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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MAY 12, 2025

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Headlines:

First 100 Days: USCIS Touts Its Record on 'Making America Safe Again' – U.S. Citizenship and Immigration Services touted the agency's record on "aggressively working to ensure America's national security by addressing vulnerabilities in immigration policies, reducing exploitation of humanitarian parole programs, and assisting enforcement agencies in identifying and removing illegal aliens."

DHS Extends TPS for South Sudan for Six Months – The Department of Homeland Security has extended Temporary Protected Status (TPS) for South Sudan through November 3, 2025. The extension also automatically extends the validity of work permits previously issued under the TPS designation of South Sudan for six months.

DHS Rescinds Romania's VWP Designation – Effective May 2, 2025, the Department of Homeland Security, in consultation with the Department of State, has rescinded Romania's Visa Waiver Program designation.

TSA Begins Full REAL ID Enforcement – On May 7, 2025, the Department of Homeland Security (DHS) announced full implementation of REAL ID enforcement measures at Transportation Security Administration checkpoints nationwide. DHS said that 81% of travelers are already REAL ID compliant.

Trump Administration Prioritizes Refugee Admissions for Afrikaners – The Trump administration is preparing to bring 54 Afrikaners (descendants of mostly Dutch settlers in South Africa; many are farmers) into the United States as refugees, despite blocking refugee admissions otherwise.

Press Obtains DOS Cable on Visa Adjudications Related to Sex at Birth and 'Keeping Men Out of Women's Sports' – The cable, which has wider

implications beyond women's sports, discusses visa adjudication procedures related to sex assigned at birth and "alking points for use with affected applicants."

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First 100 Days: USCIS Touts Its Record on 'Making America Safe Again'

On April 29, 2025, U.S. Citizenship and Immigration Services (USCIS) released a statement, First 100 Days: Delivering on Making America Safe Again. The statement touted the agency's record on "aggressively working to ensure America's national security by addressing vulnerabilities in immigration policies, reducing exploitation of humanitarian parole programs, and assisting enforcement agencies in identifying and removing illegal aliens." The statement warns "liens, immigration attorneys and non-government organizations" to "take note: the days of exploiting our immigration system are over. Aliens who want to live and work in America need to do it legally or get out."

Among other things, the achievements USCIS praised include implementing alien registration and tracking; deploying "volunteers" to support U.S. Immigration and Customs Enforcement's (ICE) enforcement and removal operations (USCIS has about "450 volunteers detailed to ICE supporting 85 facilities across the country"); making various arrests and detentions; anti-fraud efforts; ending the Cuban, Haitian, Nicaraguan, and Venezuelan parole program; rescinding the extensions of Temporary Protected Status for Haitians and Venezuelans; adopting social media vetting for "anti-Americanism"; recognizing only two sexes; eliminating a COVID-19 vaccine requirement for green card applicants; and ending coordination on naturalization ceremonies with "sanctuary" cities.

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DHS Extends TPS for South Sudan for Six Months

The Department of Homeland Security (DHS) has extended Temporary Protected Status (TPS) for South Sudan for six months, from May 4, 2025, through November 3, 2025. The extension also automatically extends the

validity of Employment Authorization Documents (EADs) previously issued under the TPS designation of South Sudan for six months.

DHS said that existing TPS beneficiaries who wish to apply for an EAD for the first time, or who already have an EAD and would like to obtain an updated EAD with an expiration date on the face of the card of November 3, 2025, may submit Form I-765, Application for Employment Authorization, and the appropriate fee. TPS remains available to otherwise qualified nationals of South Sudan (or those with no nationality who last habitually resided in South Sudan) who have been continuously residing in the United States since September 4, 2023.

DHS explained that "nder the TPS statute, if the Secretary does not determine whether a foreign state continues to meet the conditions for designation for TPS at least 60 days before the current expiration of the country's TPS designation, the period of designation is automatically extended for six months. The Secretary was unable to make an informed determination on South Sudan's designation by the March 4, 2025 statutory deadline due to the lack of an updated analysis of current country conditions in South Sudan."

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DHS Rescinds Romania's VWP Designation

Effective May 2, 2025, the Department of Homeland Security (DHS), in consultation with the Department of State, rescinded Romania's Visa Waiver Program (VWP) designation.

DHS explained that it decided that Romania's VWP designation should be rescinded "to protect the integrity of the VWP and to ensure border and immigration security. Romania may be reconsidered for VWP designation in the future should they meet the statutory eligibility criteria."

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TSA Begins Full REAL ID Enforcement

On May 7, 2025, the Department of Homeland Security (DHS) announced full implementation of REAL ID enforcement measures at Transportation Security Administration (TSA) checkpoints nationwide. DHS said that 81% of travelers are already REAL ID compliant. According to DHS, all states, the District of

Columbia, and the five U.S. territories are REAL ID compliant and issuing REAL ID compliant driver's licenses and identification documents.

"Passengers who present a state-issued identification that is not REAL ID compliant at TSA checkpoints and who do not have another acceptable alternative form of ID will be notified of their non-compliance and may be directed to a separate area to receive additional screening," DHS said. The agency noted that REAL ID-compliant cards have a star marking on the upper top portion of the card. Examples:

If the card does not have a star marking, it is not REAL ID-compliant and will not be accepted as proof of identity to board commercial aircraft, DHS said.

Enhanced Driver's Licenses and Enhanced Identification cards (EDL/EID) are also acceptable forms of identification and can be used to board commercial aircraft. EDLs/EIDs can be identified by an image of the U.S. flag and the word Enhanced at the top of the card.

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Trump Administration Prioritizes Refugee Admissions for Afrikaners

According to reports, the Trump administration is preparing to bring 54 Afrikaners (descendants of mostly Dutch settlers in South Africa; many are farmers) as refugees into the United States, despite blocking refugee admissions otherwise. A press conference is expected when the group arrives. States agreeing to take them in include Alabama, California, Idaho, Michigan, Minnesota, Montana, New York, Nevada, North Carolina, and Iowa.

President Trump said in February that the minority white Afrikaners were "victims of unjust racial discrimination," a point also made by Trump adviser Elon Musk, who was born in South Africa. South Africa's foreign ministry said, "It is most regrettable that it appears that the resettlement of South Africans to the United States under the guise of being 'refugees' is entirely politically motivated and designed to question South Africa's constitutional democracy."

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Press Obtains DOS Cable on Visa Adjudications Related to Sex at Birth and 'Keeping Men Out of Women's Sports'

Various media outlets obtained a cable from Secretary of State Marco Rubio to

the field on President Trump's Executive Order 14201, "Keeping Men Out of Women's Sports." The cable discusses visa adjudication procedures related to sex assigned at birth and "alking points for use with affected applicants."

Although the cable focuses on sports, commenters have noted that it is worded more broadly. Transgender attorney Alejandra Caraballo said, "This document does not set a limitation on the implementation of finding material fraud in asserting a gender marker different than the one assigned at birth. Consular officers could implement this on any and all visitor, immigrant, and nonimmigrant visa applications."

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Firm in the News

Cyrus Mehta was quoted by *Forbes* in Rubio Makes Immigration Threat to Revoke Student, H-1B and Other Visas. He said, "Those who are impacted by Rubio's catch and revoke policy should not hesitate to challenge the actions in court. If the revocation of the underlying visa results in detention and removal proceedings, they should challenge the detention as unconstitutional through a habeas petition in federal district court and also separately contest the deportation grounds in immigration court." He noted that "he only way to get the government to back down and prevent it from creating a climate of fear among nonimmigrants in the United States is through concerted legal action that challenges detention and deportation at the same time."

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