



SCOTUS Stays Lower Court Ruling Blocking Revocation of TPS for Venezuelans

The U.S. Supreme Court has stayed a lower court order that blocked the Trump administration from removing Temporary Protected Status (TPS) for almost 350,000 Venezuelan illegal aliens.

The order blocks action by far-left U.S. District Court Judge Edward Chen, appointed by President Barack Hussein Obama. His ruling itself ignored black-letter federal law and a SCOTUS precedent from 2018.

For now, then, the Venezuelans no longer enjoy TPS, which means they are now unlawfully in the country. They might well be deported back home, where they belong.

The latest from SCOTUS follows its decision last week to block the administration from using the Alien Enemies Act to deport illegal-alien criminals. The deportees were not given enough time to challenge the deportations, the court ruled.



lucky-photographer/iStock/Getty Images Plus

Supreme Court allows Trump to strip protections from some Venezuelans; deportations could follow <https://t.co/de7hFRKb4s> pic.twitter.com/rRylmtLwpZ

— New York Post (@nypost) [May 19, 2025](#)

Noem's Order

In her order, Homeland Security Secretary Kristi Noem [ended TPS](#) for 348,202 of the 600,000 Venezuelans to whom her predecessor, [unindicted visa fraudster](#) Alejandro Mayorkas, [had granted it](#). Supposedly, it was “unsafe” for them to return home. That raised the obvious observations that the country was unsafe because of at least some of the Venezuelans who received TPS.

According to [the order](#):

After reviewing country conditions and considering whether permitting Venezuelan nationals covered by the 2023 designation is contrary to the national interest of the United States, in consultation with the appropriate U.S. Government agencies, the Secretary of Homeland Security has determined that Venezuela no longer continues to meet the conditions for the 2023 Designation.

In particular, the Secretary has determined it is contrary to the national interest to permit the covered Venezuelan nationals to remain temporarily in the United States.



Written by [R. Cort Kirkwood](#) on May 19, 2025

“Notable improvements in several areas such as the economy, public health, and crime ... allow for these nationals to be safely returned to their home country,” it continued.

The secretary has the authority to terminate TPS, the order said, because she determined that “it is contrary to the national interest to permit the Venezuelan nationals (or aliens having no nationality who last habitually resided in Venezuela) to remain temporarily in the United States.”

As well, Noem’s order explained:

Congress expressly prohibits the Secretary from designating a country for TPS or extending a TPS designation if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”

BREAKING: Federal judge Edward Chen in San Francisco has blocked the Trump administration from ending TPS (Temporary Protected Status) for 350,000 Venezuelans in the US, for now. Their work permits & protection from removal was set to be terminated next week.

Judge Chen writes:...

— Bill Melugin (@BillMelugin_) [March 31, 2025](#)

Chen’s Order

Thus “immigration activists” sued the administration, which led to [Chen’s order](#) in March. Chen agreed with plaintiffs that the order trespassed the Administrative Procedures Act. That act governs how federal agencies make rules and regulations.

At bottom, Chen wrote, “the government has failed to identify any real countervailing harm in continuing TPS for Venezuelan beneficiaries.” He also claimed, falsely, that Noem’s “rationale is entirely lacking in evidentiary support.”

That’s because “there is no evidence that Venezuelan TPS holders are members of the TdA gang, have connections to the gang, and/or commit crimes,” [the judge continued](#):

Venezuelan TPS holders have lower rates of criminality than the general population.

Generalization of criminality to the Venezuelan TPS population as a whole is baseless and smacks of racism predicated on generalized false stereotypes.

What [Laken Riley](#) and [Jocelyn Nungaray](#) might think about “generalized false stereotypes” we are not given to know. A Venezuelan goon murdered Riley, and two more face trial in the murder of Nungaray.

No Judicial Review

Chen ignored an important codicil of federal law in ruling against the administration. As Noem stated in her order, according to [8 U.S. Code 1254](#):

There is no judicial review of “any determination of the [Secretary] with respect to the designation, or termination or extension of a designation, of a foreign state” for TPS.



Written by [R. Cort Kirkwood](#) on May 19, 2025

That law is important to the contretemps over the Venezuelans. In the case of [Ramos v. Nielsen](#), the same district court ruled for plaintiffs who sued to stop the first Trump administration from ending TPS for other illegal aliens. A three-judge panel of the 9th U.S. Circuit Court of Appeals ruled for Trump.

But, Chen claimed in the order SCOTUS stayed today, the 9th Circuit's opinion was meaningless. Trump lost the 2020 election. [Chen wrote](#):

The panel decision was later vacated so that the matter could be reheard en banc.

Ultimately, the en banc hearing did not take place because the government, having transitioned to the Biden administration, made new decisions regarding the TPS designations and terminations at issue.

Because the *Ramos* panel decision was vacated and no en banc ruling was issued, this Court's decision in *Ramos* has not been overturned.

Today's Ruling, Related Case

All of which led to today's ruling.

[SCOTUS stayed](#) Chen's order pending a decision in the appeals court and "disposition of a petition for a [writ of certiorari](#)." The high court wrote:

[If the writ is] denied, the stay shall terminate automatically. [If the writ] is granted, the stay shall terminate upon the sending down of the judgment of this Court.

In a related immigration case, last week [SCOTUS ruled](#) 7-2 that the administration had not given Venezuelan illegals slated for deportation under the Alien Enemies Act (AEA) enough time to challenge their deportation. Associate Justices Samuel Alito and Clarence Thomas [dissented](#).

The [majority wrote](#) in their decision:

To be clear, we decide today only that the detainees are entitled to more notice than was given on April 18, and we grant temporary injunctive relief to preserve our jurisdiction while the question of what notice is due is adjudicated.

The court did not rule that using the AEA was unlawful. It sent the AEA case back to the 5th U.S. Circuit Court of Appeals.

It isn't clear who will be held responsible if one or more Venezuelan thugs murder one or more Americans because a court blocked their deportations.

Not a single government official was held responsible in the murders of Riley of Nungaray. The illegal Venezuelans in those cases [had been caught](#) and [released at](#) the border on the standing order of President Joe Biden.



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