

Supreme Court decision on TPS: Guidance for Employers



What Happened?

On June 25, the Supreme Court issued a decision in *Mullin v. Doe*, which allows the federal government to proceed with terminating Temporary Protected Status (TPS) for Haiti and Syria while related litigation continues. **The decision does not automatically terminate an employee's work authorization or invalidate an existing Employment Authorization Document (EAD).** Additional implementation guidance from U.S. Citizenship and Immigration Services (USCIS) is expected before employers are required to take any action.

The Supreme Court's decision does not make immediate changes to the TPS program. Before the decision can be acted upon, the judgment will be sent to the lower federal courts. This is a process that usually takes about 30 days. **In the meantime, TPS protections for Haiti and Syria remain in place.** We anticipate that in the coming weeks the administration will announce a formal end to the program, and information will be posted to the [government's website](#).

Key Takeaways for Employers

Employment Authorization Documents (EADs) Remain Valid

Existing TPS-related Employment Authorization Documents (EADs) remain valid until USCIS issues implementation guidance regarding effective dates. **Do not assume an employee has lost work authorization because of the Supreme Court decision.**

SAVE System Reminder

We know that the SAVE system, used by many employers to confirm work authorization for immigrants, indicated that employment authorization for Haitian TPS holders expired on July 1. **However, work permits remain valid until implementation guidance from USCIS is issued regarding effective dates.**

Employees May Have Other Work Authorization

Not all employees with TPS rely solely on TPS for employment authorization. Many employees may also have valid Employment Authorization Documents through another immigration benefit, including:

- Pending asylum applications; or
- Other forms of immigration status

Employers should not assume that all TPS holders will lose work authorization when their TPS protections end. Employment decisions should always be based on an employee's current work authorization documents - not assumptions based on nationality, immigration status, or TPS. That would constitute as unlawful discrimination. More information for the community is available [here](#).

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Additional Resources

Government Guidance from Massachusetts Office of the Attorney General and Office of Governor Healey

This guidance provides employers with practical information on work authorization requirements, Form I-9 compliance, Temporary Protected Status (TPS), and anti-discrimination obligations to help businesses navigate changing federal immigration policies with confidence.

- [Statement on the Supreme Court decision](#)
- [Guidance for Employers Regarding Immigration and Work Authorization](#)

Anti-Discrimination Obligations

Federal and state law prohibit discrimination based on citizenship, immigration status, or national origin. Employers should:

- Follow standard employment verification procedures.
- Avoid requesting additional documentation unless legally required.
- Base employment decisions on valid work authorization documents rather than assumptions about an employee's immigration status.

Employer Compliance Support

Employers can seek support from [Pathways for Immigrant Workers](#):

- [Employer Guidance on TPS and Employment Authorization](#)
- [I-9 & Work Authorization Compliance Consultations](#)

Need Employment Immigration Counsel?

The following legal directories can help employers locate attorneys experienced in business immigration law:

- [American Immigration Lawyers Association \(AILA\) – Business Immigration Directory](#)
- [Boston Bar Association Lawyer Referral Service](#)
- [Massachusetts Bar Association Lawyer Referral Service](#)

Additional Employer Resources

- MIRA Coalition & MLRI Fact Sheet: [What Immigrants and Their Employers Need to Know Before an ICE Arrest](#)
- Need an Employer Know Your Rights Training? Contact Ana Cristina at achavezandonie@miracoalition.org

This resource is intended for informational purposes only and does not constitute legal advice. Employers should consult qualified legal counsel regarding specific employment or immigration matters.