Venezuela TPS Update: 18 State Attorneys General File Amicus Brief Supporting Plaintiffs Challenging TPS Termination

Article By:

Marissa A. Prianti

On Feb. 19, 2025, the National TPS Alliance, an advocacy group for immigrants who have been granted Temporary Protected Status (TPS), and seven Venezuelans living in the United States, filed a lawsuit in U.S. District Court for the Northern District of California challenging the decision of Department of Homeland Security (DHS) Secretary Kristi Noem to terminate Venezuela TPS. Noem had decided not to extend the 2023 Venezuela TPS designation. That designation will expire April 7, 2025.

On March 7, 2025, the attorneys general of 18 states, including California, Massachusetts, and New York, filed an amicus brief in support of the plaintiffs. The attorneys general contend that Secretary Noem's decision to terminate Venezuela TPS was "baseless and arbitrary" and founded on unsubstantiated claims that Venezuelans with TPS cost the United States billions in tax dollars and threaten the nation's economy, safety, and public welfare.

The attorneys general argue, "The vacatur and termination at issue in this litigation, which aim to strip legal protection from a community that comprises more than 50 percent of all [temporary protected status] holders, rest largely on such erroneous and unsubstantiated assertions. … Far from being a burden or threat to our States, Venezuelan TPS holders are a resounding benefit."

In response, DHS argues that the court lacks the authority to review its discretion to terminate Venezuela's TPS designation and that the plaintiffs have failed to provide evidence demonstrating Secretary Noem's decision to terminate the designation was motivated by discrimination or animus.

Jackson Lewis P.C. © 2025