

119TH CONGRESS
2D SESSION

H. R. 9944

To authorize judicial review of temporary protected status terminations, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2026

Ms. WASSERMAN SCHULTZ (for herself, Ms. CLARKE of New York, Mr. ESPAILLAT, Ms. MENG, Ms. NORTON, Ms. SIMON, Ms. WILSON of Florida, Mr. AMO, Mr. BEYER, Mr. CARSON, Ms. BROWN, Mr. BELL, Mr. CASTRO of Texas, Ms. CHU, Ms. CASTOR of Florida, Ms. CRAIG, Mr. DAVIS of Illinois, Ms. DEXTER, Ms. DELBENE, Mr. FROST, Ms. LOIS FRANKEL of Florida, Mr. GOMEZ, Mrs. GRIJALVA, Mr. GARCÍA of Illinois, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Ms. KAMLAGER-DOVE, Mr. HORSFORD, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATIMER, Mr. JOHNSON of Georgia, Ms. LOFGREN, Mr. MANNION, Ms. MCCLELLAN, Mr. MCGARVEY, Mr. LYNCH, Mr. MEEKS, Mr. MCGOVERN, Ms. MATSUI, Mr. MOULTON, Mr. MOSKOWITZ, Mr. PETERS, Ms. PLASKETT, Ms. PELOSI, Ms. PRESSLEY, Ms. PETTERSEN, Mr. POCAN, Mr. QUIGLEY, Ms. ROSS, Ms. SALINAS, Ms. STANSBURY, Mr. SMITH of Washington, Mr. SOTO, Ms. TLAIB, Mr. TONKO, Mr. VEASEY, Ms. VELÁZQUEZ, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize judicial review of temporary protected status
terminations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Temporary Protected
3 Status Review Act” or the “TPS Review Act”.

4 **SEC. 2. RESTORATION OF JUDICIAL REVIEW OF TEM-**
5 **PORARY PROTECTED STATUS DETERMINA-**
6 **TIONS.**

7 (a) **TERMINATION DETERMINATIONS.**—Section
8 244(b)(3)(B) of the Immigration and Nationality Act (8
9 U.S.C. 1254a(b)(3)(B)) is amended to read as follows:

10 “(B) **TERMINATION.**—

11 “(i) **IN GENERAL.**—If, after con-
12 ducting the review required under subpara-
13 graph (A), the Secretary determines that
14 the foreign state no longer continues to
15 meet the conditions for designation under
16 paragraph (1), the Secretary shall termi-
17 nate the designation in accordance with
18 this subparagraph.

19 “(ii) **DETERMINATION.**—A determina-
20 tion under clause (i) shall—

21 “(I) be based solely upon the ad-
22 ministrative record compiled and cer-
23 tified pursuant to paragraph (5)(D);

24 “(II) include written findings of
25 fact and conclusions of law identifying

1 the evidence supporting the deter-
2 mination;

3 “(III) address each statutory
4 basis for designation under paragraph
5 (1), including any basis upon which
6 the designation or any redesignation
7 was previously made;

8 “(IV) consider all relevant and
9 reasonably available information re-
10 garding current country conditions,
11 including information provided by the
12 Department of State, other appro-
13 priate Federal agencies, international
14 organizations, and credible nongovern-
15 mental organizations;

16 “(V) explain the Secretary’s eval-
17 uation of any material evidence that is
18 inconsistent with the determination;
19 and

20 “(VI) certify that the determina-
21 tion was made without regard to race,
22 religion, ethnicity, national origin, po-
23 litical viewpoint, or any other con-
24 stitutionally impermissible consider-
25 ation.

1 “(iii) FEDERAL REGISTER.—The writ-
 2 ten determination required under clause
 3 (ii) shall be published in the Federal Reg-
 4 ister concurrently with any notice of termi-
 5 nation of a designation under this sub-
 6 section.

7 “(iv) EFFECTIVE DATE.—A termi-
 8 nation under this subparagraph shall be ef-
 9 fective in accordance with subsection
 10 (d)(3), but shall not be effective earlier
 11 than 60 days after the date on which the
 12 notice required under clause (iii) is pub-
 13 lished in the Federal Register or, if later,
 14 the expiration of the most recent previous
 15 extension under subparagraph (C).”.

16 (b) JUDICIAL REVIEW.—Section 244(b)(5) of the Im-
 17 migration and Nationality Act (8 U.S.C. 1254a(b)(5)) is
 18 amended to read as follows:

19 “(5) JUDICIAL REVIEW.—

20 “(A) REVIEWABILITY.—Notwithstanding
 21 any other provision of this Act or any other
 22 provision of law, any termination under this
 23 subsection shall constitute a final agency action
 24 subject to judicial review under chapter 7 of
 25 title 5, United States Code.

