

USCIS Extends Venezuelan Work Status Through April 2026 and Issues a New Form I-9

Labor & Employment Law Update

By Sara Zorich on April 8, 2025

On April 2, 2025, United States Customs and Immigration Services (USCIS) announced it will extend the work authorization for individuals who are in the U.S. on Temporary Protected Status (TPS) from Venezuela through April 2, 2026.

This announcement was in response to a court order from the Northern District of California pausing the government's prior termination of TPS for Venezuela issued on February 5, 2025, and set to become effective on April 7, 2025.

The Employment Authorization Documents (EADs) for individuals with TPS (Code A12 or C19) from Venezuela with expiration dates of September 9, 2022; March 10, 2024; April 2, 2025; and September 10, 2025 are all automatically extended through April 2, 2026 (pending the outcome of the ongoing litigation). Note: the employee's work authorization must be reverified before April 3, 2026.

Therefore, employers should take note when completing the Form I-9 and E-Verify for new and current employees:

- **New Employees:** If a new employee presents an EAD with Code A12 or C19 from Venezuela with one of the expiration dates noted above, the work authorization is automatically extended through April 2, 2026. In Section 1, the employee should note the expiration date of April 2, 2026 (pending further litigation) and the employer should note the same for the expiration date in Section 2. Employers who use E-Verify will use the expiration date of April 2, 2026, for E-Verify.
- **Current Employees:** If the EAD has an expiration date of September 9, 2022; March 10, 2024; April 2, 2025; or September 10, 2025, enter "EAD EXT 4/2/2026 (pending further litigation)" in the Additional Information field in Section 2. If the employee's original Form I-9 was completed on a Form I-9 version that is no longer valid, complete the Additional Information field on the latest version of Form I-9 and retain it with the employee's original Form I-9. Employers who use E-Verify should not run the current employee through E-Verify again.

New Form I-9

Additionally, USCIS announced a new version of the Form I-9. The new Form I-9 has an edition date of 1/20/25 and an expiration date of 5/3/2027. Therefore, employers can use the following Form I-9 editions as follows:

- Form I-9 (8/1/23 *edition*) with an expiration date of 7/31/2026 may be used through 7/31/2026.
- Employers can immediately begin using Form I-9 (1/20/25 *edition*) with expiration date of 5/31/2027 if they chose but they MUST use this edition beginning no later than 8/1/2026.

The changes between the two forms are very minor: revising descriptions of some List B documents and renaming the fourth checkbox in Section 1 from “non-citizen” to “alien.” E-Verify employers should note that if an employee checks the fourth box in Section 1 of either valid Form I-9, the selected drop down in E-Verify will be “An alien authorized to work.”

Upcoming Webcast

BREAKFAST BRIEFING - BEYOND SWEAT EQUITY: MODERN COMPENSATION STRATEGIES FOR ENHANCED ENGAGEMENT & RETENTION

Wednesday, April 16, 2025 | 8:30 AM CT

In today's competitive talent marketplace, traditional compensation models alone are no longer enough to attract and retain top performers. Join us for “Beyond Sweat Equity: Modern Compensation Strategies for Enhanced Engagement & Retention,” where we'll explore innovative approaches to total rewards that can help drive measurable business outcomes and increase employee retention and engagement.

This webcast will provide a high-level overview of traditional and non-traditional ways to structure bonus awards, equity compensation, and other benefits. Rebecca Bush & Kelly Haab-Tallitsch will cover practical considerations on how these structures can be executed in a way to minimize tax burdens as well as key compliance concerns to keep in mind during the design process.

USCIS
Extends
Venezuelan
Work Status
Through
April 2026
and Issues
a New Form
I-9