



Rutgers Center for Security,
Race, and Rights

KNOW YOUR RIGHTS FOR IMMIGRANTS AND INTERNATIONAL STUDENTS

Virtual Know Your Rights webinar on the civil rights of nonimmigrants, international students, and immigrants with a focus on how the Trump administration's policies affect these communities.



MAY 7, 2025 | 12:30 PM EST.



Raquel E. Aldana
Professor of Law
University of California, Davis



Register: <https://go.rutgers.edu/csrrknowyourrights>

CSRR.RUTGERS.EDU

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TOPICS

- An unprecedented context –The Trump 2.0 Immigration Enforcement Policies Impacting Immigrant and International Students, Faculty and Staff
- Brief Primer on Ideological Exclusion or Deportation
- How these Practices are playing out in three cases
- A call to action!

A BIT ON DEFINITIONS AND DATA



First-Generation Immigrants

Domestic students with no U.S. citizenship at birth. They include naturalized U.S. citizens, legal permanent residents, resettled refugees, asylees and asylum seekers, dependents of temporary visa holders, with and without DACA(Deferred Action for Childhood Arrivals), and TPS (Temporary Protected Status) holders

Second-Generation Immigrants

The U.S. born children with one or more immigrant parents

Immigrant and International Students in Higher Education

The U.S. has a strong legacy of welcoming immigrant and international students. First- and second-generation immigrant and international students make up **one out of every three students** enrolled in higher education in the U.S. Immigrant and international students help strengthen America's higher education community, driving an increase in overall enrollment figures.

All Students in Higher Education in the U.S.	18,659,851
First-Generation Immigrant Students	1,905,000
Undocumented Students	407,899
Second-Generation Immigrant Students	3,957,000
International Students	883,908

Note: Undocumented Students are a sub-group of first-generation immigrant students. First-generation immigrants do not include international students on a visa. For this chart, the data point for International Students does not include Optional Practical Training (OPT) participants.

STUDENT IMMIGRATION CATEGORIES + TYPES OF POTENTIAL LEGAL THREATS

Naturalized Citizens

- Ideological Denaturalization

Lawful Permanent Residents

- Ideological Deportation
- Ideological Bars to Naturalization
- Potential Ideological Exclusion upon Return from International Travel

Student Nonimmigrant Visa Holders (F, J, etc.)

- Ideological University Discipline
- Unilateral US Government Visa Revocation
- Ideological or/and Out-of-Status Deportation
- Potential Ideological Exclusion upon Return from International Travel

STUDENT
IMMIGRATION
CATEGORIES + TYPES
OF LEGAL THREATS

DACA Students

- DACA's Rescission
- Ideological and/or Immigration Violation Removal
- Risk of Entry Denial with Advanced Parole

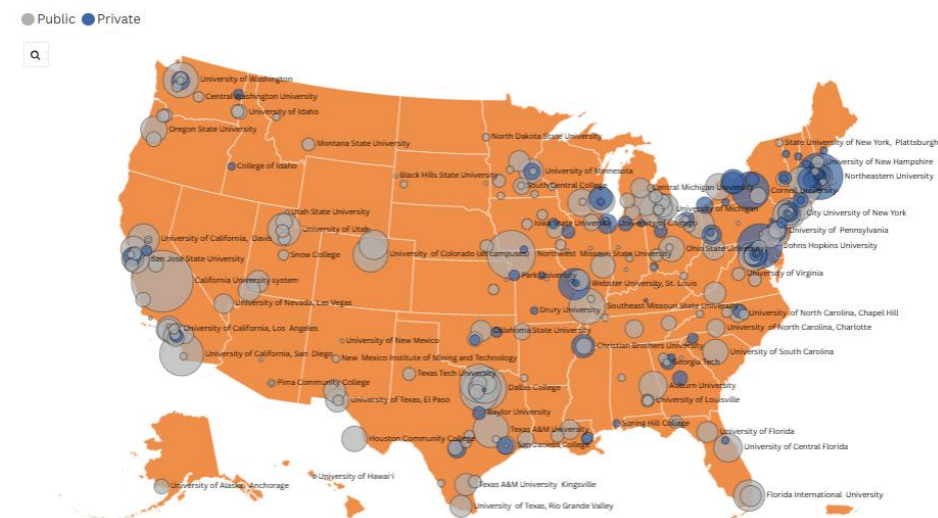
Undocumented Students

- Ideological and/or Immigration Violation Removal
- Denial of in-state tuition

TARGETING INTERNATIONAL STUDENTS

International Student Visas Revoked

As of April 24, over 280 colleges and universities have identified 1,800-plus international students and recent graduates who have had their legal status changed by the State Department. On April 25, the Trump administration shared it would restore all terminated SEVIS statuses, [read the update here](#).



Source: [Inside Higher Ed analysis](#), [Ashley Brownlee/Inside Higher Ed](#), [Anika Arora Seth](#). * Some institutions have shared publicly that students have lost visas but have yet to disclose the number of students impacted. These are documented on the map, but the number is unknown. A number with an asterisk indicates a positive change in the count, such as a visa reinstatement.

such  **The Institute of Health Economics and Public Health**

• A Flourish map





AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

Policy Brief: The Scope of Immigration Enforcement Actions Against International Students

April 17, 2025¹

Contact: Shev Dalal-Dheini at SDalal-Dheini@aila.org, Amy Grenier at agrenier@aila.org

According to a verified source, ICE has terminated 4,736 SEVIS records since January 20, 2025, the majority on F-1 status.

