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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MAY 05, 2025

Posted on May 5, 2025 by Cyrus Mehta

Headlines:

SEVIS Record Reactivations Not Retroactive; Uncertainty Remains – U.S. Immigration and Customs Enforcement reinstated many Student and Exchange Visitor Information System records as of April 24, 2025—not retroactively to the date of termination of the records, thus leaving a gap that could be construed as rendering the students out of status during that time, which could have severe consequences.

USCIS Posts Warning Notice re Social Media Vetting of Applicants – Raising free speech concerns after the Trump administration's targeting of international students for participating in protests, U.S. Citizenship and Immigration Services posted a warning stating that "EVERYONE should be on notice."

Trump Administration Asks Supreme Court to Allow Ending of TPS for Venezuelans – The Trump administration has filed an emergency application to the Supreme Court to ask it to allow the ending of Temporary Protected Status for Venezuelans following a lower court's order stopping those plans to allow a legal challenge to proceed.

Gold Card Faces Snags Despite Trump Administration's Claims – President Trump's proposed "Gold Card" is facing opposition in Congress despite the Trump administration's claims that they've already made billions from the card.

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SEVIS Record Reactivations Not Retroactive; Uncertainty Remains

After the Department of Homeland Security suddenly reversed course under pressure on April 25, 2025, and restored many foreign students' Student and Exchange Visitor Information System (SEVIS) records along with their legal status, the administration sent out mixed signals, saying the action was temporary while the agency worked out an unspecified policy. According to reports, U.S. Immigration and Customs Enforcement (ICE) reinstated many SEVIS records as of April 24, 2025—not retroactively to the date of termination of the records, thus leaving a gap that could be construed as rendering the students out of status during that time, which could have severe consequences.

A new ICE memorandum provides guidance to Student and Exchange Visitor Program managers on terminating SEVIS records on various grounds and notes that a terminated SEVIS record "could indicate that the nonimmigrant no longer maintains F or M status."

The memo also states that "DOS may at any time, in its discretion, revoke an alien's visa. can consider derogatory information provided by ICE and other U.S. law enforcement agencies in its assessment of whether visa revocation is appropriate for an alien. When DOS revokes an alien's visa with immediate effect, ICE should take steps to initiate removal proceedings."

Litigation is expected to clarify whether students whose SEVIS records were terminated and restored remain at risk and whether the period during which their records were terminated constitutes unlawful presence.

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USCIS Posts Warning Notice re Social Media Vetting of Applicants

Raising free-speech concerns after the Trump administration's targeting of international students for participating in protests, U.S. Citizenship and Immigration Services (USCIS) posted a warning on X (formerly Twitter) stating that "EVERYONE should be on notice. If you're a guest in our country—act like it. Our robust social media vetting program to identify national security & public safety risks never stops. USCIS is on watch to find anything online that poses a threat to our nation & our way of life."

USCIS also recently announced that it would require visa and permanent residence applicants to disclose social media handles for "identity verification,

vetting and national security screening." USCIS said it plans to include in certain application forms new sections requiring information about an applicant's online social media presence for five years preceding the filing of the application. The revised applications and petitions include Forms I-751 (Petition to Remove Conditions on Residence), I-485 (Application to Register Permanent Residence or Adjust Status), N-400 (Application for Naturalization), I-589 (Application for Asylum and for Withholding of Removal), I-192 (Application for Advance Permission to Enter as a Nonimmigrant), I-829 (Petition by Investor to Remove Conditions on Permanent Resident Status), I-730 (Refugee/Asylee Relative Petition), I-590 (Registration for Classification as a Refugee), and I-131 (Application for Travel Document). These sections ask for the names of the "Provider/Platform" and "Social Media Identifier" used by the applicant, USCIS said.

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Trump Administration Asks Supreme Court to Allow Ending of TPS for Venezuelans

The Trump administration has filed an emergency application to the Supreme Court to ask it to allow the ending of Temporary Protected Status (TPS) for Venezuelans following a lower court's order stopping those plans to allow a legal challenge to proceed.

Justice Elena Kagan ordered the plaintiffs (National TPS Alliance, et al.) to respond in writing by May 8, 2025.

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Gold Card Faces Snags Despite Trump Administration's Claims

According to reports, President Trump's proposed "Gold Card" is facing opposition in Congress despite the Trump administration's claims that they've already made billions from the card, which would cost $5 million for U.S. citizenship.

Secretary of Commerce Howard Lutnick claimed, "Yesterday I sold a thousand," and that the administration had already made $5 billion from sales of the card. However, the program does not yet appear to exist. Rep. Darrell Issa attempted to codify the Gold Card visa program during budget negotiations in the Judiciary Committee, but conservatives who do not want to expand visa

programs rejected the idea.

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Firm in the News

Cyrus Mehta was quoted extensively by the *Boston Globe* in Mohsen Mahdawi Walked Out of Vermont Courthouse After Judge Orders His Release From ICE Custody. Mr. Mehta, who represented Mr. Mahdawi, said Mr. Mahdawi was "elated" and is determined to continue to advocate for peace in the Middle East. "His advocacy on behalf of Palestinian rights is lawful speech protected under the First Amendment. My client's detention was in retaliation for that and that's not what we do in America," he said. Mr. Mehta noted that earlier allegations were baseless statements "from people who may have been biased or prejudiced against him."

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