1 “(B) PERSONS AUTHORIZED TO BRING AN
2 ACTION.—A civil action for judicial review may
3 be brought by—

4 “(i) any individual who is eligible for,
5 has applied for, or has been granted tem-
6 porary protected status under this section;

7 “(ii) any class of such individuals;

8 “(iii) any organization or consortium
9 of organizations representing or serving
10 beneficiaries or applicants for temporary
11 protected status; or

12 “(iv) any State or unit of local gov-
13 ernment alleging injury resulting from the
14 challenged termination.

15 “(C) VENUE.—An action under this para-
16 graph may be brought in the United States
17 District Court for the District of Columbia or
18 any appropriate district court.

19 “(D) ADMINISTRATIVE RECORD.—

20 “(i) PRESERVATION OF RECORDS.—
21 Prior to issuing any designation, redesignig-
22 nation, extension, or termination under
23 this subsection, the Secretary of Homeland
24 Security shall compile, certify, and pre-
25 serve an administrative record consisting

1 of all materials compiled, considered, relied
2 upon, generated, or before the Secretary of
3 Homeland Security, directly or indirectly,
4 in connection with the determination.

5 “(ii) DISSENTING ANALYSIS.—The ad-
6 ministrative record shall include any dis-
7 senting recommendation, contrary analysis,
8 or material evidence inconsistent with the
9 determination that was compiled, consid-
10 ered, relied upon, generated, or before the
11 decisionmaker.

12 “(iii) SCOPE OF REVIEW.—Judicial re-
13 view shall ordinarily be limited to the ad-
14 ministrative record, except that the review-
15 ing court may consider evidence outside
16 the record upon a showing of bad faith,
17 improper conduct, material omission, or
18 other extraordinary circumstances.

19 “(E) CONSIDERATIONS OF COURT.—In re-
20 viewing a final agency action, a court shall con-
21 sider whether the agency failed to adequately
22 consider relevant country conditions, including
23 armed conflict, environmental disaster, public
24 health emergencies, or other extraordinary and
25 temporary conditions, including information ob-

1 tained through consultation with the Depart-
2 ment of State or any other Federal agency.

3 “(F) BURDEN OF PROOF.—

4 “(i) CLEAR AND CONVINCING EVI-
5 DENCE.—In any action challenging a ter-
6 mination of a designation, the Secretary of
7 Homeland Security shall bear the burden
8 of establishing by clear and convincing evi-
9 dence, based on the administrative record,
10 except to the extent the court considers
11 evidence outside the record pursuant to
12 subparagraph (D)(iii), that—

13 “(I) the requirements of para-
14 graph (3)(B) have been satisfied and
15 the foreign state no longer continues
16 to meet the conditions for designation
17 under paragraph (1);

18 “(II) the termination is sup-
19 ported by substantial evidence con-
20 tained in the administrative record;

21 “(III) all relevant and reasonably
22 available evidence regarding current
23 country conditions was considered;

24 “(IV) the termination was not
25 arbitrary, capricious, contrary to law,

1 or motivated by unconstitutional or
2 otherwise unlawful considerations; and

3 “(V) all procedural requirements
4 of this section were satisfied.

5 “(ii) VACATE TERMINATION.—In the
6 case that the Secretary of Homeland Secu-
7 rity fails to satisfy the burden under this
8 subparagraph, the challenged termination
9 shall be vacated.

10 “(G) RELIEF AVAILABLE AND SCOPE OF
11 RELIEF.—

12 “(i) IN GENERAL.—With respect to a
13 challenged termination of a designation
14 under this section, a reviewing court
15 may—

16 “(I) declare unlawful and set
17 aside the challenged termination;

18 “(II) issue temporary, prelimi-
19 nary, or permanent injunctive relief;

20 “(III) postpone, suspend, or stay
21 implementation of the challenged ter-
22 mination;

23 “(IV) order reinstatement or con-
24 tinuation of a designation;

1 “(V) require the Secretary of
2 Homeland Security to reconsider the
3 termination consistent with the
4 court’s decision; and

5 “(VI) grant any other legal or
6 equitable relief the court determines
7 appropriate.

8 “(ii) APPLICATION OF RELIEF.—Re-
9 lief under this paragraph may extend be-
10 yond the named plaintiffs where necessary
11 to provide complete relief, prevent incon-
12 sistent administration of this section, or
13 ensure uniform application of this section.

