

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Matthew Ariwoola,)	Civil Action Number: 3:25-cv-03313-JDA
)	
Plaintiff,)	
)	
vs.)	
)	
Kristi Noem, in her official capacity)	
as Secretary of Homeland Security;)	
the Department of Homeland Security;)	
and Todd Lyons, in his official)	
capacity as Acting Director of U.S.)	
Immigration and Customs Enforcement,)	
)	
Defendants.)	

NOTICE

Defendants, Kristi Noem, in her official capacity as Secretary of Homeland Security; the Department of Homeland Security; and Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, respectfully provide the following representations regarding the Student Exchange Visitor Information System (“SEVIS”) record of Plaintiff Ariwoola:

1. The SEVIS record for Plaintiff in this case has been set back to “active” by the Student and Exchange Visitor Program (“SEVP”) within Homeland Security Investigations (“HSI”) at U.S. Immigration and Customs Enforcement (“ICE”).
2. To the extent Plaintiff is participating in Optional Practical Training (“OPT”) or the STEM OPT extension or curricular practical training (“CPT”), any authorization end date for OPT, STEM OPT, or CPT was reset to the end date set forth in the Plaintiff’s SEVIS record before its termination. ECF No. 18-1.

3. The reactivation of Plaintiff's SEVIS record shall be considered by ICE retroactive to the date of its initial termination, such that there is no gap or lapse in Plaintiff's SEVIS record. Although the event history will memorialize whatever modifications are made to the SEVIS account, ICE will consider the effect of this retroactive activation is as though the termination did not happen.
4. ICE will not, under its new SEVIS policy announced April 26, 2025 (ECF 15-1), re-terminate Plaintiff's SEVIS records based solely on the National Crime and Information Center ("NCIC") record that led to the initial termination or on any related prudential visa revocation that is effective upon departure (as set forth in Paragraph 5). However, ICE maintains the authority to terminate Plaintiff's SEVIS record for other reasons, such as if he fails to maintain his nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him removable from the United States under the Immigration and Nationality Act ("INA").
5. The termination and reactivation of a Plaintiff's SEVIS record by SEVP, as set forth in Paragraph 1, will not, in itself, have a negative impact on the adjudication of any benefit request by United States Citizenship and Immigration Services ("USCIS"). If, while adjudicating an immigration benefit request, USCIS finds Plaintiff's F-1 nonimmigrant's SEVIS record was terminated on April 8, 2025, and then reactivated by ICE on April 24, 2025, USCIS will continue processing the benefit request according to all applicable laws, regulations, policies, and procedures.
6. On May 22, 2025, the District Court for the Central District of California issued a nationwide injunction in *Doe v. Trump*, No. 25-cv-03140-JSW, 2025 WL 1467543 (N.D. Cal. May 22, 2025).

7. *Donald J. Trump, Pres. of the United States, et al v. CASA, Inc., et al.*, 24A884 (U.S.S.C. filed Mar. 13, 2025), is before the Supreme Court, pending decision, wherein the issue of lawfulness of nationwide injunctions is raised.

Respectfully submitted,

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