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

IMMIGRANT UPDATE - JUNE 02, 2025

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Headlines:

Trump v. Foreign Students, Continued: DOS Suspends All Student/Exchange Visitor Visa Applications While Considering Expansion of Social Media Vetting, Will 'Aggressively' Revoke Visas of Certain Chinese Students – In the most recent of a continuing series of actions taken against international students seeking to pursue an education in the United States, the Trump administration ordered U.S. embassies and consulates to pause new interviews for all international student and exchange visitor visa applicants while it considers significantly expanding social media vetting of the students. The administration also plans to "aggressively" revoke the visas of certain Chinese students and enhance future scrutiny, with a focus on those studying in "critical fields" or with ties to the Chinese Communist Party. The news was met with widespread dismay among international students and in the higher education community.

Supreme Court Says Trump Administration Can Terminate Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans – On May 30, 2025, the Supreme Court ruled 7-2 that the Trump administration can terminate a Biden-era special humanitarian parole program for an estimated 532,000 Cubans, Haitians, Nicaraguans, and Venezuelans in the United States.

Expanded DOJ Corporate Whistleblower Awards Program Prioritizes Immigration Violations – The Department of Justice expanded its corporate whistleblower program, increasing scrutiny on U.S. employers of noncitizens. The new policy forecasts a focus on noncitizens with H-1B or L-1 status and those who may have fallen out of immigration status.

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Trump v. Foreign Students, Continued: DOS Suspends All Student/Exchange Visitor Visa Applications While Considering Expansion of Social Media Vetting, Will 'Aggressively' Revoke Visas of Certain Chinese Students

In the most recent of a continuing series of actions taken against foreign students in the United States:

- The Department of State orderedS. embassies and consulates to pause new interviews for all international student and exchange visitor visa applicants while it considers significantly expanding social media vetting of the students, along with previously announced enhanced social media screening for immigrants more generally.

According to a DOS cable, "Effective immediately, in preparation for an expansion of required social media screening and vetting, consular sections should not add any additional student or exchange visitor (F, M, and J) visa appointment capacity until further guidance is issued , which we anticipate in the coming days."

The news was met with widespread dismay in the higher education community. Fant Aw, CEO of NAFSA: Association of International Educators, said, "The idea that the embassies have the time, the capacity and taxpayer dollars are being spent this way is very problematic. International students are not a threat to this country. If anything, they're an incredible asset to this country." Elora Mukherjee, a law professor at Columbia University and director of the law school's Immigrants' Rights Clinic, said, "The pause is destructive to our national interests and America's reputation in the world, and its effects may be felt for years. It has thrown the lives of tens of thousands of prospective international students into turmoil and will cause chaos and disruption at colleges and universities across the country. International students have been preparing for months to join U.S. colleges and universities in the fall, and schools have been preparing to welcome them."

- Secretary of State Marco Rubio announced that the Trump administration plans to "aggressively" revoke the visas of certain Chinese students (including those from Hong Kong) and enhance future scrutiny, with a focus on those studying in "critical fields" or with ties to the Chinese

> Communist Party. It was not clear from Rubio's brief statement how the administration would decide what fields are considered critical or what criteria constitute ties to the Chinese Communist Party.

Some international students say they are considering studying or working elsewhere. Other countries, including U.S. competitors, are dangling offers to attract international students and researchers who no longer feel welcome in the United States. For example, Hong Kong's education bureau is calling on its universities to open their doors to top talent being discouraged or prevented from studying and working in the United States. The bureau contacted the Harvard Club of Hong Kong to offer support, and Hong Kong's University of Science and Technology invited international students at Harvard to come and study in Hong Kong instead.

Ursula van der Leyen, European Commission President, emphasized "free and open research" in a recent speech and said, "Europe must remain the home of academic and scientific freedom." Toward that end, Europe has launched a $570 million initiative called Choose Europe. Funding for this initiative "will support cutting edge research and focus on developing research talent, fostering international collaboration, and connecting science with society, with targeted support for early career researchers and displaced Ukrainian scientists."

Simon Marginson, a professor of higher education at the University of Oxford, said that a downturn in international students would affect U.S. universities' "talent pipeline" and income, while benefiting U.S. competitors. "China will become significantly more attractive than before to students and researchers from the Global South. Western Europe will also gain significantly," he said.

Meanwhile, a federal judge has temporarily blocked the Trump administration from preventing Harvard from enrolling international students, and additional litigation is in the works. Stay tuned.

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On May 30, 2025, the Supreme Court ruled 7-2 that the Trump administration can terminate a Biden-era special humanitarian parole program for an

estimated 532,000 Cubans, Haitians, Nicaraguans, and Venezuelans in the United States. The brief order was unsigned, with two justices dissenting.

Justice Ketanji Brown Jackson, joined by Justice Sonia Sotomayor, said the majority's "botched" decision "undervalues the devastating consequences of allowing the Government to precipitously upend the lives and livelihoods of nearly half a million noncitizens while their legal claims are pending. Even if the Government is likely to win on the merits, in our legal system, success takes time and the stay standards require more than anticipated victory."

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Expanded DOJ Corporate Whistleblower Awards Program Prioritizes Immigration Violations

In a May 2025 announcement, the Department of Justice (DOJ) expanded its corporate whistleblower program, increasing scrutiny of U.S. employers of noncitizens. The new policy forecasts a focus on noncitizens with H-1B or L-1 status and those who may have fallen out of immigration status.

Under the expanded program, DOJ is focusing on investigating and charging immigration violations by companies. Among the other new policies, U.S. Attorneys' offices now must provide quarterly reports to DOJ on their immigration enforcement efforts. Specifically, the program now is likely to focus on employment of unauthorized workers, document fraud, harboring allegations, immigration eligibility misrepresentation, labor condition noncompliance, and noncompliance with other immigration regulations.

Individuals who provide original, truthful information leading to criminal or civil forfeiture exceeding $1 million may be eligible for awards under the program. Whistleblowers can receive up to 30 percent of the first $100 million in net proceeds forfeited and up to 5 percent of net proceeds between $100 million and $500 million.

The expanded policy warrants a proactive review and robust compliance measures by employers to mitigate legal risks, the Alliance of Business Immigration Lawyers said.

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