AILA collected 327 reports of visa revocations and SEVIS terminations from attorneys, students, and university employees. These reports paint a concerning picture of the arbitrary nature of these visa revocations and terminations.

- Only **2** students reported any history of engaging in political protests.

- The stated rationale for the SEVIS terminations was not always consistent with the record.
 - At least **17 reports** indicate that their SEVIS record was terminated due to a criminal record and/or their visa was revoked when the student does not have a history of interaction with the police and there was nothing in their record that would prompt a visa revocation.

While **86 percent** reported some level of interaction with the police, **33 percent** had their case dismissed, were never charged, or were never prosecuted. These police interactions included:

Students who were domestic violence survivors

Students who encountered the police for infractions most U.S. citizens would consider a daily occurrence.

50 percent of these students were from India, followed by 14 percent from China. Other significant countries represented in this data include South Korea, Nepal, and Bangladesh.

WHY ARE INTERNATIONAL STUDENTS AN “EASY TARGET”?

- Most international students abroad who want to study in the United States obtain an F-1 student visa, or they can also receive a J or M students visas.
- A unit of ICE called the [Student Exchange Visitor Program](#) (SEVP), created post-9/11, runs the [Student Exchange Visitor Information System](#).
- Through the SEVIS database, **SEVP and universities jointly track** international students to ensure that they comply with the terms of their student visas. All students and their dependents must register.
 - When a student fell out of compliance, as occasionally occurred, designated university staff alerted ICE by updating the student’s SEVIS entry.
 - At that point, students could attempt to correct any errors and ICE could decide whether to launch removal proceedings.
- Sometime in March and through most of April, Trump administration officials have reportedly terminated SEVIS records of more than 1,800 students unilaterally.
- Universities interpreted SEVIS termination as a revocation of the F-1 Visa –most students asked to stop working, stop their program of study; or asked to leave country.

MOST UNIVERSITIES TREATED SEVIS TERMINATION AS AN F-1/OPT TERMINATION—THIS WAS WRONG!

- It was brought to our attention that your SEVIS record was terminated on April 04, 2025, by SEVP. The termination reason given is as follows: “OTHERWISE FAILING TO MAINTAIN STATUS- Individual identified in criminal records check and/or has their VISA revoked. SEVIS record has been terminated.” Please note that your current I-20 (as well as any employment eligibility) and your F1 status are no longer valid, and you should make plans to depart the U.S. as soon as possible. Additionally, if you have any dependents in F-2 status, their SEVIS record is also no longer valid. Finally, we strongly recommend that you consult your own personal immigration attorney for guidance on next steps.”
- University of Florida, notice in *W.B. v. Noem, et al.*, Case No. 25-cv-03407-EMC, ORDER GRANTING PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER, US District Court Northern California (4/23/25).

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHINMAY DEORE, YOGESH JOSHI,
XIANGYUN BU, and QIUYI YANG,

Plaintiffs,

v.

KRISTI NOEM, TODD LYONS,
ROBERT LYNCH,

Defendants.

No. 2:25-CV-11038-SJM-DRG

DECLARATION OF ANDRE WATSON

I, Andre Watson, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

22. Terminating a record in SEVIS does not terminate an individual’s nonimmigrant status in the United States. The statute and regulations do not provide SEVP the authority to terminate nonimmigrant status by terminating a SEVIS record, and SEVP has never claimed that it had terminated the nonimmigrant status of DEORE, JOSHI, BU, and YANG. Furthermore, the authority to issue or revoke visas for nonimmigrant students lies with the Department of State, not SEVP. Terminating a record within SEVIS does not effectuate a visa revocation.

Understanding Recent International Student Visa Revocations and SEVIS
Record Terminations: Guidance for Colleges & Universities

April 21, 2025

(d) **Termination of status.** Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver authorized on his or her behalf under section 212(d) (3) or (4) of the Act; by the introduction of a private bill to confer permanent resident status on such alien; or, pursuant to notification in the FEDERAL REGISTER, on the basis of national security, diplomatic, or public safety reasons.

Termination of status regulation. Source: [8 C.F.R. § 214.1\(d\)](#)

(g) **Criminal activity.** A condition of a nonimmigrant's admission and continued stay in the United States is obedience to all laws of United States jurisdictions which prohibit the commission of crimes of violence and for which a sentence of more than one year imprisonment may be imposed. A nonimmigrant's conviction in a jurisdiction in the United States for a crime of violence for which a sentence of more than one year imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status under section 241(a)(1)(C)(i) of the Act.

Requirement of status regulation. Source: [8 C.F.R. § 214.1\(g\)](#)

THE LEGAL PROBLEMS – FOLLOW YOUR
OWN REGULATIONS

The New York Times

NOTICE

Defendants, by and through the undersigned counsel, respectfully file this notice in response to the Court's April 24, 2025 Order. Defendants respectfully declines to agree to an order granting relief to each plaintiff. Defendants further comment that:

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 ICE will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination. ICE maintains the authority to terminate a SEVIS record for other reasons, such as if the plaintiff fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act.

Dated: April 25, 2025

Respectfully Submitted,

EDWARD R. MARTIN, JR.,
D.C. Bar #481866
United States Attorney

BRIAN P. HUDAK
Civil Chief

/s/ Joseph F. Carilli, Jr.
JOSEPH F. CARILLI, JR.
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Attorney for United States of America



By Zach Montague and Hamed Aleaziz
Reporting from Washington

April 25, 2025

U.S. Restores Legal Status for Many International Students, but Warns of Removals to Come

“It is good to see ICE recognize the illegality of its actions canceling SEVIS registrations for these students,” said Charles Kuck, an immigration lawyer who led a separate lawsuit over the revocations. “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.”

