



Written by [R. Cort Kirkwood](#) on February 12, 2026

Immigrant Judge Blocks Ending TPS for Haitians; Might Be Overruled

A far-left immigrant judge has once again blocked President Donald Trump from ending Temporary Protected Status for “migrants” who entered the country long ago and haven’t left because the TPS was continued for years.

Last week, U.S. District Judge Ana Reyes of the U.S. Court of Appeals for the D.C. Circuit blocked the termination of TPS for hundreds of thousands of Haitians pursuant to U.S. Homeland Security Secretary Kristi Noem’s rescission last year. Today, the lesbian jurist upheld that order, injecting her own open-borders activism into the 83-page decision.

But Reyes might well be overturned, if a decision from the U.S. 9th Circuit Court of Appeals has any weight. On Monday, the court backed Noem’s removal of TPS for Nepalese, Honduran, and Nicaraguan invaders.



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JUST IN: Federal judge Ana Reyes who who was born in Uruguay and was appointed by Biden, just halted Trump's plan to end temporary protected status for 300,000 Haitians



9:07 PM · Feb 2, 2026



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Reyes' Ruling

A Uruguayan invader who landed on the court thanks to President Joe Biden, [Reyes blocked](#) Noem's order on February 2, the day TPS would have terminated. She sided with five Haitian invaders who claimed it violated the Administrative Procedures Act and their Fifth Amendment rights.



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The order reads more like an op-ed for *The Washington Post* than a serious legal ruling.

[It opens thusly:](#)

On December 2, 1783, then-Commander-in-Chief George Washington penned: “America is open to receive not only the Opulent & respected Stranger, but the oppressed & persecuted of all Nations & Religions.” More than two centuries later, Congress reaffirmed President Washington’s vision by establishing the Temporary Protected Status (TPS) program. ... It provides humanitarian relief to foreign nationals in the United States who come from disaster-stricken countries. It also brings in substantial revenue, with TPS holders generating \$5.2 billion in taxes annually.

Department of Homeland Security (DHS) Secretary Kristi Noem has a different take.

The plaintiffs claim that Noem is a racist who decided to end TPS for that reason. Reyes agreed, claiming “this seems substantially likely” because Noem “has terminated every TPS country designation to have reached her desk — twelve countries up, twelve countries down.”

Reyes also falsely claimed that Noem ordered an immediate rescission of TPS. In fact, [Noem ended TPS](#) last year, [with a date](#) for complete termination in September, which was then [extended to February 3](#), thanks to the usual [leftist lawfare](#).

“The Government does not cite any reason termination must occur post haste,” [Reyes wrote](#):

Secretary Noem complains of strains unlawful immigrants place on our immigration-enforcement system. Her answer? Turn 352,959 lawful immigrants into unlawful immigrants overnight. She complains of strains to our economy. Her answer? Turn employed lawful immigrants who contribute billions in taxes into the legally unemployable. She complains of strains to our healthcare system. Her answer? Turn the insured into the uninsured. This approach is many things — in the public interest is not one of them.

Reyes was also perturbed that Noem called some illegal aliens “killers, leeches, or entitlement junkies,” and cited the accomplishments of the plaintiffs.

The Real Motive?

As for her motive, Reyes let the *gato* out of the bag today in reaffirming her ruling, as [Fox News reported](#). “I am an immigrant,” she said. “I did not hide that from the president of the United States ... or from the U.S. Senate.” And, she said, some wonder “how someone like me, an immigrant and a lesbian, could get this job.”

Reyes also warned that death threats would not deter her from keeping the nation’s borders open to Third World criminals:

To those who would threaten judges ... we will act without fear or favor. ... We will continue to do our jobs. ... We will not be intimidated.

After Reyes ruled last week, DHS spokesman Tricia McLaughlin said the administration would appeal. “Supreme Court, here we come,” she wrote on X:



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This is lawless activism that we will be vindicated on.

