CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - APRIL 21, 2025

Posted on April 21, 2025 by Cyrus Mehta

Headlines:

CHNV Litigation Update: USCIS Parole Terminations Stayed – Pursuant to a court order, parole termination notices sent to people in the United States from Cuba, Haiti, Nicaragua, and Venezuela "are stayed and therefore not currently in effect. No new requests for CHNV parole will be processed."

Temporary Restraining Order Granted in Case Challenging Terminations of F-1 Students' SEVIS Records – In a case challenging terminations of a group of more than 130 F-1 students' Student and Exchange Visitor Information System (SEVIS) records, a federal judge in Georgia granted a temporary restraining order on April 18, 2025. The order, effective immediately, directs the government to "reinstate Plaintiffs' student status and SEVIS authorization, retroactive to March 31, 2025."

DOL Requests Comments on New Attestation Form for Employers Seeking to Employ H-2B Nonimmigrant Workers – The Department of Labor is inviting comments on a new attestation form for employers seeking to employ H-2B nonimmigrant workers.

May Visa Bulletin Notes Retrogression of Final Action Date for India EB-5 Unreserved Visa Categories – High demand and number use by India in the EB-5 unreserved visa categories, combined with increased Rest of World demand and number use, has made it necessary to further retrogress the India final action date to May 1, 2019, the Department of State said.

REAL ID Deadline Approaches for U.S. Travelers' Documentation – By May 7, 2025, U.S. travelers' documents must be REAL ID-compliant to board domestic flights and access certain federal facilities.

Firm in the News

Details:

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CHNV Litigation Update: USCIS Parole Terminations Stayed

On April 14, 2025, a U.S. District Court in Massachusetts issued a preliminary injunction order staying parts of the March 25, 2025, Federal Register notice, "Termination of Parole Process for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV)." On April 17, 2025, U.S. Citizenship and Immigration Services announced that pursuant to the order, parole termination notices that were sent to people in the United States from Cuba, Haiti, Nicaragua, and Venezuela "are stayed and therefore not currently in effect. No new requests for CHNV parole will be processed."

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Temporary Restraining Order Granted in Case Challenging Terminations of F-1 Students' SEVIS Records

In a case challenging terminations of a group of more than 130 F-1 students' Student and Exchange Visitor Information System (SEVIS) records, a federal judge in Georgia granted a temporary restraining order on April 18, 2025. The order, effective immediately, directs the government to "reinstate Plaintiffs' student status and SEVIS authorization, retroactive to March 31, 2025."

Charles Kuck, attorney for the plaintiffs, said, "Never before has an action like this taken place, ever, and what we see as a result is the terror in these students. This is designed to scare people into leaving, and kudos and bravo to these students for standing up for what their parents sent them here to do, which is to gain a good education."

A hearing for a preliminary injunction is scheduled for April 24, 2025. The case is similar to other suits filed in California, Pennsylvania, Michigan, Washington, and Texas.

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DOL Requests Comments on New Attestation Form for Employers Seeking to Employ H-2B Nonimmigrant Workers

The Department of Labor (DOL) is inviting comments on a new attestation form

for employers seeking to employ H-2B nonimmigrant workers.

Comments are invited on: (1) whether the information collection is necessary for the proper performance of DOL's functions, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the collection's burden and cost, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the collection; and (4) ways to minimize the burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments are due by May 19, 2025.

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May Visa Bulletin Notes Retrogression of Final Action Date for India EB-5 Unreserved Visa Categories

The Department of State's Visa Bulletin for May says that high demand and number use by India in the EB-5 unreserved visa categories, combined with increased demand in the rest of the world, has made it necessary to further retrogress the India final action date to May 1, 2019, to hold number use within the maximum allowed under the FY 2025 annual limits.

The Visa Bulletin notes that it may also become necessary to establish a final action date for Rest of World countries if demand and number use continues to increase.

