UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

PARTH ATUL CHATWANI,

Plaintiff,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security & TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement,

Defendants.

Case No . 25-cv-04024

Judge Sharon Johnson Coleman

AMENDED COMPLAINT FOR HABEAS, DECLARATORY, AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiff, Parth Atul Chatwani, a citizen of India, is in lawful F-1 status and a graduate of Northwestern University. He is authorized for post-completion Optional Practical Training (OPT). He is one of thousands of F-1 students nationwide whose SEVIS record were abruptly and unlawfully terminated by U.S. Immigration and Customs Enforcement (ICE), effectively stripping them of their lawful ability to remain a student and accept or continue their authorized employment in the United States.

2. The Student and Exchange Visitor Information Systems (SEVIS) is a government database that Defendants and universities together use to report and track international students' compliance with their F-1 status. ICE, through the Student and Exchange Visitor Program

(SEVP), uses SEVIS to monitor student status and take certain actions based on the universities' updates. In this case, the SEVP on its own terminated Plaintiff's SEVIS record with the stated reason of "Other-Individual identified in criminal records check and/or has had their VISA revoked." It did not cite any law or specify any facts in support of this termination reason.

3. SEVP's given reason for termination is without any legal justification, violates federal regulations, and contradicts decades of the agency's own policies. It is also factually erroneous- Mr. Chatwani does not have a criminal record. He has received no notice that his visa was revoked. Even when Department of State revokes a visa, ICE has no authority to terminate a student's F-1 status on that basis. An F-1 visa controls a student's entry into the country, not their continued lawful presence once admitted. The grounds cited by ICE in the SEVIS termination, therefore, provided no legal authority to terminate Plaintiff's SEVIS record. To the contrary, Mr. Chatwani has maintained full compliance with the terms and conditions of his F-1 status and has not engaged in any conduct that would warrant termination of his status. Until this recent spate of ICE initiated terminations, only school officials terminated students in SEVIS for various status violations. These do not include the State Department's visa revocation.

4. DHS's new policy of unlawfully terminating SEVIS records based on visa revocations appears primarily designed to intimidate and coerce students, including Plaintiff, into abandoning their studies or OPT and leaving the United States despite not having violated their status and to discourage other prospective students from applying to study in the United States. Displaying such intent to intimidate, the State Department advises visa-revoked students that:

> Remaining in the United States without a lawful immigration status can result in fines, detention, or deportation. It may also make you ineligible for a future U.S. visa. Please

> note that deportation can take place at a time that does not allow the person being deported to secure possessions or conclude affairs in the United States. Persons being deported may be sent to countries other than their countries of origin.

If ICE believes a student is deportable because their visa was revoked, it can initiate removal proceedings and make its case in court. But it cannot misuse the SEVIS database to circumvent the law, strip students of status, intimidate and drive them out of the country without due process.

5. The United States Constitution requires notice and a meaningful opportunity to be heard. *See Choeum v. I.N.S.*, 129 F.3d 29, 38 (1st Cir. 1997) ("At the core of [a noncitizen's] . . . due process rights is the right to notice of the nature of the charges and a meaningful opportunity to be heard."); *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976). No such process was provided here- neither Mr. Chatwani nor Northwestern University received any advance notice that ICE intended to unilaterally terminate his SEVIS record or any lawful reason for why it did so. Defendants not give Mr. Chatwani an opportunity to respond. Instead, Defendants terminated his status and ended his employment authorization without cause.

6. Visa revocations and SEVIS terminations have shaken campuses in Illinois and across the country.[1] On information and belief, this policy appears to primarily target African, Arab, Middle Eastern, Muslim, and Asian students. The SEVIS terminations have taken place against the backdrop of governmental demands on universities and threats to cut off billions of

[1] Zareen Syed and Carolyn Stein, *Trump Administration Revokes Student Visas from U of C, Northwestern, and U of I*, Chicago Tribune, April 9, 2025, https://www.chicagotribune.com/2025/04/09/trump-administration-revokes-student-visas-from-u-of-c-students-at-siu-and-u-of-i-also-targeted/; Binkley, Collin, Annie Ma, and Makiya Seminera, *Federal officials are quietly terminating the legal residency of some international college students,* Associated Press, April 4, 2025, https://apnews.com/article/college-international-student-f1-visa-ice-trump-7a1d186c06a5fdb2f64506dcf208105a.

dollars in federal funding and to revoke universities' authorization to enroll international students at all. They have created chaos as schools attempt to understand what is happening and do their best to inform and advise students. ICE has arrested and detained some of these students, taking evasive measures to spirit them far away from their homes, families, and available legal assistance.