FOUO – FOR INTERNAL SEVP USE ONLY

Broadcast Message: SEVIS Notice – Policy Regarding Termination of Records

To: All SEVP Personnel

Date: April 26, 2025

General Information

The Student and Exchange Visitor Program (SEVP) manages and tracks nonimmigrants in the F, M, and J categories. To eliminate vulnerabilities related to the nonimmigrant visa program, Congress provided broad statutory authority under 8 U.S.C. § 1372 for the Government “to develop and conduct a program to collect” information regarding nonimmigrant students and exchange visitors and to “establish an electronic means to monitor and verify” certain related information, which is the system referred to as the Student and Exchange Visitor Information System (SEVIS). Inherent in that authority is SEVP’s ability to update and maintain the information in SEVIS and, as such, to terminate SEVIS records, as needed, to carry out the purposes of the program.

A terminated record in SEVIS could indicate that the nonimmigrant no longer maintains F or M status. Designated school officials (DSOs) mostly terminate F-1/M-1 students and/or F-2/M-2 dependents who do not maintain their status. However, termination does not always result in an adverse impact on the student. DSOs and SEVP can terminate records for several normal, administrative reasons.

Additionally, SEVP can terminate records for a variety of reasons, including, but not limited to the following reasons:

- Exceeded Unemployment Time
- Failure to Comply with I-515A
- Failure to Repay the I-901 Fee Chargeback
- Failure to Report While on OPT
- No Show
- School Withdrawn
- Violation of Change of Status Requirements
- Change of Status Approved
- Evidence of a Failure to Comply with the Terms of Nonimmigrant Status Exists
- U.S. Department of State Visa Revocation (Effective Immediately)

Failure to Comply with Terms of Nonimmigrant Status

FOUO – FOR INTERNAL SEVP USE ONLY

When SEVP has objective evidence that a nonimmigrant visa holder is no longer complying with the terms of their nonimmigrant status for any reason, then the SEVIS record may be terminated on that basis. Information should be entered into in SEVIS that identifies the failure to comply. In its discretion, ICE may conduct further investigation or initiate removal proceedings pursuant to INA § 237(a)(1)(C)(i) based on evidence that a nonimmigrant student is not complying with the terms of their nonimmigrant status.

Visa Revocations

Pursuant to INA § 221(i), the U.S. Department of State (State) may at any time, in its discretion, revoke an alien’s visa. State 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 State revokes an alien’s visa with immediate effect, ICE should take steps to initiate removal proceedings.

If State revokes a nonimmigrant visa effective immediately, SEVP may terminate the nonimmigrant’s SEVIS record based on the visa revocation with immediate effect, as such a revocation can serve as a basis of removability under INA § 237(a)(1)(B). SEVP should not, however, terminate a nonimmigrant’s SEVIS record on this basis until it has confirmed that State has revoked the visa.

For additional information about SEVIS record terminations, please contact the SEVP Response Center (SRC) via phone at 703-603-3400 or 1-800-892-4829 or via email at SEVP@ice.dhs.gov. The SRC is open Monday through Friday, 8 a.m. to 6 p.m. ET, except for federal holidays.

Disclaimer

This Broadcast Message is not a substitute for applicable legal requirements, nor is it itself a rule or a final action by SEVP. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



By Rachel Riedl and Stephen Yale-Loehr

Dr. Riedl is a professor of government at Cornell and at the Jeb E. Brooks School of Public Policy there. Mr. Yale-Loehr is a retired professor of practice at Cornell Law School.

Our Foreign Students Are Terrified, and They're Right to Be

April 19, 2025

International students are a vital and enriching presence on any campus. They are drawn to the United States for our academic excellence and free exchange of ideas. But over the past few months, current and prospective international students — as well as university faculty members — have felt increasingly unwelcome in this country, as over 1,000 students have had their visas revoked or their immigration statuses terminated.

When governments around the world began similar attacks on universities, such moves were part of a broader autocratic playbook. The First Amendment protects vigorous political debate in this country, but as the [trajectories](#) of [Turkey](#) and [Hungary](#) demonstrate, democracies can [slide backward](#).

Updated: APR 1, 2025 1:55 AM PT

These Are the Students Targeted by Trump's Immigration Enforcement Over Campus Activism

TIME

At least 300 international students who are “destabilizing” college campuses have had their visas revoked, Secretary of State Marco Rubio said at a press conference on March 27. “Maybe more, it might be more than 300 at this point,” Rubio said. “At some point I hope we run out because we’ve gotten rid of all of them, but we’re looking every day for these lunatics that are tearing things up.”

WHAT WE KNOW—IDEOLOGICAL
TARGETING



Yunseo Chung

ICE cannot arrest 21-year-old Yunseo Chung, a judge ruled on March 25, granting a temporary restraining order against the government after her attorneys filed a lawsuit against the Trump Administration for trying to deport her in spite of her legal status.



Momodou Taal

Momodou Taal, a 31-year-old Cornell graduate student and dual U.K. and Gambian citizen, chose to leave the U.S. on March 31 after his student visa was revoked on March 14 and he faced the threat of detainment and deportation.



Badar Khan Suri

Badar Khan Suri, an Indian citizen studying and teaching at Georgetown University on a valid J-1 visa, was detained by ICE on March 17.



