

WNY REGIONAL IMMIGRATION ASSISTANCE CENTER

MONTHLY NEWSLETTER

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Everything You Need to Know for Your Noncitizen Clients

If your noncitizen client is facing criminal charges or adverse findings in Family Court, please contact the WNY Regional Immigration Assistance Center.

We are funded by the New York State Office of Indigent Legal Services (ILS) to assist mandated representatives in the 7th and 8th Judicial Districts in their representation of noncitizens accused of crimes or facing findings in Family Court following the Supreme Court ruling in *Padilla v. Kentucky*, 559 U.S. 356 (2010), which requires criminal defense attorneys to specifically advise noncitizen clients as to the potential immigration consequences of a criminal conviction before taking a plea. There is no fee for our service. Please consider contacting us, whether you are a criminal defense, appellate or family defense attorney, for any of the following services:

- To receive advisals on plea offers and other dispositions to reduce and alleviate the immigration consequences on a noncitizen's status
- To join you in communicating to your client the aforementioned advisal we have provided
- To assist you by providing language access to communicate with a client who does not speak English when your office does not have such capacity, or provide you with a list of referrals to interpretation/translation services
- To assist you in determining the status of a noncitizen who does not have documentation of that status available
- To communicate our advisal concerning your noncitizen client in writing or orally to opposing counsel or to a court
- To provide CLEs on the immigration consequences of crimes to your defender community
- To participate in case conferences with you and others in your office to discuss noncitizen cases in the criminal justice system
- To refer you to deportation defense services and counsel

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Rochester Sued by DOJ

The federal government is suing the City of Rochester because its sanctuary policies did not allow the local police to assist federal authorities with an immigration enforcement action. The complaint can be found [here](#).

The White House also issued an executive order on April 28th stating that the designation of sanctuaries constitutes harboring and obstruction of justice, and that "the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States."

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The WNY Regional Immigration Assistance Center

A partnership between
the Ontario County Public Defender's
Office and the Legal Aid Bureau of
Buffalo, Inc.

Impact of Law Enforcement Contact on International Students

By Wedade Abdallah, Managing Attorney, WNYRIAC, Legal Aid Bureau of Buffalo

In April 2025, the government implemented a new enforcement policy against international students. The State Department (DOS) and the Department of Homeland Security (DHS) were terminating student status if a student had any contact with law enforcement. This subjected students to removal from the U.S. and differs from the revocation of a visa.

Since its implementation, at least 1,680 international students and scholars have had their student status terminated based on traffic violations, dismissed criminal cases or other minor law enforcement involvement.¹ Generally, a student's status can only be terminated if they fail to maintain a full-time course of study or engage in unauthorized employment. A student's status may also be terminated if convicted of a felony crime of violence. 8 C.F.R. § 214.1(g). Students may also be placed in removal proceedings if convicted of certain crimes. However, an arrest or a traffic citation is not a basis for termination of student status per DHS's own regulations.²

Termination of status based on law enforcement contact is an unprecedented consequence for international students. We know that DOS has a long-standing policy of revoking a visa if a person is arrested or convicted of an alcohol related driving offense. However, when a student's visa is revoked, it does not impact their status or their ability to continue a course of study in the U.S. This is because a visa controls a student's admission into the U.S., not their continued stay.

Impacted students were not given prior notice of the government's intention to terminate their status. Their respective universities were also unaware of the government's actions. Typically, a university is responsible for terminating a student's status, not the government. Once their status is terminated, a student is required to abandon their course of study and depart the United States immediately.³

According to a lawsuit filed by international students studying in Georgia and in other states, including New York, their statuses were terminated because they were, "...identified in criminal records check and/or has had their visa revoked." *See Jane Doe, et. al v. Pam Bondi, et. al*, No. 1:25-cv-01998-VMC (N.D.Ga. April 10, 2025).

¹ Alonso, Johanna "What is SEVIS and how is the Government Using it to go After International Students," Inside Higher Ed. (April 22, 2025) at <https://www.insidehighered.com/news/global/international-students-us/2025/04/22/laws-behind-trumps-student-visa-terminations#:~:text=If%20a%20student's%20SEVIS%20record,they%20successfully%20apply%20for%20reinstatement.>

² U.S. Department of Homeland Security, Study in the States – SEVIS Help Hub.

"Termination Reasons" (April 9, 2025), <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons>

³ U.S. Department of Homeland Security, Study in the States-SEVIS Help Hub. "Terminate a Student" (November 7, 2024), <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student>

It is believed that the government was running fingerprint checks and terminated the status of any student with police contact, *regardless of the charge or case outcome*. For example, students in the Georgia lawsuit were cited for speeding, underage drinking, operating a motor vehicle without insurance, pending DUI charges, dismissed criminal allegations or dismissed traffic violations. On April 18, 2025, the district court issued a temporary restraining order and ordered the government to reinstate the students' status. A final decision on the merits of the case and the lawfulness of the government's actions has yet to be decided by the court.

After this court ruling, DHS changed its enforcement policy, and restored the status of students whose records were terminated based on dismissed cases or low-level offenses. When asked about the sudden reversal, an attorney for the justice department stated:

"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 reactivated 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."⁴

For now, the policy appears to be in abeyance until new regulations are implemented. As these student cases make clear, no allegation is too small to carry an immigration consequence. Defense counsel should make sure to ask all their clients where they were born. If they were not born in the United States, counsel should contact RIAC for advice on the immigration consequences of justice involvement.

Information on Controversial Registration Requirements

There is a very controversial requirement for certain non-citizens to register with the federal government.

The RIAC is not advising individuals on whether they should register.

Clients interested in learning more should consult an immigration lawyer.

Please contact aalexander@labbuffalo.org if you would like a list of area immigration lawyers.

[READ MORE HERE](#)

⁴Cheney & Gersten, "Trump Administration reverses abrupt terminations of foreign students' US visa registrations," Politico (April 25, 2025), [Trump administration reverses abrupt terminations of foreign students' US visa registrations - POLITICO](#).