7. Mr. Chatwani does not challenge the revocation of his visa in this action. Rather, he brings this action under 28 U.S.C. §2241 (habeas), the Administrative Procedure Act (APA) and the Declaratory Judgment Act to challenge ICE's illegal termination of his SEVIS record and the unlawful termination of his F-1 status and authorized employment, all of which restrict his freedom of movement and place him in danger of even further restrictions on his liberty. Mr. Chatwani is seeking relief in Habeas to prevent his detention by ICE and to fully restore his lawful F-1 status and employment authorization without any gaps or diminishment created by Defendants' unlawful actions.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the present action based on 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346(b) (federal defendant), 28 U.S.C. § 2201-2 (authority to issue declaratory judgment when jurisdiction already exists), and 28 U.S.C. § 2241 (habeas).

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because this is a civil action in which Defendants are employees or officers of the United States, acting in their official capacity, Plaintiff resides within the Northern District of Illinois, Eastern Division, and no real property is involved in the action.

PARTIES

10. Plaintiff Parth Atul Chatwani is an international student who enrolled at

Northwestern University under F-1 nonimmigrant status. He graduated with a Master's in Engineering Management in December 2024 and received authorization to engage in post-completion Optional Practical Training (OPT) for a period of 12 full months. His OPT was initially valid until February 2026.

11. Defendant Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has ultimate authority over DHS. In that capacity and through her agents, Defendant Noem has broad authority over the operation and enforcement of the immigration laws. Defendant Noem is sued in her official capacity. DHS is a cabinet-level department of the Executive Branch of the federal government and is an "agency" within the meaning of 5 U.S.C. § 551(1). DHS includes various component agencies, including U.S. Immigration Customs and Enforcement ("ICE"). As head of DHS, Defendant Noem has the authority to require any nonimmigrant visa holder declared to be out of status to present themselves in person when and where ordered to do so, or arrest them.

12. Defendant Todd Lyons is the Acting Director of ICE and has authority over the operations of ICE. In that capacity and through his agents, Defendant Lyons has broad authority over the operation and enforcement of the immigration laws. Defendant Lyons is sued in his official capacity. ICE is responsible for the termination of Mr. Chatwani's SEVIS record. As head of ICE, Defendant Lyons has the authority to require any nonimmigrant visa holder declared to be out of status to present themselves in person when and where ordered to do so, or arrest them.

LEGAL FRAMEWORK

13. The U.S. Department of State may issue a nonimmigrant visa that controls a noncitizen's travel to and admission into the United States, but does not determine their

continued stay in this country. Congress established a statutory basis for student visas under 8 U.S.C.§ 1101(a)(15)(F)(i), requiring a nonimmigrant student to engage in a full course of study to maintain nonimmigrant status. U.S. Customs and Border Protection ("CBP") admits F-1 students to the United States, granting them permission to remain in the United States for duration of status (D/S). This is an indefinite period valid for as long as they continue to meet the requirements established by the regulations governing their visa classification in 8 C.F.R. § 214.2(f), such as maintaining a full course of study and avoiding unauthorized employment.

14. Students in F-1 status may also be authorized to be employed in two different kinds of practical training programs. Curricular Practical Training (CPT) is any "alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school" that is an "integral part of an established curriculum."" *Id.* § 214.2(f)(10)(i). CPT occurs during the course of study and before its completion. The other is Optional Practical Training (OPT) which consists of temporary employment that is "directly related to the student's major area of study." *Id.* § 214.2(f)(10)(ii)(A). OPT usually occurs after the completion of studies.

15. SEVIS is a centralized database, maintained by the SEVP within ICE, used to manage information on nonimmigrant students and exchange visitors and track their compliance with the terms of their status. Under 8 C.F.R. § 214.3(g)(2), Designated School Officials (DSOs) working at approved schools must report through SEVIS to SEVP when a student fails to maintain status. SEVP policy and regulations govern SEVIS terminations and limit them to specified situations. They provide that terminations signal that the F-1 student has failed to maintain lawful status and immediately end any previously authorized employment, requiring the student to leave the United States.