Rumeysa Ozturk

A federal judge in Massachusetts ruled on March 28 that Turkish international student Rumeysa Ozturk can't be deported without a court order. Ozturk, 30, was on a valid F-1 visa for her PhD studies at Tufts University in Boston when she became another high-profile target of ICE after her arrest, which witnesses caught on video, outside her home in Somerville, Mass., on the night of March 25.

Mahmoud Khalil

Mahmoud Khalil was arrested at his home by ICE agents on March 8, 2025, and remains in custody as of March 31 at a Louisiana detention facility.



Ranjani Srinivasan

Ranjani Srinivasan, a 37-year-old architect, came to the U.S. from Chennai, India, as a Fulbright recipient in 2016, became a PhD candidate at Columbia in 2020, and began teaching as an adjunct professor at New York University last fall. She was in the 5th year of her doctoral degree at Columbia University's Department of Urban Planning when ICE agents knocked at her door on March 7.





The New York Times

Columbia Activist Arrested by ICE at His Appointment for Citizenship

Mohsen Mahdawi, a legal permanent resident, has lived in the United States for 10 years and was arrested in Vermont. He has not been charged with a crime.

April 14, 2025



The New York Times

She Worked in a Harvard Lab to Reverse Aging, Until ICE Jailed Her

President Trump's immigration crackdown ensnared Kseniia Petrova, a scientist who fled Russia after protesting its invasion of Ukraine. She fears arrest if she is deported there.



IDEOLOGICAL IMMIGRATION ENFORCEMENT

The Territorial Trap

The Jurisdictional Trap

- Venue
- Subject Matter Jurisdiction

The Standing Trap

The Political Trap

The Plenary Power Trap

THE TERRITORIAL TRAP—EXCLUSION IS WORSE!

Brown University Professor Is Deported Despite a Judge's Order

Dr. Rasha Alawieh, a kidney transplant specialist and Brown University professor who had a valid visa, was expelled in apparent defiance of a court order.



Rasha Alawieh M.D., an [assistant professor](#) at [Brown University](#), was denied re-entry to the [United States](#) in March 2025 and [deported](#) to [Lebanon](#), despite having a [H-1B visa](#) and a court order temporarily blocking her expulsion. Alawieh visited Lebanon in February 2025 to see relatives. [\[7\]](#) While in Lebanon, she attended the [funeral of Hassan Nasrallah](#), the former leader of [Hezbollah](#).

The New York Times



By [Dana Goldstein](#)

March 16, 2025

The New York Times

April 29, 2025



Immigrants From Around the Country Keep Getting Detained in Louisiana. It's No Coincidence.

Several of the recent high-profile cases of immigrant detention have something in common. The Columbia University activist [Mahmoud Khalil](#), the University of Alabama engineering doctoral candidate [Alireza Doroudi](#), the Tufts graduate student [Rumeysa Ozturk](#) and the young scientist [Kseniia Petrova](#) were rounded up in their states and sent to detention centers in Louisiana.

Louisiana is notorious for a trifecta of compounding barriers to effectuate the rights of immigrants: conservative courts, scarce access to legal support and horrific [detention](#) conditions. The resulting black hole, as civil and human rights groups have called it, threatens to erode America's rule of law well beyond the immigration legal system.

By Laila Hlass and Mary Yanik

Ms. Hlass and Ms. Yanik are immigration law professors at Tulane Law School and the authors of the report "No End in Sight: Prolonged and Punitive Immigration Detention in Louisiana."

Immigrants detained in Louisiana face antagonistic judges for virtually every type of legal claim: in seeking release from detention, in arguing for the right to stay in the United States and in appealing any unfavorable ruling. Lower court judges sitting in what are known as detained immigration courts — there are two such courts in Louisiana, one in Oakdale and the other in Jena — deny [more than three out of four](#) asylum claims, according to available data. If immigrants challenge their detention as unconstitutional, they generally must file in the Western District of Louisiana, a Federal District Court that from 2010 to 2020 [ordered release in only 1 percent of such cases](#).

Texas, Louisiana and Mississippi hold more than half of the country's detained immigrants; immigration [researchers](#) call the stretch [Detention Alley](#). These three states and their immigration courts fall under the Court of Appeals for the Fifth Circuit, the most conservative federal circuit in the nation, known for anti-immigrant jurisprudence. Transferring immigrants from more progressive jurisdictions allows immigration officials to effectively shop for their courts.

JUDICIAL REVIEW STRIPPING PROVISIONS

- Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, other than with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated. 8 U.S.C. § 1252(f)(1).
- Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter. 8 U.S.C. § 1252(g).
- Notwithstanding any other provision of law (statutory or nonstatutory), including [section 2241 of title 28](#), or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this chapter, except as provided in subsection (e). For purposes of this chapter, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms “judicial review” and “jurisdiction to review” include habeas corpus review pursuant to [section 2241 of title 28](#), or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory). 8 U.S.C. § 1252(a)(5).
- Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an [alien](#) from the [United States](#) under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under [section 2241 of title 28](#) or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact. 8 U.S.C. 1252(b)(9)

WHO HAS STANDING TO SUE?

- Students
- Family members
- Other US Citizens – like students or student groups
- Entities like Universities or the AAUP

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS -- HARVARD
FACULTY CHAPTER,

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS AT NEW
YORK UNIVERSITY,

RUTGERS AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS-AMERICAN
FEDERATION OF TEACHERS, and

MIDDLE EAST STUDIES ASSOCIATION,

Plaintiffs,

v.

