

# Global Immigration alert

June 2025

## United States

### May 2025 immigration and mobility updates

#### Executive summary

Following a series of rapid developments impacting student visa holders in April, the month of May concluded with significant announcements in this space stemming from the Secretaries of the Department of State (DOS) and the Department of Homeland Security (DHS). The policies and process changes introduced by the agencies have the potential to affect not only F and M Students but also J-1 Exchange Visitors.

Additionally, the U.S. federal court system is consistently generating decisions related to various humanitarian programs, providing a challenge to the impacted individuals and their U.S. employers as they attempt to determine what action, if any, is required of them based on the latest court orders. The below provides a summary of the recent actions taken by DOS and DHS as well as important court decisions the last week of May.

#### Student issues

On 22 May 2025, DHS Secretary Kristi Noem ordered DHS to terminate Harvard University's Student and Exchange Visitor Program (SEVP) certification for "pro-terrorist conduct." SEVP certification is the process by which Immigration and Customs Enforcement (ICE) confirms that a school satisfies the necessary standards to enroll international students.

- On 29 May, a U.S. District Court Judge issued a preliminary injunction against the administration. DHS now says that Harvard University will have 30 days to establish it continues to satisfy the requirements for SEVP certification in spite of the administration's claims that the school employs "racist" policies and has failed to protect its students against antisemitism.

- In the meantime, international students may continue studying at Harvard.

On 27 May 2025, news outlets began reporting on a cable (which the administration is referring to as "leaked") in which DOS ordered U.S. consular posts to pause the scheduling of new interviews for F, M, and J student and exchange visitor visa applicants. The purpose of the pause is to ensure that measures are in place to subject such applications to social media screening and vetting.

- A press briefing was held on 29 May during which a DOS representative was asked both about the new vetting and screening process as well as a timeline for when appointments would become available, but no concrete details were provided.

On 28 May 2025, DOS Secretary Marco Rubio announced that the agency will work with DHS to "aggressively revoke visas for Chinese students," including those studying in "critical fields." Secretary Rubio also advised that the criteria for review of future visa applications for nationals from the People's Republic of China and Hong Kong will be revised to enhance scrutiny.

#### Humanitarian programs

On 30 May 2025, the U.S. Supreme Court granted an application by DHS to stay a 15 April U.S. District Court order. This District Court order had temporarily stayed Secretary Noem's notice terminating the lawful status granted to Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) noncitizens through the parole program established by President Joseph R. Biden in 2023, pending an appeal

with the U.S. Court of Appeals for the First Circuit. DHS subsequently announced that in light of the U.S. Supreme Court's ruling overturning the temporary stay, the agency will proceed with removing noncitizens who had been granted parole through the CHNV program, and whose status was terminated by Secretary Noem's order, while the merits concerning the legality of the termination remains subject to ongoing litigation.

On 19 May 2025, the U.S. Supreme Court granted DHS's emergency request to pause a lower court's decision that temporarily halted termination of the 2023 designation of Venezuela for Temporary Protected Status (TPS).

- However, a U.S. District Court Judge issued a decision on 31 May finding that DHS Secretary Noem had likely exceeded her statutory authority insofar as she cancelled the Employment Authorization Documents (EADs), Approval Notices, and Form I-94 Arrival/Departure Records already issued to approximately 5,000 TPS recipients as a result of former DHS Secretary Mayorkas's extension of TPS for Venezuela.
- The webpage dedicated to Venezuela TPS on the U.S. Citizenship and Immigration Services (USCIS) website has not yet been updated to address this latest court decision and its implications.

### What this means

Although it can be challenging to identify the critical takeaways given the rapid pace of these developments, there are several fundamental principles that ought to be considered as the administration and the courts take the next steps for students and beneficiaries of humanitarian programs:

- Cancellation of a visa renders the visa holder removable from the U.S.
- If a student or parolee holds a valid EAD, USCIS must issue a Notice of Intent to Revoke that EAD (unless the student was granted the work authorization based on a claim of economic hardship); visa cancellation, termination of SEVP certification, and/or termination of TPS/parole do not render the EAD invalid. However, initiation of removal proceedings does result in termination of employment authorization issued in connection with a grant of parole.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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