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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MARCH 24, 2025

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Headlines:

DHS To Terminate Parole Programs for Cubans, Haitians, Nicaraguans, Venezuelans – The Department of Homeland Security plans to terminate parole programs for an estimated 530,000 Cubans, Haitians, Nicaraguans, and Venezuelans in the United States and their immediate family members.

Lawsuit Challenges Trump Administration's Use of 1798 Law to Justify Deportations of Venezuelans Without Due Process – The American Civil Liberties Union (ACLU), Democracy Forward, and the ACLU of the District of Columbia sued the Trump administration over President Trump's "unlawful and unprecedented invocation" of the Alien Enemies Act of 1798, a wartime authority, to round up and deport Venezuelans from the United States without due process.

ICE Detains Tourists and U.S. Resident Foreign Nationals, Sparking Concern – U.S. Customs and Immigration Enforcement has stepped up detentions and deportations of foreign nationals entering the United States as tourists or permanent residents, leading to several countries issuing travel warnings.

Trump Administration Shuts Down Immigration Watchdog Offices – The Department of Homeland Security's Citizenship and Immigration Services Ombudsman's office has closed and its employees have been terminated, along with the offices of the Immigration Detention Ombudsman and Civil Rights and Civil Liberties.

Firm in the News

Details:

Back to Top

DHS To Terminate Parole Programs for Cubans, Haitians, Nicaraguans, Venezuelans

The Department of Homeland Security (DHS) plans to terminate parole programs for an estimated 530,000 Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) in the United States and their immediate family members that DHS announced in 2022 and 2023.

An advance copy of the notice sets the date of termination of the CHNV programs as of the date of publication in the Federal Register, scheduled for March 25, 2025, and the date of the temporary parole period for eligible individuals at 30 days after publication. "Parolees without a lawful basis to remain in the United States following this termination of the CHNV parole programs must depart the United States before their parole termination date," the notice states.

"Paroled aliens, including those paroled under the CHNV parole programs, may apply for any immigration benefit or status for which they may be eligible, including discretionary employment authorization under the employment eligibility category," the notice says, adding that "the Secretary retains discretion to continue to extend parole to any alien paroled under CHNV—temporarily under such conditions as she may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit."

Back to Top

Lawsuit Challenges Trump Administration's Use of 1798 Law to Justify Deportations of Venezuelans Without Due Process

The American Civil Liberties Union (ACLU), Democracy Forward, and the ACLU of the District of Columbia sued the Trump administration over President Trump's "unlawful and unprecedented invocation" of the Alien Enemies Act of 1798 (AEA), a wartime authority, to round up and deport Venezuelans from the United States without due process that it asserted were gang members. The complaint notes that:

he AEA has only ever been a power invoked in time of war, and plainly only applies to warlike actions: it cannot be used here against nationals of a country—Venezuela—with whom the United States is not at war, which is not invading the United States, and which has not launched a predatory incursion

into the United States. The government's Proclamation would allow agents to immediately put noncitizens on planes without any review of any aspect of the determination that they are Alien Enemies. Upon information and belief, the government has transferred Venezuelans who are in ongoing immigration proceedings in other states, bringing them to Texas to prepare to summarily remove them and to do so before any judicial review—including by . For that reason, Plaintiffs-Petitioners and the putative class that they represent seek this Court's intervention to temporarily restrain these summary removals, and to determine that this use of the AEA is unlawful and must be stopped.

The ACLU noted that on March 15, 2025, a federal judge "broadened the scope of a temporary restraining order (TRO) blocking the Trump administration from removing immigrants from the United States using the Alien Enemies Act. The ruling extended the order to everyone in danger of removal under the act and granted class certification." The March 15 decision said the President's "attempt to summarily remove Venezuelan noncitizens exceeds the wartime authority that Congress delegated in the AEA, violates the process and protections that Congress has prescribed elsewhere in the country's immigration laws for the removal of noncitizens, and violates due process."