MARCO RUBIO, in his official
capacity as Secretary of State,
and the DEPARTMENT OF STATE,

KRISTI NOEM, in her official
capacity as Secretary of Homeland
Security, and the
DEPARTMENT OF HOMELAND SECURITY,

TODD LYONS, in his official
capacity as Acting Director of
U.S. Immigration and
Customs Enforcement,

DONALD J. TRUMP, in his official
Capacity as President of
the United States, and

UNITED STATES OF AMERICA,

Defendants.

CIVIL ACTION NO.
25-10685-WGY

THE POLITICAL TRAP

CONGRESS TARGETS IMMIGRANTS ON IDEOLOGICAL GROUNDS

- “An alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States and deportable.”
- Limited exceptions: (1) official of foreign government running for election if based on beliefs lawful in the US or (2) any other foreign national if based on beliefs, statements or associations that would be lawful in the US except if Secretary of State personally determines it would compromise a compelling US foreign policy interest.

THE TRUMP ADMINISTRATION IS EXPANDING IDEOLOGICAL TARGETING OF STUDENTS

- Executive Order No. 14,161, issued on January 20, 2025 and titled “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” which states that it is the policy of the United States to protect citizens from noncitizens who “espouse hateful ideology” and to ensure that noncitizens “do not bear hostile attitudes towards its citizens, culture, government, institutions, or founding principles” and “do not advocate for, aid, or support designated foreign terrorists and other threats to national security.”
- Executive Order 14,188, which states that it is the policy of the United States “to combat anti-Semitism vigorously” and “to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”

Peter Harisiades (image):

LPR 36 years

Born in Greece

Arrived in US 1916, age 13

Most committed to communism

Joined communist party in 1922 at age 22, as labor organizer;

wrote for a communist newspaper

Never “voluntarily” relinquished

membership; rather, in 1939

Communist Party strategically

ended membership for all foreign

nationals automatically

Harisiades joins IWO in response

Member of Greek Resistance Movement

Arrested in 1930 during a textile strike

but criminal charges dismissed

Placed in removal a month later but no

effort to pursue until Harisiades applies

for citizenship in 1944

Luigi Mascitti:

LPR 32 years

Born in Italy

Arrived in US 1920, at 16

Joined the precursor to

Community Party in 1923,

Age 19; voluntarily separated

from Party because he “lost sympathy

with the Party.

Dora Coleman:

LPR 38 years

Born in Russia

Arrived in US 1914, age 13

Joined the precursor to

Community Party in 1923,

Age 18; left and rejoined twice more

Short stints until left Party in 1937.

Alien Registration Act of 1940 –

Amending a 1918 law to authorize

deportation of “aliens who believe in,

Advise, advocate, or teach, or who are

[current or past] members of or affiliates of any

organization...that believes in...the overthrow by violence

of the Government of the United States.”

Harisiades v. Shaughnessy | 342 U.S. 580 (1952)

“ Harisiades upheld the deportation in 1952, of three LPRs, Peter Harisiades, Luigi Mascitti, and Dora Coleman, who had lived in the United States for a total of 106 years, had married United States citizens [or LPR], and were parents of citizen-children.” ”

Harisiades (US 1952): A Year Prior to Mezei

Burt Neuborn, *Harisiades v. Shaughnessy: A Case Study in the Vulnerability of Resident Aliens in Immigration Stories* (Foundation Press, 2005).

The First Amendment **Deportation Case** Post Harisiades: American-Arab Anti-Discrimination Committee v. Meese ~Note 7, p. 189



ADC Background

- In 1996 the US Congress passed the Antiterrorism and Effective Death Penalty Act, which increased the regulation of fundraising that might benefit alleged terrorists and made it easier to bar or deport those with suspected terrorist affiliations.
- Plaintiffs: 2 LPRs and 6 nonimmigrant visa overstayers
 - LPRs charged with supporting the Popular Front for the Liberation of Palestine
 - Other six charged also with overstaying visa
- Challenge: Selectively targeting for removal on the basis of their membership in the PFLP violated the First Amendment
- California federal district court agreed; Ninth Circuit reversed on other grounds. Appealed to U.S. Supreme Court.

US Supreme Court (1999)

- ◊ Justice Scalia declared in dictum that “an alien unlawfully in this country” has no constitutional right to assert selective enforcement as a defense against his deportation BUT
- ◊ A deportation practice that reflects “discrimination **“so outrageous”** – could overcome the presumption.

The Supreme Court deemphasized Free Speech and framed the case as “selective enforcement.” In general, selective enforcement is not even a cause of action (due to prosecutorial discretion, except if it involves outrageous discrimination. So if speech discrimination is not “so outrageous”. Then what is?



ESSAYS AND SCHOLARSHIP

Protecting Immigrant Activists From U.S. Government Retaliation: Lessons From First Amendment Litigation

Immigrant activists in the U.S. face legal and structural barriers when fighting First Amendment retaliation.

BY **ALINA DAS**

FEBRUARY 12, 2025

THREE EMBLEMATIC CASE STUDIES

The New York Times



“The department has met its burden to establish removability by clear and convincing evidence,” Judge Comans said toward the end of a hearing at an immigration court in Jena, La.



By [Jonah E. Bromwich](#)

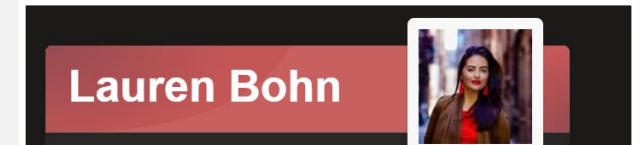
April 11, 2025

Immigration Judge Rules Khalil Can Be Deported, but Legal Hurdles Remain

“This court is without jurisdiction to entertain challenges to the validity of this law under the Constitution,” Judge Comans said as she delivered her ruling, apparently reading from a written statement.

