



February 12, 2026

RE: Current Status of Employment Authorization of Haitian TPS Holders Pursuant to Court Order in *Lesly Miot et al. v. Trump et al.*, Case No. 25-cv-02471 (D.D.C.)

Dear Department of Motor Vehicles (DMV):

We write to affirm that holders of Temporary Protected Status (TPS) from Haiti are entitled to driver's licenses. As a result of ongoing litigation, **Haitian TPS holders continue to have legal authorization to live and work in the United States, and as such, are entitled to driver's licenses.** Haitian Bridge Alliance (HBA) writes in our capacity as co-counsel for TPS holders in *National TPS Alliance v. Noem*, Case No. 3:25-cv-01766-EMC (N.D. Cal. filed Feb. 19, 2025), ongoing litigation regarding the status of Haiti's Temporary Protected Status (TPS) designation. We urgently request that you take action to ensure that, in accordance with the law, the DMV upholds the validity of driver's licenses of Haitian TPS holders and approves requests for driver's licenses or their renewal.

On February 2, 2026, in *Lesly Miot et al. v. Trump et al.*, Case No. 25-cv-02471 (D.D.C.), a federal court held that the planned February 3, 2026 termination of TPS for Haiti could not go into effect while the case continues and "shall be null, void, and of no legal effect." See attached Order (further stating that "(t)he Termination therefore does not affect the protections and benefits previously conferred by the TPS designation, including work authorization and protection from detention and deportation, and the valid period of work authorization extends during the stay."). **Haitian TPS holders therefore retain authorization to live and work in the United States, and are entitled to driver's licenses, beyond February 3, 2026 while the case proceeds.**

All TPS holders are granted drivers' licenses under the REAL ID Act for at least one year. The REAL ID Act permits the issuance of a driver's license to individuals with approved applications for TPS. See REAL ID Act of 2005, Pub. L. No. 109-13 Sec. 202 (c)(2)(C)(i-ii). The Act provides that, for TPS holders, the State may issue a temporary driver's license or temporary identification card to the person which "shall be valid only during the period of time of the applicant's authorized stay in the United States, or, if there is no definite end to the period of authorized stay, a period of one year." *Id.* Given the federal court's finding that termination of TPS for Haiti could not go into effect while the case continues, Haitian TPS holders' period of authorized stay will extend indefinitely. Thus, such TPS holders are entitled to hold valid drivers' licenses for one year, given that their current legal status is indefinite.

We urge you to ensure that TPS holders can continue to access appropriate drivers' licenses by (1) issuing official guidance regarding how the DMV must affirm the validity of existing drivers' licenses, or for an initial drivers' license granting drivers' licenses; (2) providing training for DMV officials to ensure that the official guidance is followed; and (3) monitoring the implementation of the guidance.

These TPS holders are valued members of the community who contribute significantly to the state's economy and workforce. The ability to maintain valid drivers' licenses is essential to TPS holders' lives and livelihoods.

Sincerely,

Erik Crew

Staff Attorney, Haitian Bridge Alliance

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRITZ EMMANUEL LESLY MIOT, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 25-cv-02471 (ACR)

ORDER

Having considered the Second Amended Complaint, Dkt. 90, the briefs and arguments of counsel, and the evidence filed in support of and in opposition to Plaintiffs' Renewed Motion for a Stay Under 5 U.S.C. § 705, Dkt. 81, and the Government's Motion to Dismiss, Dkt. 80, and for the reasons detailed in the accompanying Memorandum Opinion, the Court hereby:

GRANTS Plaintiffs' Renewed Motion for a Stay Under 5 U.S.C. § 705, Dkt. 81; and so, **STAYS** (*i.e.*, **POSTPONES**) the effective date of Department of Homeland Security Secretary Kristi Noem's Termination of the Designation of Haiti for Temporary Protected Status, 90 Fed. Reg. 54733 (Nov. 28, 2025) (Termination), pending judicial review. During the stay, the Termination shall be null, void, and of no legal effect. The Termination therefore does not affect the protections and benefits previously conferred by the TPS designation, including work authorization and protection from detention and deportation, and the valid period of work authorization extends during the stay. *See* 8 U.S.C. § 1254a(a)(1)–(2), (d)(4). The Termination also has no effect on the eligibility for work authorization and protection from detention and deportation for individuals, if any, with pending applications. *See id.* § 1254a(a)(4)(B); 8 C.F.R. § 244.10(a), (e).

The Court further:

DENIES the Government's Motion to Dismiss, Dkt. 80, without prejudice. The Court's conclusion that it has jurisdiction to hear Plaintiffs' Motion applies equally to the Government's Motion. The Court's separate conclusion that Plaintiffs are likely to succeed on the merits of their claims necessarily entails its view that they plausibly stated their claims. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To the extent the Government believes that arguments for dismissal remain outstanding, it may refile a motion to dismiss limited to those issues.

The Government contends that Plaintiffs cannot bring an Administrative Procedure Act claim against the U.S. President. *See* Dkt. 80 at 36. The Court need not address this issue, as Plaintiffs have forfeited their APA claim against the President. *See* Dkt. 93 at 31 n.5. In any event, nothing in the Memorandum Opinion or this Order, which stays the Secretary's Termination, should be construed as an order constraining the President.

SO ORDERED.

Date: February 2, 2026



Ana C. Reyes

ANA C. REYES
United States District Judge



U.S. Citizenship and Immigration Services


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Temporary Protected Status Designated Country: Haiti

i ALERT: After reviewing country conditions and consulting with the appropriate U.S. government agencies, Secretary of Homeland Security Kristi Noem determined that Haiti no longer met the conditions for its designation for Temporary Protected Status (TPS). See *Termination of the Designation of Haiti for Temporary Protected Status*, 90 Fed. Reg 54733 (Nov. 28, 2025). Haiti’s TPS designation and related benefits were slated to terminate on February 3, 2026. However, on February 2, 2026, a single judge in the U.S. District Court for the District of Columbia issued an order staying the Secretary’s TPS termination decision. *Miot et al. v. Trump et al.*, No. 25-cv-02471-ACR (D.D.C.). The judge did so even though the Department of Homeland Security recently prevailed twice in the U.S. Supreme Court in a similar case. The Department of Homeland Security vehemently disagrees with this order and is working with Department of Justice to determine next steps.

<p>TPS Designated Through:</p>	<p>Feb. 3, 2026</p>
<p>Initial Registration Period for Individuals Who Do Not Currently Have TPS:</p>	<p>July 1, 2024, through Aug. 3, 2025</p>
<p>Employment Authorization Document (EAD) Auto-Extended Through:</p>	<p>The validity of Employment Authorization Documents (EADs) issued under the TPS designation of Haiti with an original expiration date of February 3, 2026, August 3, 2025, August 3, 2024, June 30, 2024, February 3, 2023, December 31, 2022, October 4, 2021, January 4, 2021, January 2, 2020, July 22, 2019, January 22, 2018, or July 22, 2017 is extended per court order. <i>Miot et al. v. Trump et al.</i>, No. 25-cv-02471-ACR (D.D.C.).</p>



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REAL ID Act – Title II

(viii) has approved deferred action status; or
 (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.

(i) **IN GENERAL**- If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) **EXPIRATION DATE**- A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States of, **if there is no definite end to the period of authorized stay, a period of one year.**

(iii) **DISPLAY OF EXPIRATION DATE**- A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary, and shall state the date on which it expires.

(iv) **RENEWAL**- A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS- To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.