

# Judge blocks Trump from ending deportation protection for Venezuelans

*About 350,000 Venezuelans who sought refuge in the U.S. were set to lose their work permits and protection against deportation next week. A federal judge delayed that action, which he said “smacks of racism.”*

**By Sabrina Rodriguez and Maria Sacchetti**  
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A federal judge temporarily blocked the Trump administration Monday from ending humanitarian protections for hundreds of thousands of Venezuelans who have sought refuge in the United States, days before they were set to lose their work permits and shield against deportation.

The order prevents the Department of Homeland Security from allowing temporary protected status to expire on April 7 for approximately 350,000 Venezuelans and gives recipients time to proceed with a legal challenge.

The suit, filed in U.S. District Court in the Northern District of California, centers on Homeland Security Secretary Kristi L. Noem’s decision to [rescind temporary protected status](#) for Venezuelans shortly after being confirmed, and days after her predecessor, Alejandro Mayorkas, [extended protections](#) for as many as 600,000 Venezuelans through October 2026.

The Biden administration cited Venezuela’s extreme poverty and economic and political crises under Nicolás Maduro’s autocratic rule in extending the protection. Noem, in announcing her decision, wrote that conditions in Venezuela “no longer” met the criteria for its citizens to qualify for temporary protected status.

U.S. District Judge Edward M. Chen wrote that Noem’s swift decision to terminate temporary protected status and mischaracterization of Venezuelans as criminals was unlawful and “smacks of racism.”

In a strongly worded 78-page ruling, the judge granted the plaintiffs’ motion to postpone Noem’s actions. He said her rationale for ending protections for

people from the South American country is “entirely lacking in evidentiary support.”

“It is evident that the Secretary made sweeping negative generalizations about Venezuelan TPS beneficiaries,” he wrote, listing several examples in which Noem repeated President Donald Trump’s false claims that most were criminals.

“Acting on the basis of a negative group stereotype and generalizing such stereotype to the entire group is the classic example of racism,” the judge wrote.

The judge’s order comes as Trump attempts to mount the largest mass deportation campaign in U.S. history and, in doing so, has increasingly focused on Venezuelan migrants. On the campaign trail, Trump spoke frequently against Venezuelans, talking about an invasion and claiming Tren de Aragua gang members were all over the country.

Earlier this month, the Trump administration invoked the wartime Alien Enemies Act to send 137 Venezuelan migrants to El Salvador, where they are being held at a notorious mega-prison, without due process. A federal judge has blocked Trump’s use of the wartime authority while officials argue in court that the act is needed to swiftly deport migrants whom they have accused of being members of Tren de Aragua. Relatives of many of the men strongly deny they are part of the gang.

It’s not only Venezuelans being targeted by the Trump administration. The Department of Homeland Security is also [scaling back](#) a Biden-era extension of temporary protected status for Haitian migrants that puts roughly 520,000 at risk of deportation as early as August — though that is also facing legal challenges. Last week, Haitians were added to the existing case being heard by Chen. The judge’s Monday order only applies to Venezuelans, but the lawyers are expected to similarly press for a temporary block as the case proceeds.

The administration is also canceling deportation protections for thousands of people from Cuba, Haiti, Nicaragua and Venezuela who were paroled into the United States under a Biden-era humanitarian parole program.

During a hearing last week, Chen asked a government attorney representing the Trump administration if there was proof that Tren de Aragua had a substantial

presence in the U.S., pressing as to whether there was “any data at all in the record.” The attorney responded: “I’m not aware of that right now.”

Chen went on to say it was “pretty clear” based on statements by temporary protected status holders and their supporters, including the attorneys general of New York and 18 other states, that ending the protection would have an “adverse impact” on the recipients, their communities and the U.S. economy overall.

In the ruling, Chen highlighted that there was no evidence that Venezuelan temporary protected status holders are members of Tren de Aragua, have connections to the gang or commit crimes. He added that Venezuelans with the protections “are critical contributors to both the national and local economies: they work, spend money, and pay taxes.”

Noem’s decision to rescind the protections for Venezuelans after Mayorkas’s extension is unprecedented, Chen said in the ruling. It is the first time in the 35-year history of the temporary protected status statute that an administration has ever taken back an extension early.

Noem’s move affected Venezuelans who became eligible for the protection in 2023. A separate group of Venezuelans received it in 2021. The latter group’s status is set to expire on Sept. 10, unless Noem chooses to extend it.

The lawsuit, brought by the National TPS Alliance and individual Venezuelan recipients, argues that Noem and the Department of Homeland Security have no legal authority to undo an extension once it has been made — and that the administration’s actions are motivated by racism in violation of the Fifth Amendment, which guarantees due process.

The case is being handled by the Center for Immigration Law and Policy at UCLA Law, the American Civil Liberties Union of Southern California, the ACLU of Northern California and the National Day Laborer Organizing Network. Other organizations have filed separate lawsuits.

Advocacy groups and lawyers on the case welcomed the decision, arguing it boded well for the future of temporary protected status.

“The court’s decision today affirmed that Secretary Noem is not above the law,” Emi MacLean, one of the attorneys on the case who works for ACLU of Northern

California, said at a news conference. “The administration cannot make decisions that ignore statute and precedent. The administration cannot rely on racist motivations and pretext to strip hundreds of thousands of people of their legal status, their work authorization and their protection against deportation.”

Venezuelans are by far the largest group protected from deportation under a 1990 law that authorizes the government to award undocumented immigrants protection from deportation if their countries are experiencing war, disaster or another crisis. In addition to Venezuela and Haiti, 15 other countries also have designations.

Venezuelan recipients have [expressed fear and concern](#) over the possibility of having to return to their home country as the Maduro regime — which Trump has previously railed against — remains in power.

Trump has long sought to revoke the special status that has been granted to scores of migrants fleeing crises in their homelands. In 2017, he sought to end the temporary status for Haitians. He was ultimately blocked from revoking the status from recipients hailing from Haiti, El Salvador, Nicaragua and Sudan.

Cecilia Gonzalez Herrera, one of the plaintiffs in the case, said she was relieved to see the judge’s ruling because it was a recognition that temporary protected status “is not just a policy. This is a lifeline for families just like mine, who have now built a life in this country, who contribute to our community” and who cannot safely return to Venezuela.

Gonzalez Herrera’s family came to the United States in 2017. Her family applied for asylum after fleeing political persecution in Venezuela, and eight years later, their case is still pending. In 2021, they applied for temporary status when Biden first designated Venezuelans for the protections.

The ruling “is a crucial first step that will allow us to remain optimistic while justice prevails,” she said.