- Grandparents lived in Tiberias and forced to leave in the 1948 Nabka
- Born in a refugee enclave in Damascus, Syria in 1995 to Palestinian parents
- Fled to Lebanon with his family in 2012 after onset of Syrian War
- Obtained Algerian nationality through his mother's family
- Immigrated to the United States in 2022 in an F-1 student visa to attend Columbia's School of International and Public Affairs. Completed his degree in 2024 and was due to graduate May 2025.
- Married Noor Abdalla in 2023, a US Citizen and became a lawful permanent resident through that marriage in 2024

A BRIEF IMMIGRATION PROFILE—A DOUBLE REFUGEE



WHAT WE KNOW ABOUT HIS CASE

- Arrested March 8, 2025 in New York inside his apartment building without a warrant – government both lied about having a warrant to Khalil + to the court about Khalil resisting arrest to allege exigency
- Charged “An alien whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.”
- Ordered deported on April 11 and given two weeks to request a stay of his deportation. If stay is denied, case can be appealed but would ultimately end up in the Fifth Circuit.
- Khalil’s lawyers seeking a preliminary injunction to return him to New Jersey + immediate release
- Denied temporary release to be with his wife while she birthed their first child on April 21
- Khalil filed for asylum in a confidential submission.

“I would like to quote what you said last time, that there’s nothing that’s more important to this court than due process rights and fundamental fairness,” he said. “Clearly, what we witnessed today, neither of these principles were present today or in this whole process. This is exactly why the Trump administration has sent me to this court, 1,000 miles away from my family.”



- Khalil also quietly charged with immigration fraud based on failure to disclose certain associations in in green card application.

HOW THE I 952 WORKED IN THIS CASE—NO FACT FINDING; NO MEANINGFUL REVIEW

- Immigration judges defer to the Secretary of State on the charges – there is no real adjudication
- The Louisiana IJ ruled on April 11, 2025, the same day of the hearing, that Khalil was to be deported.
- To do so, the IJ relied on a single Memorandum from Marco Rubio, Secretary of State, to Kristi Noem, Secretary of Homeland Security (“Determination”) (ECF 198-1) declaring Khalil “would have potentially serious adverse foreign policy consequences and would compromise a compelling U.S. foreign policy interest.”
- The case is on appeal to the BIA and then would move to the Circuit Courts.
- Meanwhile, lawyers have sought a stay of removal.

THE SEPARATE HABEAS PETITION – THIS TIME IN A NEW JERSEY COURT

- On April 29, 2025, a US District Court in New Jersey granted habeas corpus jurisdiction ([108-page ruling](#)) to hear the First Amendment challenges against the application of this law to Khalil and more broadly to other students

In circumstances like this one, federal courts have recently split as to whether jurisdiction is stripped. Compare Taal v. Trump, 2025 WL 926207, at *2 (N.D.N.Y. Mar. 27, 2025) (yes), with Ozturk v. Trump, 2025 WL 1145250, at *15 (D. Vt. Apr. 18, 2025) (no).

This Court concludes that jurisdiction is not stripped over the Petitioner's claims that the Secretary of State's determination and the alleged policy are unconstitutional.

Michael E. Farbiarz



Mr. Michael Farbiarz

Judge of the **United States District Court for the District of New Jersey**

Incumbent

Assumed office
May 5, 2023

Appointed by [Joe Biden](#)

Preceded by [Noel Lawrence Hillman](#)

Personal details

Born Michael Etan Farbiarz
1973 (age 51–52)
[New York City](#), New York, U.S.

Education [Harvard University](#) (BA)
[Yale University](#) (JD)

Tufts student Rümeysa Öztürk must be moved to Vermont, judge rules

Öztürk was moved to three locations, including Vermont, before she ended up in Louisiana, despite an order from a district court that said she could not be moved out of Massachusetts without notice.

U.S. District Judge William K. Sessions ruled that the federal government is now obligated to ensure that Öztürk, who is being held in Louisiana, is moved to Vermont by May 1. The Justice Department appealed Sessions' previous order to transfer Öztürk to Vermont, where her habeas corpus petition challenging her detainment was filed. Federal officials had also asked Session to pause the order from taking effect while it was on appeal.



April 24, 2025, 2:19 PM PDT / Updated April 24, 2025, 4:50 PM PDT

By Kimmy Yam and Chloe Atkins

BRIEF BACKGROUND

- Turkish national and doctoral candidate in Child Study and Human Development at Tufts University.
- On June 28, 2024, she entered the United States pursuant to a validly issued F-1 student visa.
- On March 21, 2025, the government revoked Ms. Ozturk's visa; she was not notified of this.
- On March 25, 2025, at approximately 5:25 p.m., Ms. Ozturk was near her residence in Somerville, Massachusetts when a hooded and masked officer in plainclothes approached her and grabbed her wrists.
- Five additional officers then surrounded her, took her cell phone, and handcuffed her. Ms. Ozturk was driven away in an unmarked vehicle.
- According to a memorandum by John L. Armstrong, a senior bureau official of the Bureau of Consular Affairs, the Bureau of Consular Affairs had approved revocation of Ms. Ozturk's F-1 visa pursuant to a request from ICE and the Department of Homeland Security ("DHS") on March 21, 2025.
- According to the memo, ICE and DHS had made an assessment that Ms. Ozturk "had been involved in associations that 'may undermine U.S. foreign policy by creating a hostile environment for Jewish students and indicating support for a designated terrorist organization' including co authorizing an op-ed that found common cause with an organization that was later temporarily banned from campus."