On March 15, apparently while the judge was holding a hearing on the ACLU case, several planes took off with hundreds of Venezuelans to be detained in a maximum-security prison in El Salvador. Many details were unclear, but Reuters published a timeline. The names of the Venezuelans on board were not released by the U.S. government, but CBS News reported names it said were on an internal government list it obtained of 238 Venezuelans taken to El Salvador. After the hearing on March 15, the judge ordered that "any plane containing these folks—because it's going to take off or it's in the air—needs to be returned to the United States." Instead the planes landed in El Salvador and the Venezuelans were taken to prison.

Back to Top

ICE Detains Tourists and U.S. Resident Foreign Nationals, Sparking Concern

According to reports, U.S. Customs and Immigration Enforcement (ICE) has stepped up detentions and deportations of foreign nationals entering the United States as tourists or permanent residents, leading to several countries issuing travel warnings.

Recent developments include:

- Axios reported that French government officials said that a French researcher headed for a conference in Houston, Texas, was denied entry into the United States based on messages critical of the Trump administration's policies on academic research. Axios provided several other examples. Philippe Baptiste, France's minister of higher education and research, said he has requested an emergency meeting with other European ministers on academic freedom.
- Also, a federal judge has blocked the deportation of a Georgetown University researcher, Badar Khan Suri, "unless and until the Court issues a contrary order." Mr. Suri was accused of spreading Hamas propaganda. A lawsuit filed by Mr. Suri, who is a visiting scholar, said that the government's "plans to whisk him 1,600 miles away in the same manner as the government did in the case of Mr. Mahmoud Khalil, isolating him from his wife, children, community and legal team, are plainly intended as retaliation and punishment for Mr. Suri's protected speech." Mr. Suri's wife, a U.S. citizen, is a Palestinian who has reportedly criticized U.S. foreign policy toward Israel.

The detentions have aroused international concern. *Der Spiegel* reported that Germany has enhanced its advice to Germans traveling to the United States after several Germans were detained, warning of possible "arrest, deportation detention and deportation" in certain circumstances and noting that U.S. border officials have the authority to deny entry despite a visa or Electronic System for Travel Authorization clearance. Canada, Denmark, and Finland have also issued travel advisories for their citizens, and the United Kingdom has revised its advice. Some of the warnings note that the Department of State has eliminated the "X" marker on passports for those not identifying as male or female.

Back to Top

Trump Administration Shuts Down Immigration Watchdog Offices

According to reports, the Department of Homeland Security's (DHS) Citizenship and Immigration Services Ombudsman's office has closed and its employees have been terminated, along with the offices of the Immigration Detention Ombudsman and Civil Rights and Civil Liberties.

Tricia McLaughlin, a DHS spokesperson, said that the offices "have obstructed immigration enforcement by adding bureaucratic hurdles and undermining DHS's mission. Rather than supporting law enforcement efforts, they often function as internal adversaries that slow down operations." But Rep. Bennie Thompson (D-MS), the top Democrat on the Homeland Security Committee, said the mass firings were an attempt to ensure "that there will be no transparency or oversight of extreme agenda."

Back to Top

Firm in the News

Cyrus Mehta was quoted by Law360 in Columbia Activist Has Steep Legal Climb To Fight Removal. Commenting on a Board of Immigration Appeals decision from 1999 that affirmed the Secretary of State's authority to remove anyone whose continued presence or activities in the United States are deemed seriously adverse to U.S. foreign policy interests, and Secretary of State Marco Rubio's claim that green card holder Mahmoud Khalil, a pro-Palestinian activist, should be deported, Mr. Mehta said that the lower evidentiary standard established in that case, *In re Mario Salvador Ruiz Massieu*, "is the problem. It creates an uphill climb, but it's not like all hope has been lost—one can distinguish Ruiz Massieu from Khalil's case." For example, among other things, Mr. Mehta noted that Mr. Khalil is a permanent resident, which should give him more due process rights. Another aspect to consider would be the timing of Mr. Rubio's letter outlining his reasons for removal and the Notice to Appear (NTA) issued by the Department of Homeland Security to start Mr. Khalil's removal proceedings, Mr. Mehta said: "If the whole NTA is based on this determination from the secretary of state, and if there was no proper determination articulated at the time the NTA was served, then there's a defect."

Back to Top