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Client Alert: U.S. Supreme Court Allows Trump Administration to Terminate CHNV Parole Program – Employers Must Act on Loss of Work Authorization

SERVICE LINE

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On May 30, 2025, the U.S. Supreme Court ruled in favor of the Trump Administration, allowing it to terminate the Cuba, Haiti, Nicaragua, Venezuela (CHNV) Humanitarian Parole Program. This decision reversed lower court rulings that had previously blocked the program's termination.

Following the decision, the Department of Homeland Security (DHS) has begun issuing formal Notices of Termination to individuals paroled into the U.S. under the CHNV program. Parolees are being instructed to voluntarily depart the U.S. or face removal, and any employment authorization based on their parole has been revoked.

What This Means for Employers

If your company employs individuals who received employment authorization (EADs) under the CHNV parole program, immediate compliance steps are required:

- **Employment Authorization Has Ended:** Once DHS terminates an individual's parole, their EAD is no longer valid. Employers cannot continue employment unless the individual presents another lawful basis to work in the U.S.
- **Reverification is Mandatory:** Employers must complete Form I-9 reverification for affected employees. If the employee cannot present valid alternative work authorization, the individual must be removed from payroll immediately.
- **Compliance with Federal Law:** Continuing to employ someone without valid authorization may expose the company to liability under federal immigration law.

- **Internal HR and Legal Review:** Consider your company's internal policies and applicable state laws regarding notice periods, termination procedures, and options for leave during transition periods. These steps should be evaluated with legal counsel.

Options for Employers to Retain Affected Employees

Employers wishing to retain key employees may consider employment-based immigration sponsorship, such as:

- **Temporary Work Visas:**
 - H-1B (for specialty occupations, if eligible)
 - O-1 (for individuals with extraordinary ability)
 - TN (for Canadian and Mexican nationals)
- **Permanent Residency Sponsorship:**
 - Program Electronic Review Management (PERM) Labor Certification and green card sponsorship in the EB-2 or EB-3 categories
 - National Interest Waiver (NIW) options for qualifying professionals
- **Other Legal Pathways:** Some employees may be eligible for asylum, temporary protected status (TPS), family-based immigration, or other relief. These may support renewed work authorization.

Time-sensitive legal analysis and action are critical if pursuing sponsorship or alternative immigration strategies.

Immediate Employer Action Items

1. **Identify Employees with CHNV-Based EADs:** Conduct an internal audit to determine who is affected.
2. **Reverify Work Authorization Promptly:** Notify employees of the change and request updated documentation in compliance with Form I-9 requirements.
3. **Consult with Immigration Counsel:** Determine whether sponsorship or other legal remedies are available and appropriate.
4. **Document and Act in Good Faith:** Maintain detailed records of all steps taken to ensure lawful compliance while avoiding discriminatory practices.

Avoiding Discrimination

Employers must not base decisions on national origin or perceived immigration status. All actions must be tied to the employee's legal ability to work in the United States, as required by federal law.

If you need assistance assessing your workforce, navigating reverification, managing separations, or exploring sponsorship solutions, our immigration compliance team is here to help.