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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - APRIL 28, 2025

Posted on April 28, 2025 by Cyrus Mehta

Headlines:

DHS Reverses Course, Restores Student SEVIS Records—But Future Remains Uncertain – Following numerous lawsuits and court orders, DHS suddenly restored many foreign students' SEVIS records that it had abruptly deleted, but uncertainty remained.

Cap Reached for Additional H-2B Returning Workers for Early Second Half of FY 2025 – U.S. Citizenship and Immigration Services has received enough petitions to reach the cap for the additional 19,000 H-2B visas made available for returning workers for the early second half of fiscal year 2025 with start dates from April 1 to May 14, 2025.

H-1B Workers, Others Receiving Requests for Evidence Asking for Home Addresses for Biometric Data Collection – U.S. Citizenship and Immigration Services has begun issuing Requests for Evidence seeking home addresses for the purpose of collecting biometric data in H-1B and I-140 employment-based petitions, raising concerns.

DHS Says SAVE Database Is Being Overhauled – The Systematic Alien Verification for Entitlements database is being overhauled by the Department of Homeland Security, U.S. Citizenship and Immigration Services, and the Department of Government Efficiency.

Mexican National Sentenced for Smuggling and Labor Trafficking Scheme – U.S. Citizenship and Immigration Services assisted in an investigation leading to the sentencing of a Mexican national to 51 months' imprisonment for her involvement in a smuggling and labor trafficking scheme.

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DHS Reverses Course, Restores Student SEVIS Records—But Future Remains Uncertain

In the wake of a wave of dozens of lawsuits and emergency court orders following sudden revocations of the visas of foreign students and scholars and deletion of thousands of Student and Exchange Visitor Information System (SEVIS) records by the Department of Homeland Security (DHS) without notice or explanation, which have thrown foreign students' lives into chaos, the agency suddenly reversed course on April 25, 2025, and restored many foreign students' SEVIS records, along with their legal status.

The administration sent out mixed signals, however, as DHS officials were quoted as saying that this action was temporary while the agency worked on a new, unspecified policy. Tricia McLaughlin, a DHS spokesperson, said, "We have not reversed course on a single visa revocation. What we did is restore SEVIS access for people who had not had their visa revoked." A statement from a government attorney in one of the lawsuits said, "ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for plaintiff(s) in this case (and other similarly situated plaintiffs) will remain Active or shall be re-activated if not currently active and will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination."

"It is good to see ICE recognize the illegality of its actions canceling SEVIS registrations for these students. Sad that it took losing 50 times. What we don't yet know is what ICE will do to repair the damage it has done, especially for those students who lost jobs and offers and had visas revoked," said Charles Kuck, an attorney for some of the foreign student plaintiffs. Some affected students have already left the United States, while others are in hiding or not attending class, according to reports.

Colleges and universities have had to deal with the uncertainty and other effects of these actions on their students, scholars, and programs; their ability to conduct research; and concerns about whether U.S. universities will be able to attract top talent in the future.

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Cap Reached for Additional H-2B Returning Workers for Early Second Half

of FY 2025

U.S. Citizenship and Immigration Services (USCIS) announced on April 23, 2025, that it has received enough petitions to reach the cap for the additional 19,000 H-2B visas made available under a temporary final rule for returning workers for the early second half of fiscal year (FY) 2025 with start dates from April 1 to May 14, 2025.

April 18, 2025, was the final receipt date for petitions requesting supplemental H-2B visas under the FY 2025 early second half returning worker allocation, USCIS said.

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H-1B Workers, Others Receiving Requests for Evidence Asking for Home Addresses for Biometric Data Collection

According to reports, U.S. Citizenship and Immigration Services (USCIS) has begun issuing Requests for Evidence (RFEs) seeking home addresses for the purpose of collecting biometric data in H-1B and I-140 employment-based petitions, raising concerns. The RFEs refer to "potentially adverse information."

