During the TPS designation period, those granted TPS are eligible to remain in the United States, may not be removed, and are authorized to work and obtain an Employment Authorization Document (EAD). TPS in and of itself does not provide a pathway to lawful permanent resident status or any other immigration status.

Afghanistan was initially designated for TPS on 20 May 2022, due to "ongoing armed conflict and extraordinary and temporary conditions." The designation was extended

on 25 September 2023, for an additional 18 months, ending on 20 May 2025.

The recent announcement from DHS follows a required review of the conditions in Afghanistan, which determined "notable improvements in the security and economic situation" of the country and that "the return of Afghan nationals to Afghanistan does not pose a threat to their personal safety due to armed conflict or extraordinary and temporary conditions." The Secretary of Homeland Security determined that Afghanistan no longer meets the conditions required for TPS designation and that "permitting Afghan nationals to remain temporarily in the United States is contrary to the national interest of the United States."

#### What this means

The Secretary's decision to terminate Afghanistan's TPS designation is already the subject of litigation that seeks to extend the designation until at least 20 November 2025. If the decision to terminate is deemed lawful and permitted to proceed, it will be effective on 14 July 2025.

During the 60-day transition period between 20 May and 14 July, TPS beneficiaries will continue to be employment authorized. Through the published notice announcing the designation termination, DHS has automatically extended the validity of certain EADs previously issued under the TPS designation of Afghanistan through 14 July 2025. As part of the I-9 process to demonstrate authorization to accept employment in the United States, TPS beneficiaries can present their EADs that have the notation A-12 or C-19

under “Category” and a “Card Expires” date of 20 November 2023 or 20 May 2025.

Afghan nationals (and individuals having no nationality who last habitually resided in Afghanistan) who have another lawful basis for remaining in the United States, such as a pending asylum claim, may not be required to depart as of 14 July and should consult an immigration professional to determine status. TPS beneficiaries should assess their options for remaining in the United States and continuing to work, if applicable. DHS may, however, still take action to remove individuals prior to the termination date. The institution of removal proceedings against a TPS beneficiary also has the effect of terminating TPS-based work authorization.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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