



Dear Members,

We are sharing this update on immigration and workforce policy from our national association, Argentum, as it may be relevant to you.



Argentum has confirmed that the Department of Homeland Security (DHS) is terminating the designation of Haiti for Temporary Protected Status (TPS) effective February 3, 2026. DHS made this decision last year after determining that Haiti no longer meets the conditions for the designation for TPS. After February 3, 2026, nationals of Haiti who have been granted TPS under Haiti's designation will no longer have Temporary Protected Status. This [determination](#) to terminate the TPS designation for Haiti supersedes the determination announced in the July 1, 2025 notice, "Termination of the Designation of Haiti for Temporary Protected Status."

This announcement follows the previous termination of TPS for Venezuelan nationals. For reference, at present, the only Venezuelans with valid work authorization under TPS are those who received an approval for their work authorization extension on or before February 5, 2025 and lists an expiration date of October 2, 2026.

#### **Legislative or Legal Actions That May Effect TPS Status for Haitians**

The likelihood of federal legislation or administration action by DHS to extend TPS for Haitians is extremely unlikely given the rapidly approaching February 3rd deadline.

Judicial action appears to be the only remaining option that would stay the current termination of Haitians living and working in the United States under TPS. Argentum will continue to monitor any developments from the courts regarding this TPS for Haitians.

#### **Guidance for Senior Living Employers and Employees**

Argentum's legal counsel believes that as the government has clearly indicated the termination of TPS benefits for these affected nationalities, it is the responsibility of the company to reverify the employment authorization documentation of all such affected employees. **For now, the February 3, 2026 expiration date should be considered determinative.** Unless some additional update occurs before then altering this end date, then the company should seek to reverify the employment authorization of those affected employees.

#### **Summary:**

- By February 3, 2026, the company should reverify the work authorization for all Haitian workers authorized under TPS. Do not automatically terminate any Haitian workers under TPS based on the administration's announcement alone, as workers may be able to present some other form of valid work authorization to continue employment. If new valid form of work authorization is presented, they can remain employed after February 3.
- Specifically, this means Haitian workers who on their Form I-9 presented EAD cards with the category (a)(12) or (c)(19) should be reverified by February 3, 2026.
- Managers should continue to follow the expiration date presented by employees on their Form I-9 for any temporary work authorization.
- If an employee is unable to present a valid form of work authorization allowing for employment beyond the listed expiration date, they must then be terminated or placed on unpaid leave, for a defined period (Ex: 30 days).
- If the company utilizes E-Verify, monitor the E-Verify system for any updates with regards to Haitian TPS workers which indicate that their status is now terminated. If such a notification is received, company should again follow procedures to request

new employment authorization documentation from the employee and terminate if new documents cannot be presented.

- Employees may receive individualized notices from the government noting the termination of their TPS benefits, but this is not guaranteed. Regardless, the government has clearly made the announcement. And thus, all affected workers have sufficient notice.

You may be asked by affected employees how they should proceed given this announcement by the government. **Our legal counsel advises that employers should be hesitant to provide guidance to employees who are affected by this latest announcement other than that they should seek their own personal immigration counsel that can best advise them on their rights and options.** From the company's perspective, once an employee informs you that they are affected by this termination, you should advise them of their need to present new employment authorization documentation by the expiration date listed or that their employment must be terminated (or placed on unpaid leave for a defined period depending on company policy).

Argentum's [Foreign-Born Workers Resource Guide](#) (FBRG) offers resources for each state on immigration data, employment, education, healthcare, family services, housing, and legal. Each of the seven sections includes a list of organizations, contact information, and links to relevant websites.

If you have any questions, please don't hesitate to reach out to me or Paul Williams at [pwilliams@argentum.org](mailto:pwilliams@argentum.org).

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If you have any questions, please contact us at [Mass-ALA@mass-ala.org](mailto:Mass-ALA@mass-ala.org).

*This update is solely for general informational purposes. It is not intended to replace a full review of the cited regulations or guidance.*

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