"This is highly unusual because biometrics are not typically required for these case types. The RFEs also fail to explain the nature of the adverse information, leaving employers and attorneys in the dark," said Vic Goel, of Goel & Anderson. Mr. Goel advises "not responding directly to the RFE by providing the beneficiary's address or scheduling biometrics." Instead, he said, "the attorney or petitioner should respond by citing 8 CFR 103.2(b)(16)(i), which requires USCIS to disclose any derogatory information being used as a basis for an adverse decision."

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DHS Says SAVE Database Is Being Overhauled

The Systematic Alien Verification for Entitlements (SAVE) database is being overhauled by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, and the Department of Government Efficiency, DHS Secretary Kristi Noem announced on April 22, 2025.

Secretary Noem said the overhaul "eliminates fees for database searches, breaks down silos for accurate results, streamlines mass status checks, and integrates criminal records, immigration timelines, and addresses. Automatic

status updates and a user-friendly interface will empower federal, state, local, territorial, and tribal agencies to prevent non-citizens from exploiting taxpayer benefits or voting illegally."

DHS said it "will provide ongoing updates to stakeholders as the SAVE Optimization Plan progresses."

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Mexican National Sentenced for Smuggling and Labor Trafficking Scheme

U.S. Citizenship and Immigration Services (USCIS) announced on April 24, 2025, that it assisted in an investigation leading to the sentencing of Maria Del Carmen Sanchez Potrero, a/k/a Maria Carmela Sanchez, to 51 months' imprisonment for her involvement in a smuggling and labor trafficking scheme. Among other things, USCIS said that victims paid Ms. Sanchez fees of $15,000 to $20,000 to be smuggled across the border into the United States and transported to the Hartford, Connecticut, area, where they were told they'd have to pay approximately $30,000 in addition.

Ms. Sanchez and her co-conspirators created false documents, including green cards, for the 19 victims, many of whom were minors, and helped them find employment in the Hartford area. In addition to their own jobs, some victims were required to perform housework and yardwork without compensation and without having their debt reduced, USCIS said.

The investigation was conducted by the Federal Bureau of Investigation, Hartford Police Department, U.S. Department of Labor's Office of Inspector General, U.S. Customs and Border Protection, USCIS, and U.S. Immigration and Customs Enforcement.

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Firm in the News

Cyrus Mehta was interviewed on "The Lead With Jake Tapper" (transcript) (video) about the Mohsen Madawi case. Mr. Mehta is representing Mr. Madawi. He said his client "has been arrested and detained solely for his speech, which is protected under the First Amendment. The government has provided no other evidence to support his detention right now." Mr. Mehta noted that his client "was in this final stage. Citizenship is the last stage in your journey to become a citizen. He had been scheduled for an interview. He was eligible for

citizenship. When he went for his interview, he was actually interviewed for his citizenship. And at the conclusion of the interview, when he left the office, agents of the arrested him. They came in several cars and whisked him away."

Mr. Mehta was also quoted by various media outlets on the Mohsen Mahdawi case:

- Judge Extends Order to Keep Mohsen Mahdawi, GS '25, in Vermont, Schedules Hearing for Next Week, Columbia Spectator
- Mohsen Madawi, Detained Vermonter and Palestinian Activist, Appears in Federal Court, VT Digger
- Judge Says Trump Administration Can't Move Detained Palestinian Student Out of Vermont, NBC News
- Mohsen Madawi Will Stay in Vermont as Judge Considers Case, Vermont Public
- Judge Orders Feds to Keep Detained Student in Vermont, WCAX3
- Palestinian Activist Appears in Court, to Remain in Custody, Seven Days

Mr. Mehta was quoted by *Law360* in Student Visa Crackdown Sparks Fears of Talent Shortage. He said, "If students are now going to be constrained because they write an op-ed or post a tweet, ICE is going to swoop down on them whisk them to prison in Louisiana, nobody will want to come here. No parent in their sane mind will want to send their child to the U.S. to study here if that's going to be the consequence."

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