

Trump Administration Changes Result in Modified Form I-9

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On March 25, 2025, the U.S. Department of Homeland Security (DHS) published a notice in the Federal Register announcing the immediate termination of the Cuba, Haiti, Nicaragua, and Venezuela (CHNV) parole programs. As a result, approximately 532,000 individuals in the United States who were paroled under these programs will lose their parole authorizations and any associated benefits, including work authorizations, within thirty days of the date of publication of the notice, or by April 24, 2025.

The Biden administration implemented a temporary parole program for Venezuelan nationals in October 2022 to discourage irregular border crossings and later expanded the parole programs to include Cuban, Haitian, and Nicaraguan nationals in January 2023. The CHNV parole programs permitted up to 30,000 individuals per month from Cuba, Haiti, Nicaragua, and Venezuela to enter the United States for a period of up to two years. Until January 22, 2025, approximately 532,000 individuals arrived in the United States by air under the CHNV parole programs.

According to the notice, any employment authorization derived through the CHNV parole programs will terminate on April 24, 2025. This will impact persons with Employment Authorization Documents (EADs) in the (c)(11) category. Individuals without a valid alternative basis to remain in the United States are expected to depart the country upon the termination of their paroles on April 24, 2025.

CHNV beneficiaries may have already updated their Form I-9s with EAD cards with a validity date beyond April 24, 2025. Employers are expected to reverify affected employees' work authorizations by April 24, 2025, to ensure continued compliance with Form I-9 employment eligibility verification rules. However, identifying which employees are impacted by this change before the April 24, 2025, expiration date may be challenging since the public interest parolee EAD category code (c)(11) is typically not entered in the I-9 form or other personnel records.

On March 31, 2025, Judge Edward Chen, a federal judge in San Francisco, ordered the department to continue TPS for Venezuelans. See *National TPS Alliance, et al., v. Kristi Noem et al.*, No. 3:25-cv-01766 (N.D. Cal. March 31, 2025). The court did so even though the TPS statute says that TPS decisions are not subject to judicial review. DHS has every intention of ending Venezuela TPS as soon as it obtains relief from the court order.

Modifications to Form I-9/E-Verify

As a result of these and other Trump Administration directives, The U.S. Citizenship and Immigration Services (USCIS) has made minor changes to Form I-9, Employment Eligibility Verification. The revised Form I-9 with an edition date 01/20/25 and an expiration date 05/31/2027 is now available for download, while multiple previous editions remain valid until their respective expiration dates:

- Form I-9 (08/01/23 edition) that is valid until 05/31/2027.
- Form I-9 (08/01/23 edition) that is valid until 07/31/2026 (employers using this form must update their electronic systems with the 05/31/2027 expiration date by July 31, 2026.)

Key updates include:

- Renaming the fourth checkbox in Section 1 to "An alien authorized to work."
- Revising the descriptions of two List B documents in the Lists of Acceptable Documents.
- Adding appropriate statutory language and a revised DHS Privacy Notice to the instructions.

Starting April 3, 2025, E-Verify and E-Verify+ will have updated the Citizenship Status selection during case creation to reflect this statutory language. The selection "A noncitizen authorized to work" will be updated to "An alien authorized to work."

Employers should note:

- If an employee attests on Form I-9 as "A noncitizen authorized to work," the employer must select "An alien authorized to work" in E-Verify.
- E-Verify cases will display "An alien authorized to work," while employees and employers may continue to see "A noncitizen authorized to work" on Form I-9, depending on the form edition being used.

- E-Verify+ participants will see the updated 01/20/25 edition date and 05/31/2027 expiration date reflected in Form I-9NG.

These changes are part of the Trump Administration's revamping of immigration law and practices and will most certainly develop further. Watch for more information. ■