14 “(iii) RULE OF CONSTRUCTION.—
15 Nothing in this paragraph shall be con-
16 strued to limit the authority of a court to
17 certify a class under the Federal Rules of
18 Civil Procedure or to issue declaratory or
19 injunctive relief applicable to all persons
20 affected by the challenged termination.

21 “(H) PRESERVATION OF STATUS PENDING
22 JUDICIAL REVIEW.—

23 “(i) STAY OF TERMINATION.—Upon
24 the filing of an action under this para-

graph, the challenged termination shall be stayed pending final judgment.

“(ii) PENDING REVIEW.—During the pendency of judicial review—

“(I) each grant of temporary protected status affected by the challenged termination shall remain in effect;

“(II) each affected beneficiary shall remain authorized to remain in the United States;

“(III) any employment authorization issued pursuant to this section shall remain valid and shall be automatically extended by the Secretary of Homeland Security as necessary; and

“(IV) no beneficiary shall be removed, detained solely because of the challenged termination, or denied an immigration benefit, license, or employment authorization solely because of the challenged termination.

“(I) APPLICATION TO INDIVIDUALS.—The Secretary of Homeland Security shall establish an administrative procedure for the review of

1 the denial of benefits to aliens under this sec-
2 tion. Such procedure shall not prevent an alien
3 from asserting protection under this section in
4 removal proceedings if the alien demonstrates
5 that the alien is a national of a foreign state
6 designated under paragraph (1).

7 “(J) RULE OF CONSTRUCTION.—Nothing
8 in this paragraph shall be construed—

9 “(i) to limit any constitutional cause
10 of action;

11 “(ii) to diminish any protection other-
12 wise afforded under this Act or any other
13 provision of Federal law; or

14 “(iii) to restrict the equitable author-
15 ity of a court of the United States.”.

16 (c) CONFORMING AMENDMENT RELATING TO JUDI-
17 CIAL REVIEW.—Section 242 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1252) is amended by adding at
19 the end the following:

20 “(h) TEMPORARY PROTECTED STATUS.—Notwith-
21 standing any other provision of this section an action au-
22 thorized under section 244(b)(5) may be brought and ad-
23 judicated in accordance with section 244(b)(5).”.

1 **SEC. 3. CONGRESSIONAL REVIEW OF TPS DETERMINA-**
2 **TIONS.**

3 (a) CRA.—Section 804 of title 5, United States
4 Code, is amended by adding at the end the following:

5 “(4) TEMPORARY PROTECTED STATUS.—

6 “(A) MAJOR RULE.—For purposes of this
7 chapter, any determination by the Secretary of
8 Homeland Security to terminate, partially ter-
9minate, or materially reduce a designation of
10 temporary protected status, or any action that
11 has the practical effect of terminating or mate-
12rially reducing such a designation under section
13 244(b) of the Immigration and Nationality Act,
14 shall constitute a major rule.

15 “(B) JUDICIAL REVIEW AVAILABLE.—Not-
16withstanding section 805, compliance with this
17 chapter with respect to a determination de-
18scribed in this paragraph, including compliance
19with section 801(a)(1)(A), shall be subject to
20judicial review under section 244(b)(5) of the
21 Immigration and Nationality Act.”.

22 (b) NO FORCE OR EFFECT.—Notwithstanding sec-
23 tion 801(c) of title 5, United States Code, no determina-
24 tion described in paragraph (4) of section 804 of title 5,
25 United States Code, shall have force or effect until—

1 (1) the submission requirements of section
2 801(a)(1)(A) of such title have been satisfied; and

3 (2) the latest date on which a major rule may
4 take effect under section 801(a)(3) of such title has
5 occurred, including any period of additional review
6 provided under section 801(d) of such title.

7 **SEC. 4. EFFECTIVE DATE.**

8 The amendments made by this Act shall apply to—

9 (1) any determination with respect to a des-
10 ignation, redesignation, extension, or termination
11 under section 244 of the Immigration and Nation-
12 ality Act made on or after the date of enactment;
13 and

14 (2) any civil action challenging such a deter-
15 mination that is pending on, or filed after, the date
16 of enactment.

17 **SEC. 5. SEVERABILITY.**

18 If any provision of this Act, an amendment made by
19 this Act, or the application of such provision or amend-
20 ment to any person or circumstance is held to be unconsti-
21 tutional or otherwise invalid, the remainder of this Act,
22 the amendments made by this Act, and the application of
23 such provisions and amendments to any other person or
24 circumstance shall not be affected thereby.

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