THE OP-ED

- Ms. Ozturk and three other students coauthored a March 26, 2024 editorial in the Tufts University school newspaper, The Tufts Daily, criticizing the university administration's dismissal of several resolutions passed by the student senate that demanded the university acknowledge the existence of an ongoing genocide in Palestine, apologize for statements made by the university president, and disclose its investments in and divest from companies with ties to Israel.
- In an April 1, 2025, [declaration](#), Sunil Kumar, the Tufts University president, attested that the opinion piece co authored by Ms. Ozturk “was not in violation of any Tufts policies” and that “no complaints were filed with the University or, to our knowledge, outside of the University about this op ed.”



By [Ana Ley](#)

Published April 30, 2025 Updated May 2, 2025



Columbia Student Who Was Arrested at Citizenship Interview Is Freed

Mohsen Mahdawi had been an organizer of pro-Palestinian protests at the university. The Trump administration is trying to deport him for it.

In releasing Mr. Mahdawi on bail, Judge Geoffrey W. Crawford of Federal District Court in Vermont drew parallels between the current political climate and McCarthyism.

A CALL TO ACTION

WHAT CAN UNIVERSITIES DO?

- Uphold free speech
 - Push back on labels of antisemitism for speech that is pro-Palestine
 - Protect all students from allegations and targeting for their exercise of free speech
 - Do not allow the weaponization of hate and bias reporting for speech that is protected
- Provide legal representation for students who end up targeted
- Consider filing a lawsuit against these practices for violating free speech and academic freedom
- Maximize constitutional protections for our community!
- Do not cooperate with ICE.



As explained in detail below, the following principles should guide colleges' and universities' actions in these areas:

ICE Administrative Subpoenas:

- The recipient of an administrative subpoena does not have to comply with the subpoena unless a court orders it to.
- You should carefully scrutinize each administrative subpoena to assess whether it complies with the relevant subpoena statute, and whether it suffers other defects. Whether or not you believe it is defective, you do not need to respond unless and until a court orders compliance.
- If ICE seeks court enforcement, you can raise a number of possible objections, including related to overbreadth, relevance, burdensomeness, and privacy interests.
- ICE lacks authority to unilaterally gag a subpoena recipient from disclosing the subpoena, including to the target of ICE's investigation.
- Your institution should adopt a clear policy under which you will disclose the subpoena to the parties whose records have been requested unless you are barred from doing so by a court order.

Section 1324:

- Courts of appeals agree that merely providing housing or other services does not violate Section 1324 and cannot be the basis for a warrant.
- Section 1324 liability additionally cannot attach for providing campus housing or other services to a noncitizen who is lawfully present in the country, even if the government has asserted a ground of deportability. This includes lawful permanent residents, because they are not deportable until a judge issues a final order of removal. And it includes students whose student visas have been revoked, because visa revocation does not terminate lawful status as long as the student remains in compliance with the terms of their status (such as maintaining sufficient credit hours).
- Denial of consent for warrantless entry of ICE agents into campus residence halls or other areas closed to the public cannot constitute evidence of harboring, because withholding of consent is a right guaranteed by the Fourth Amendment.



April 17, 2025

Open Letter to College and University General Counsels on:

- 1) 8 U.S.C. § 1324 Harboring Liability, and**
- 2) ICE Administrative Subpoenas**

The ACLU writes to address significant questions that may arise regarding colleges' and universities' rights and obligations in the face of certain Immigration and Customs Enforcement (ICE) investigations and enforcement actions.

AAUP UPDATES

[HOME](#) » [NEWS](#) » [AAUP UPDATES](#)

Institutions Should Not Provide Student and Faculty Info To Enable Deportations

In response to news reports that the Office for Civil Rights in the US Department of Education has requested the names and nationalities of students and faculty who may have been involved in alleged Title VI violations, the AAUP has written to college and university general counsels to clarify that they are under no legal compulsion to comply with such a request, and to strongly urge them not to comply, given the serious risks and harms of doing so.

Title VI does not require higher education institutions to provide the personally identifiable information of individual students or faculty members so that the administration can carry out further deportations. This information is irrelevant to legitimate agency efforts to investigate compliance with Title VI. Moreover, sharing this information may violate the First Amendment

UNIVERSITIES CAN
MAXIMIZE
CONSTITUTIONAL
PROTECTIONS

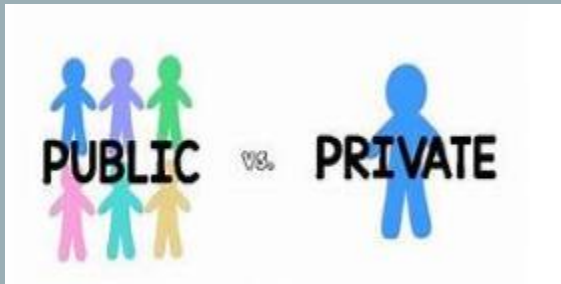
DHS rescinded Biden's protection of sensitive areas against ICE Enforcement on Jan. 21, 2025

However, universities can create private spaces (such as dorms, classrooms, clinics, labs, etc.) that can keep ICE out!

