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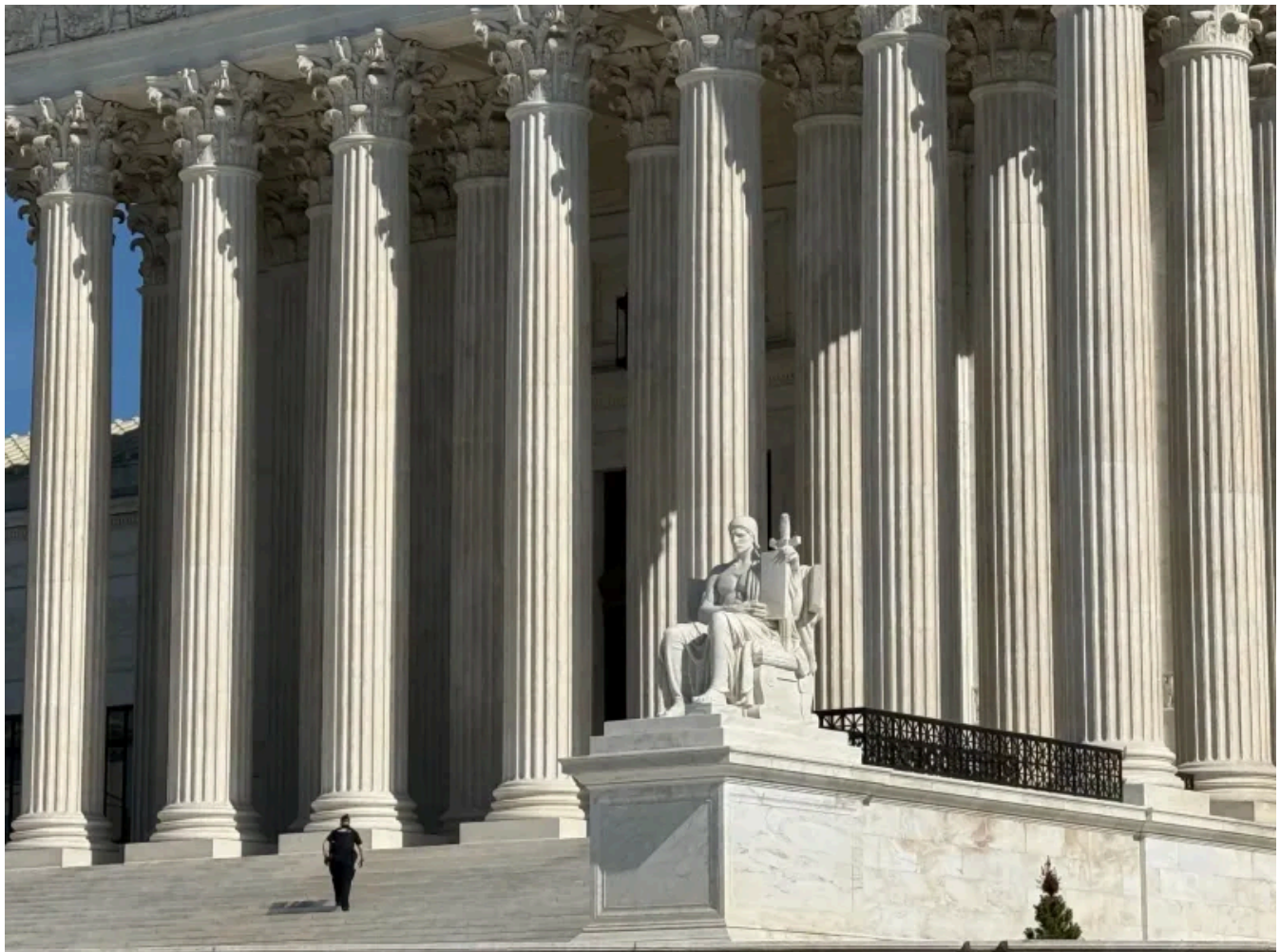


EMERGENCY DOCKET

Supreme Court allows Trump to remove protected status from Venezuelan nationals



By **Amy Howe**
on Oct 3, 2025



(Katie Barlow)

The Supreme Court on Friday afternoon once again cleared the way for the Trump administration to strip hundreds of thousands of Venezuelan nationals of their protected **Skip to content**

status under federal immigration law. In a brief, unsigned **order**, the justices paused a ruling by a federal judge in San Francisco that barred Kristi Noem, the Secretary of Homeland Security, from terminating that status. Friday's order came roughly four-and-a-half months after the court **blocked** a temporary order by the same judge requiring Noem to leave the protected status in place while a challenge to Noem's efforts to end the Temporary Protected Status program designation for Venezuelans continued. "The same result that we reached in May is appropriate here," the court wrote.