Haiti's TPS was granted following an earthquake that took place over 15 years ago, it was never intended to be a de facto amnesty program, yet that's how previous administrations have used it for decades.

Temporary means temporary and the final word will not be from an activist judge legislating from the bench.



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Tricia McLaughlin
@TriciaOhio · [Follow](#)



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Camilo Montoya-Galvez @camiloreports

BREAKING: Federal judge Ana Reyes blocks the Trump administration from ending the Temporary Protected Status (TPS) of more than 350,000 Haitian immigrants.

In a scathing opinion, she says DHS Secretary Kristi Noem does not have the facts or law on her side. @CBSNews.

VII. CONCLUSION

There is an old adage among lawyers. If you have the facts on your side, pound the facts. If you have the law on your side, pound the law. If you have neither, pound the table. Secretary Noem, the record to-date shows, does not have the facts on her side—or at least has ignored them. Does not have the law on her side—or at least has ignored it. Having neither and bringing the adage into the 21st century, she pounds X (f/k/a Twitter).

Kristi Noem has a First Amendment right to call immigrants killers, leeches, entitlement junkies, and any other inapt name she wants. *Secretary* Noem, however, is constrained by both our Constitution and the APA to apply faithfully the facts to the law in implementing the TPS program. The record to-date shows she has yet to do that.

By accompanying Order, the Court **GRANTS** Plaintiffs' Renewed Motion for a Stay Under 5 U.S.C. § 705.

Date: February 2, 2026



Ana C. Reyes

ANA C. REYES
United States District Judge

6:52 PM · Feb 2, 2026



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For now, the administration has appealed to the U.S. Circuit Court of Appeals in Washington, D.C.

Turley's View

Today, legal commentator Jonathan Turley explained that the 9th Circuit had overturned a lower court ruling that blocked ending TPS for invaders from Nepal, Honduras, and Nicaragua.

"A panel composed of Circuit Judge Michael Hawkins (a Clinton appointee), Circuit Judge Consuelo Callahan (George W. Bush appointee), and Circuit Judge Eric Miller (Trump appointee) ruled that the district court erred in its injunction," Turley wrote:

The decision follows the Supreme Court's recent order to stay lower court orders blocking the termination of TPS for Venezuela.

Notably, the program was meant to be "temporary," but judges ... have treated it as effectively permanent with these injunctions. The TPS for Nicaragua was issued in 1999, over a quarter of a century ago.

The allegation of racial animus is hard to square with the overall effort of the Administration to not only end TPS programs but to carry out its promised mass deportation of those who came into the country illegally regardless of their country of origin.



Jonathan Turley ✓
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The **Ninth** Circuit decision reflects a pattern of reversals for these district court judges in seeking to block the Trump Administration's efforts to reverse the millions of individuals admitted to the country under the Biden and earlier administrations.



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Allegations of "racial animus" were also central to Reyes' decision, [Turley told](#) Fox talker Laura Ingraham.



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“Courts are not supposed to be exercising this type of micromanagement of these decisions,” Turley told Ingraham last week, noting that TPS means *temporary* protected status and that TPS for Haitians was issued more than a decade ago.

“This is a judge who fought for refugee rights before she became she a judge. But this is harmful to that cause, because what you’re telling presidents is that, once you let people in temporarily, you’re never going to get them out,” Turley said:

I mean this is 15 years later, and this judge is saying, “I don’t like how you came about this decision.” And by the way, when she says, “Look, I just think this is racial animus,” it ignores the context.

This is a president who ran on the pledge to remove many of these immigrants, particularly undocumented but also to end some of these special programs, and he’s doing it across-the-board. It’s not like he’s being selective. He is overwhelmingly moving against these programs to try to address the immigration problem. That’s what he was elected to do. That’s what he campaigned on. And so the question is: At what point are these district court judges going to accept that they are not the head of the executive branch?

Thus, considering the 9th Circuit’s and U.S. Supreme Court’s decisions, the lesbian leftist might well be overturned.



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