



## Supreme Court Considers Legality of Temporary Protected Status Termination

*Updated 30 April 2026*

**Action:** On April 29, the Supreme Court heard oral argument in *Mullin v. Doe*, a case dealing with the Administration's effort to terminate Temporary Protected Status (TPS) for about 356,000 individuals from Haiti and Syria, with potential implications for as many as 1.3 million people protected by the program. The Court is expected to issue what will likely be a close decision in late June or early July.

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- Congress established TPS in 1990 to provide temporary relief from deportation and work authorization to foreign nationals present in the US who could not return to their home countries due to armed conflict, natural disasters, or certain other circumstances. Nearly 30 countries have received TPS designations; most have ended. Haiti received TPS in 2010 following an earthquake that caused widespread destruction in the country. Syria was designated in 2012 after violence by the Assad regime against anti-government protestors. Administrations of both parties have repeatedly extended TPS for both countries.
- In 2025, the Administration terminated TPS for both Syria and Haiti, leading to the current litigation. These decisions were stayed in lower Federal courts.
- The Administration argues that courts are prohibited from reviewing the Attorney General's decisions to initiate or terminate any TPS designation. In addition, it argues that the Secretary of Homeland Security satisfied the law's requirements by

consulting with the State Department and determining that the terminations were in the national interest.

- However, challengers to the decision note that while the law prohibits judicial review of the government's *substantive* TPS determination, it does not prohibit review of compliance with administrative procedure requirements or constitutional violations. For example, challengers argued that the Administration's internal consultations was not substantive enough to satisfy the statutory requirement. The challengers also argues that the Administration's decision was motivated by racial animus.
- In oral argument, Justices raised questions about whether the President's past comments about individuals from the affected countries indicate race was a factor in these decisions. Justices also questioned whether it is appropriate for courts to question the "adequacy" of the government's decision-making process in this case.
- In addition to Haiti and Syria, the Administration has also sought to terminate TPS for several other countries, though litigation has paused several of those terminations. If all terminations are allowed to proceed, only El Salvador, Lebanon, Sudan, and Ukraine would remain designated under TPS. It is not clear whether the Administration would extend those protections when their current designations expire. Impacts on the other TPS termination challenges will depend in part on how narrow or broad the Court's decision is in *Mullin v. Doe*.
- **What this means for business:**
  - **Labor availability:** Ending TPS would remove work authorization for affected employees who lack another lawful basis to work. By some estimates, about 830,000 TPS holders are in the US labor force, including large numbers in construction, wholesale and retail trade, leisure and hospitality, transportation, warehousing, utilities, business services, and manufacturing. Certain states – including Florida, Texas, and New York – with high concentrations of TPS-holders could see particular impacts.
  - **Employer planning and compliance:** Businesses with TPS-dependent workforces should prepare for uncertainty around employment authorization, staffing continuity, and project timelines. Practical steps include mapping roles dependent on expiring Employment Authorization Documents, planning for lawful reverification, building recruitment pipelines, and avoiding nationality-based screening while litigation remains unsettled.

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