The court's three Democratic appointees – Justices Sonia Sotomayor, Elena Kagan, and Ketanji Brown Jackson – indicated that they would have denied the Trump administration's request. Jackson wrote a short dissenting opinion in which she described Friday's order as "yet another grave misuse of our emergency docket."

The Temporary Protected Status program allows the DHS secretary to designate a country's citizens as eligible to remain in the United States and work when they cannot return to their home country because of a natural disaster, armed conflict, or other "extraordinary and temporary conditions" there.

Alejandro Mayorkas, then the DHS secretary, designated Venezuela under the TPS program in 2021 and then redesignated it in 2023. In 2025, he announced that the program would be extended through October 2026.

In February, Noem terminated both Mayorkas' 2023 designation of Venezuela and his 2025 extension of the program.

A challenge followed in federal court in San Francisco, filed by a group representing TPS holders and several individual Venezuelan TPS holders. In March, U.S. District Judge Edward Chen temporarily prohibited Noem from ending the TPS designation and its extension. Calling Noem's conduct "unprecedented," he suggested that her decision to terminate the designation and extension had been "predicated on negative stereotypes" about Venezuelan migrants.

On May 19, the Supreme Court – over only Jackson's objection – **put Chen's order on hold**. The case returned to the district court, where Chen issued a final **decision** on Sept. 5 in which he ruled that Noem had acted unlawfully in ending the 2023 designation and its extension. Chen distinguished his Sept. 5 decision from the one the justices had paused in May, writing in a footnote that the earlier "order only concerns the preliminary relief ordered by this Court in postponing agency action." That order did not, he stated, stop him "from adjudicating the case on the merits and entering a final judgment issuing relief."

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After the U.S. Court of Appeals for the 9th Circuit declined to block Chen's Sept. 5 ruling, U.S. Solicitor General D. John Sauer came back to the Supreme Court, asking it to

intervene. Sauer **argued** that the justices’ “prior order makes the lower courts’ denial of a stay indefensible,” and he pointed to what he characterized as “an ongoing parade of lower-court decisions that have threatened ‘the hierarchy of the federal court system created by the Constitution and Congress’ by disregarding or defying this Court’s stay orders.”

The challengers **pushed back**, telling the justices that their “prior, limited stay order did not foreclose further litigation to a final judgment” – particularly when Chen’s Sept. 5 ruling “grants relief in a different posture and under a different statutory authority.”

On Friday afternoon, the justices once again put Chen’s ruling on hold. After a brief recitation of the history of the case, the court explained that “[a]lthough the posture of the case has changed, the parties’ legal arguments and relative harms generally have not.”

Sotomayor and Kagan indicated that they would have left Chen’s ruling in place, but did not offer an explanation.

In her solo dissent, Jackson emphasized that the lower court judges that had considered the dispute “have determined five times over that this abrupt truncation of the TPS period was unlawful or likely so. They have done so in reasoned and thoughtful written opinions —opinions that, in the normal course, we would get to parse, assess, and embrace or reject, while fully explaining our reasoning.” In her view, the question before the court was “whether the Government’s interest in terminating TPS *right now* is so urgent that this Court, rather than the able judges currently exercising jurisdiction over the matter, should be the one to decide” the Venezuelan nationals’ “interim fate.” The court should step in, she contended, only if the government can show a “time-sensitive need” – which, she wrote, it had not.

Instead, Jackson wrote, the court had used its “equitable power (but not [its] opinion-writing capacity) to allow this Administration to disrupt as many lives as possible, as quickly as possible.” She concluded that “[b]ecause, respectfully, I cannot abide our repeated, gratuitous, and harmful interference with cases pending in the lower courts while lives hang in the balance, I dissent.”

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Cases: **Noem v. National TPS Alliance, Noem v. National TPS Alliance**

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