



PABIAN LAW

Pabian Law's I-9 Reverification Guide **for CHNV Humanitarian Parole Workers and Temporary Protective Status Workers**

Background

Employers are obligated to reverify the employment status for certain workers. Pabian Law is providing this guide to help employers reverify workers who have had Cuban, Haitian, Nicaraguan and Venezuelan (CHNV) Humanitarian Parole Status, which was recently terminated by the Trump administration and the termination upheld by the U.S. Supreme Court. Additionally, this guide provides helpful information on how to reverify workers on Temporary Protective Status (TPS) when their status expires.

Understanding the Basics of I-9 Reverification

- **Reverification is required** when a worker's authorization to work in the U.S. expires.
- When reverifying employment, employers must complete **Supplement B** (formerly Section 3) of Form I-9.
- Reverification must be completed **on or before the expiration date** of the worker's current work authorization.
 - o If your organization has CHNV and TPS workers, their work authorization will have been in the form of a physical **Employment Authorization Document (EAD) card**.

Steps to reverify workers with **terminated CHNV Humanitarian Parole Status**

- ✓ **Step 1: Track workers who have been granted CHNV Humanitarian Parole Status**
 - Humanitarian Parolee EADs will show a "C11" category on the Employment Authorization Documents (EAD cards).
- ✓ **Step 2: Ask for new documentation to prove continued work authorization**
 - Acceptable documentation to prove continued work authorization are listed as "List A" or "List B" and "List C" documents on the I-9 Form.
- ✓ **Step 3: Complete Supplement B of the I-9 Form**
 - Supplement B is the reverification and rehire supplement of the I-9 Form.
 - Enter the new **work authorization document title, number and expiration date**.
 - Sign and date Supplement B.
 - **If the worker cannot provide updated work authorization, employment must cease** either in the form of termination or unpaid leave.

Specializing in Immigration Law

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Steps to determine **when** workers on TPS need to be reverified

✓ **Step 1: Track workers who have been granted TPS**

- TPS EADs will show an “A12” category on the on the Employment Authorization Documents (EAD cards).

✓ **Step 2: Track the U.S. Department of Homeland Security’s (DHS) announcements and Pabian Law’s Client alerts concerning the TPS program**

- Several countries with TPS designations will see their protections expire or terminate in the coming months, as outlined below:
 - - **Afghanistan:** Termination of status will be effective July 14, 2025.
 - **Cameroon:** Termination of status will be effective on August 4, 2025.
 - **Haiti:** The TPS designation for Haiti has been extended through August 3, 2025. Please note that this designation has **not** been announced as terminated.
 - **Honduras:** The TPS designation for Honduras is extended though July 5, 2025. Please note that this designation has **not** been announced as terminated.
 - **Nepal:** Termination of status will be effective on August 5, 2025.
 - **South Sudan:** The TPS designation for South Sudan is extended through November 3, 2025. Please note that this designation has **not** been announced as terminated.
 - **Syria:** The TPS designation for Syria is extended through September 30, 2025. Please note that this designation has **not** been announced as terminated.
 - **Venezuela:**
 - 2023 designation:
 - TPS beneficiaries who received TPS-related documentation on or before February 5, 2025, with a validity date of October 2, 2026, will maintain that status and their documentation will remain valid pending resolution of the litigation in *National TPS Alliance, et al., v. Kristi Noem et al.*, No. 3:25-cv-01766
 - All TPS-related documentation with a validity date of October 2, 2026, received after February 5, 2025, is no longer valid and those individuals under the 2023 designation no longer have TPS.
 - 2021 designation: The TPS designation for Syria is extended through September 10, 2025. Please note that this designation has **not** been announced as terminated.
- It is important to stay up to date on DHS’s announcements of when a TPS designation is to expire or will be terminated. For the designations that have not been terminated by DHS, it is important to track whether TPS will be extended before the above listed expiration dates.

✓ **Step 3: Reverify before TPS has expired**

- Before a worker’s TPS status has expired, the employer needs to request new work authorization documents for the worker.

- Complete Supplement B if a worker can provide any of the listed work authorization document in “List A” or “List B” and “List C” of the I-9 Form.
- **If the worker cannot provide updated work authorization by the time their TPS has expired**, employment **must cease** either in the form of termination or unpaid leave.

Best Practices

✅ **Maintain a reverification calendar.** Flag workers whose work authorization expires within 90 days **if possible**. We understand that this calendar reminder may not be feasible with how swiftly DHS has moved in terminating CHNV humanitarian parole status.

✅ **Communicate early.** Notify effected workers at least **60 days before reverification** is needed **if possible**.

✅ **Train HR teams.** Ensure that your Human Resourced department and compliance staff understand I-9 rules and requirements. Please contact Pabian Law if your organization needs further assistance on I-9 training.

✅ **Avoid discrimination.** Reverification of workers must be applied equally amongst all workers.

- There are employment discrimination issues that arise when reverifying workers. Generally, it is acceptable to reverify all workers in a certain work authorization category (C11 or A12). It is also acceptable to ask a worker to provide additional documentation when the employer has actual knowledge of the worker’s nationality or immigration status.
- We encourage you to contact an **employment law iattorney** to discuss any potential discrimination issues.

✅ **For organizations that utilize E-Verify.** E-Verify may send notices of employee work authorization terminations. Please review these notices carefully and let Pabian Law know if you have any questions.

- Just because you do not hear from E-Verify does not mean that an employee remains eligible to work. Employers need to take the steps listed above to reverify certain employees.

Conclusion

We hope that you have found this I-9 reverification guide helpful. Please do not hesitate to contact us with any questions about the topics listed above or any other immigration-related topics.

About Pabian Law

Pabian Law is a national immigration law firm focused on the hospitality industry. We are one of the largest filers of H-2B seasonal visa petitions for those in the lodging, private club, ski area, and other seasonal industries. In addition, we work with our hospitality clients on year-round and permanent immigration solutions for their international staff.

Specifically, Pabian Law assists clients with H-2B visas, year-round visas including TN, O-1, H-1B, L-1, and E visas), Applications for U.S. Lawful Permanent Residency, including EB-3 green card applications, and other employment-based visa and immigration solutions.

Pabian Law has a robust H-2B visa practice that we built the country's only H-2B visa proprietary software. This software, called Pabian BOOM!, streamlines the H-2B visa process for clients while allowing for unprecedented transparency and helpful educational and compliance resources.

Pabian Law is also committed to education and trainings. We routinely provide in-person and virtual trainings with our clients, as well as with trade associations. Our commitment to education allows our clients to properly plan and strategize in allowing them to successfully utilize foreign nationals to solve their staffing needs.

Pabian Law has been recognized as one of the country's preeminent immigration practices focusing on the hospitality industry for our hard-work, client dedication, and our fast and efficient results.

You can learn more about Pabian Law at www.pabianlaw.com, by calling us at (617) 939-9444, and via email at info@pabianlaw.com.