

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

MATTHEW ARIWOOLA,

Plaintiff,

v.

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.

Case No. 3:25-cv-03313-JDA

**PLAINTIFF’S RESPONSE TO
DEFENDANTS’ “NOTICE”**

Defendants’ carefully measured “notice” does not soothe Plaintiff’s concerns—it exacerbates them. In response to Defendants’ filing, ECF 27, Plaintiff respectfully directs the Court’s attention to the dangerous limits of Defendants’ “representations.”

Defendants’ narrow concessions do not avert irreparable harm.

1. Defendants represent only that “ICE will not, *under its new SEVIS Policy*¹ . . . re-terminate Plaintiff’s SEVIS records *based solely on the* [NCIC] record,” ECF 27, ¶ 4 (emphasis added). Defendants deliberately preserve authority to terminate his SEVIS record “for other reasons,” including, *inter alia*, because they don’t like Mr. Ariwoola’s country of origin,² his

¹ Notably, the plain text of Defendant DHS’s “Broadcast Message” disclaims that it is a policy. *See* ECF 15-1. It also novelly and unlawfully claims the authority to terminate a student’s SEVIS record “with immediate effect” if the State Department revokes a visa “effective immediately.” *Id.*

² The Trump administration has repeatedly and notoriously attacked immigrants from specific countries. *See, e.g., Nat’l TPS All. v. Noem*, No. 25-cv-01766-EMC, 2025 WL 957677 (N.D. Cal. Mar. 31, 2025) (addressing attacks against Venezuelan immigrants), *stayed by Noem*

race,³ his university,⁴ or his First Amendment activities (like, for example, filing this lawsuit).⁵ These examples are not outlandish—they are likely. They borrow from recent actions of this administration and align with Defendants’ view that the termination of SEVIS records is beyond the jurisdiction of this Court to redress. *See, e.g.*, ECF 18 at 10 (arguing that Defendants’ termination of Plaintiff’s SEVIS record does not create a case or controversy); *see also* Fox News, *J.D. Vance reveals whether more deportations of green card holders are coming* (Mar. 13, 2025) (available at: <https://www.foxnews.com/video/6369982152112>) (Secretary of State Marco Rubio advocating for deporting people on student visas “if we determine that it’s not in the best interest of the United States to have them in our country”).

v. Nat’l TPS All., No. 24A1059, 2025 WL 1427560, at *1 (U.S. May 19, 2025); *see also* Claire Mom, *JD Vance: US will deport foreign students if their stay not in our best interest*, The Cable (Mar. 14, 2025) (explaining that “Nigerians among those to be affected” by backlash against international students). Just yesterday, Secretary Rubio announced that the U.S. State Department “will work with the Department of Homeland Security to aggressively revoke visas for Chinese students.” Press Statement, *New Visa Policies Put America First, Not China*, U.S. Dep’t of State (May 28, 2025) (available at: <https://www.state.gov/releases/2025/05/new-visa-policies-put-america-first-not-china/>). Under DHS’s “new SEVIS policy,” those international students face SEVIS terminations that take “immediate effect.” *Supra* n.1.

³ *See Nat’l TPS All.*, 2025 WL 957677 at *45 (holding that Defendant Noem’s decision to vacate temporary protected status for all Venezuelan immigrants “smacks of racism” and was the result of “the direct animus of Secretary Noem [and] the animus of President Trump”); *see also* Ximena Bustillo, *First Afrikaners arrive in U.S. under radically redrawn refugee program*, NPR (May 12, 2025) (describing the Trump administration’s expedited, race-based resettlement of white Afrikaners after otherwise halting all other refugee resettlement).

⁴ *See* U.S. Dep’t of Homeland Sec., *Harvard University Loses Student and Exchange Visitor Program Certification for Pro-Terrorist Conduct*, (Press Release May 22, 2025) (decreeing that “existing foreign students must transfer or lose their legal status.”); *see also* Samuel Church, *What SEVP Revocation Would Mean for International Students at Harvard*, The Harvard Crimson (May 22, 2025) (“Current international students will need to transfer out of Harvard or risk losing their ability to remain in the United States lawfully.”)

⁵ *See, e.g., Ozturk v. Trump*, No. 2:25-CV-374, 2025 WL 1145250 (D. Vt. Apr. 18, 2025), *amended sub nom. Ozturk v. Hyde*, No. 25-1019, 2025 WL 1318154 (2d Cir. May 7, 2025) (upholding First Amendment retaliation claims against Trump Administration for arresting and attempting to deport international student for writing an op-ed that was critical of genocide in Gaza); *AAUP v. Rubio*, No. 25-cv-10685-WGY, 2025 WL 1235084 (D. Mass. Apr. 29, 2025) (upholding First Amendment claim against State Department’s “ideological deportation policy”).

2. Moreover, Defendants do *not* promise to provide any due process—*i.e.*, notice (to Plaintiff or this Court) or an opportunity to be heard—if they decide to re-terminate Plaintiff’s SEVIS record. Nor do they foreclose arresting Mr. Ariwoola, transporting him outside of this federal district, or deporting him under cover of night (to El Salvador, South Sudan, or anywhere else). Thus, without a temporary restraining order or preliminary injunction, the Court may permanently lose any chance to protect Mr. Ariwoola’s rights. *See, e.g., Abrego Garcia v. Noem*, No. 8:25-cv-951-PX (D. Md. May 27, 2025) ECF 165 (Defendants’ Motion to Dismiss) (arguing, even after the U.S. Supreme Court ordered Defendants to facilitate the return of Abrego Garcia, that the district court “lacks jurisdiction because Abrego Garcia is not in United States custody, his injury is not redressable by this Court, and 8 U.S.C. § 1292(g) deprives this Court of jurisdiction.”).⁶

CONCLUSION

By fighting so mightily against the Court’s TRO, Defendants tip their hand—the unlawful crusade against international students like Matthew Ariwoola is far from over. Given Defendants’ behavior in this case and track record in other related matters, a preliminary injunction remains an indispensable bulwark against irreparable harm.

Dated: May 29, 2025

/s Allen Chaney

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⁶ Plaintiff only directs the Court to these arguments to show Defendants’ defiance towards Article III officers. Plaintiff does not mean to suggest that these arguments have any merit.