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REAL ID Deadline Approaches for U.S. Travelers' Documentation

The Department of State reminded U.S. travelers that by May 7, 2025, their documents must be
REAL ID-compliant to board domestic flights and access certain federal facilities. The passport book and passport card are both acceptable for REAL ID purposes.

The Department of Homeland Security (DHS) explained that federal agencies, including DHS and the Transportation Security Administration (TSA), may only accept state-issued driver's licenses and identification cards as identification for purposes of accessing federal facilities—including TSA airport security checkpoints—if the license or card was issued by a REAL ID-compliant state in

accordance with REAL ID security standards (meaning the license or card must include the REAL ID-compliant star marking). Enhanced Driver's Licenses (EDL) issued by Washington, Michigan, Minnesota, New York, and Vermont are considered acceptable alternatives to REAL ID-compliant cards and will also be accepted for official REAL ID purposes, DHS said. (Most EDLs do not contain the star marking and this is acceptable.)

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Firm in the News

Kaitlyn Box, of **Cyrus D. Mehta & Partners PLLC,** was quoted by *Inside Higher Education* in Trump Admin Downplays Impact of Terminating International Students From Key Database. "It's intended to be a nightmare. It is deeply unfair—right at the end of the semester. I have several clients that are defending their theses this week." Ms. Box said, "Technically it is true, yes, that SEVIS status is not dispositive of a student's true legal status, but there is a significant impact in terminating a student's SEVIS record."

Cyrus Mehta was quoted by *Bloomberg Law* in Lawsuits Over Foreign Students' Status Find Solid Legal Footing.. Mr. Mehta noted, "The fact that DHS has gone in and terminated the records without any notice was completely in violation of all norms and due process." The article notes that "in the past, records in the ICE database have only been altered after a visa holder is placed in removal proceedings." Mr. Mehta said "hat's when the student can get judicial review. If it was done on some flimsy grounds like a traffic violation or misdemeanor charge, you could potentially win in immigration court."

Mr. Mehta was quoted by NOTUS in What Harvard's Standoff With DHS Could Mean for International Students. He said that the Department of Homeland Security's (DHS) demand for student visa holders' disciplinary records at Harvard University represents "a very dangerous trend" in the Trump administration's war with educational institutions: "Harvard should just challenge the request to give the student records and get it to federal court." He added that international students should follow guidance from the university in the meantime. "There is no doubt there's antisemitism, but the way it's being deployed by this administration as a way to expand their powers is very, very disturbing, because there's no way to define the parameters of

what they may think is antisemitism."

Mr. Mehta was quoted by Bloomberg Law's *Daily Labor Report* in Lawsuits Over Foreign Students' Status Find Solid Legal Footing. He said, "The fact that DHS has gone in and terminated the records without any notice was completely in violation of all norms and due process."

Mr. Mehta was quoted by *VTDigger* in Vermont Conversation: Trump's Immigration Crackdown Comes to Vermont. He said, "The larger concern here is one's right to free speech. The Supreme Court has long held ... that everyone in the United States, whether they're citizens or noncitizens, including green card holders, have a First Amendment right to free speech. The free speech might not be to your liking. You may not agree with it. But as long as it's lawful, as long as you're not engaging in criminal conduct, that speech should be protected under our First Amendment."

Mr. Mehta was quoted by several news outlets on his representation of Mohsen Mahdawi, a Palestinian Columbia University student who was a green card holder and was detained by U.S. Immigration and Customs Enforcement (ICE) when he went for his U.S. citizenship interview:

- *Washington Post*, Palestinian Columbia Student Detained by ICE at Citizenship Interview. He said that Mr. Mahdawi was clearly eligible for naturalization: "He met all the requirements for citizenship, and he had applied for it last year, and he was scheduled for an interview, and he should have been naturalized. There's no need to detain a lawful permanent resident incommunicado."
- *1010 Wins*, Columbia Student Arrested, Detained by ICE Agents at Naturalization Interview. "This was a ruse. It was actually a trap. He was scheduled for a naturalization interview. The interview had concluded and at the end of the interview, ICE was there waiting for him to detain Back to Top