These policy spaces should be grounded in our educational mission—to minimize disruptions of the learning environment and our research!

They can also be grounded in the collective right of our community (students, faculty, and staff) to safeguard our constitutional rights against unreasonable ICE enforcement. —

Each academic unit should consider and adopt policies that maximize privacy spaces in buildings they occupy and control.



- Listed below are the policies related to access to King Hall.
- The UC Policy generally allows public access to campus areas open to the public (Quad, Arboretum, Shields, Student Unions, etc.), while restricting access to certain areas for privacy, operational, or safety reasons, and requires adherence to university policies and regulations.
- Last year we attempted to restrict access to King Hall for only “community members”, these are individuals that have key card access. Community members, include students, staff, and faculty. Central campus would not allow for this restrictive access to the entire building, however, we were able to lock the entire facility prior to 8am and after 5pm. In addition, we lock the facility during all non-academic times (weekends, breaks, summer, etc.).
- Faculty offices, classrooms, meeting spaces, etc. are not considered public spaces. The only public spaces in King Hall are the corridors and the lobby to the library. We consider the Library reading room, stacks, and student lounge as private, unless the public makes an appointment.
- Listed below are the listed policies:
- <https://policy.ucop.edu/doc/3000127/NonAffiliateRegs>
-
- <https://policy.ucop.edu/doc/2710524/PACAOS-40>
-

WHAT YOU CAN DO

- Educate yourself about your university's policies around potential immigration enforcement –e.g., <https://www.ucdavis.edu/news/faq-federal-immigration-enforcement-actions-university-property> + Learn about resources available on campus -- [Undocumented Student Resource Center](#) and [UC Immigrant Legal Services Center](#)
- Educate yourself about the rights of immigrants so you can be an ally! E.g., Know the difference between an ICE and a Judicial Warrant! – Slide 47
- Advocate for immigrants within your own academic or administrative unit, such as by
 - Asking them to adopt policies on private/public spaces
 - Seeking trainings of all faculty, staff and students about these and other relevant policies
- Speak up to protect speech!
- Join the AAUP!
- Join faculty or staff associations such as union or faculty associations.
- Lead within the Academic Senate!

ICE VERSUS JUDICIAL WARRANT

SAMPLE OF JUDICIAL WARRANT ICE CAN ENTER YOUR HOME	SAMPLE OF ADMINISTRATIVE WARRANT ICE CANNOT ENTER YOUR HOME
<p>AD-11 (Rev. 12/13) Search and Seizure Warrant</p> <p>UNITED STATES DISTRICT COURT</p> <p>for the _____</p> <p>In the Matter of the Search of _____ (Briefly describe the property to be searched or identify the person by name and address)</p> <p>Case No. _____</p> <p>SEARCH AND SEIZURE WARRANT</p> <p>To: Any authorized law enforcement officer</p> <p>An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located at the _____ District of _____ (Identify the person or describe the property to be searched and give its location)</p> <p>I find that the affiant(s), on my recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):</p> <p>YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days) <input type="checkbox"/> on the daytime 6:00 a.m. to 10:00 p.m. <input type="checkbox"/> at any time in the day or night because good cause has been established.</p> <p>Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person (from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken).</p> <p>The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____ (United States Magistrate Judge)</p> <p><input type="checkbox"/> Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 3703 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)</p> <p><input type="checkbox"/> for _____ days not to exceed 14 <input type="checkbox"/> until, the facts justifying, the later specific date of _____</p> <p>Date and time issued: _____ Judge's signature: _____ City and state: _____ (Printed name and title)</p> <p>A warrant is only valid with a judge's signature. Without it, you can refuse the search.</p> <p>A search warrant is needed to search and enter premises; an administrative warrant doesn't allow entry.</p> <p>Check that the warrant has your correct name and address</p> <p>Officers typically can only search the specified person or property described.</p> <p>The search is only allowed at the stated time and date.</p>	<p>U.S. Department of Justice Immigration and Customs Enforcement</p> <p>Warrant of Removal/Deportation</p> <p>Important: An administrative warrant allows for the arrest of the person named, NOT a search of private property. You can refuse if an officer tries to search your home with this warrant.</p> <p>To any officer of the United States Immigration and Customs Enforcement</p> <p>File No: _____ Date: _____</p> <p>(Full name of alien)</p> <p>Who entered the United States at _____ on _____ (Place of entry) (Date of entry)</p> <p>Is subject to removal/deportation from the United States, based upon a final order by:</p> <p><input type="checkbox"/> An immigration judge in exclusion, deportation, or removal proceedings <input type="checkbox"/> A district director or district director's designated official <input type="checkbox"/> The Board of Immigration Appeals <input type="checkbox"/> A United States District or Magistrate Court Judge</p> <p>And pursuant to the following provisions of the Immigration and Nationality Act: Section 241 (a) (5) of the Immigration and Nationality Act (Ace), as amended.</p> <p>I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction com- mand you to take into custody and remove from the United States the above-named alien, pursuant to law at the expense of the appropriation. "Salaries and Expenses Immigration and Customs Enforcement" including the expense of an attendant if necessary.</p> <p>(Signature of ICE Official)</p> <p>(Title of ICE Official)</p> <p>(Date and Office Location)</p> <p>It must be signed by an immigration officer to be valid.</p> <p>This warrant is valid only for the arrest of the person named.</p>



**NATIONAL
IMMIGRATION
LAW CENTER**

WARRANTS AND SUBPOENAS

What to Look Out for and How to Respond

JANUARY 2025

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Thank you!