16. DHS regulations generally provide for termination of nonimmigrant status where there is a revocation of a previously granted nonimmigrant waiver, introduction of a private bill to confer permanent resident status, or through notification in the Federal Register on the basis of national security, diplomatic, or public safety reasons. 8 C.F.R. §214.1(d).

17. In addition, F-1 students may fail to maintain status in specified situations, through non-compliance with the F-1 visa requirements, for example by failing to maintain a full course of study, engaging in unauthorized employment, or otherwise violating the requirements of 8 C.F.R. § 214.2(f). 8 C.F.R. §§ 214.1(e)–(g) outlines specific circumstances where certain conduct by any nonimmigrant will constitute a failure to maintain nonimmigrant status, such as engaging in unauthorized employment, providing false information to DHS, or being convicted of a crime of violence with a potential sentence of more than a year.

18. Termination in SEVIS must be distinguished from visa revocation. Importantly, the revocation of a visa is not a failure to maintain status under the regulations, and so is not a basis for SEVIS termination. If the Department of State revokes a visa prior to the student's arrival in the United States, then the student may not enter and ICE will terminate the SEVIS record based on the student not being admitted into F-1 status. But ICE may not terminate a F-1 student's SEVIS record based on a visa revocation after a student has been admitted into the United States, because the student is permitted to continue the authorized course of study.[2]

19. ICE's own guidance confirms that "[v]isa revocation is not, in itself, a cause for termination of the student's SEVIS record."[3] Rather, if the visa is revoked, the student is permitted to pursue their course of study in school, but upon departure, the SEVIS record is

[2] ICE Policy Guidance 1004-04 –Visa Revocations (June 7, 2010), *available at* https://www.ice.gov/doclib/sevis/pdf/visa_revocations_1004_04.pdf
[3] *Id.*

terminated and the student must obtain a new visa from a consulate or embassy abroad before returning to the United States.[4]

20. ICE may *charge* visa revocation as a ground of deportability in removal proceedings, but the student can contest deportability in such proceedings.[5] The immigration judge may even dismiss removal proceedings where a visa is revoked, so long as a student is able to remain in valid status.[6] Only when a judge enters a final removal order would the student lose F-1 status.

21. A student who has not violated their F-1 status, even if their visa is revoked, cannot have a SEVIS record terminated based on 8 U.S.C. § 1227(a)(1)(C)(i) (failure to maintain status).

22. F-1 students granted Optional Practical Training (OPT) receive an employment authorization document (EAD) valid for specified periods. 8 C.F.R. §274a.12(c)(3). Once USCIS issues an EAD, it may be automatically terminated without notice only when the authorized period expires, exclusion or deportation proceedings are instituted, or the EAD holder is granted voluntary departure. 8 C.F.R. § 274a.14(a). Otherwise, the government must issue a notice of intent to revoke employment authorization and provide the holder with 15 days in which to present countervailing evidence. 8 C.F.R. § 274a.14(b). Despite these regulations and process, ICE informs the public that "[w]hen an F-1/M-1 SEVIS record is terminated, the following happens: Student loses all on-and/or-off campus employment authorization." [7]

23. The immigration courts have no ability to review the SEVIS termination here

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[4] Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA REVOCATION (Sept. 12, 2016), *available at* https://www.aila.org/library/dos-guidance-directive-2016-03-on-visa-revocation.
[5] *See* 8 USC § 1227(a)(1)(B); 8 U.S.C. § 1201(i) (allowing immigration court review of visa revocation).
[6] 8 C.F.R. §§ 1003.10(b) and 1003.18(d).
[7] https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student

because the process is collateral to removal.[8] There is also no administrative appeal of a denial to reinstate F-1 status. The termination of a SEVIS record constitutes final agency action for purposes of APA review.[9]

24. Other courts facing similar claims have agreed that ICE's actions violate the APA.

FACTS

25. Parth Atul Chatwani is a citizen and national of India. He first arrived in the United States on September 6, 2022 at Logan International Airport in Boston with a F-1 visa to attend Northeastern University. At Logan, CBP questioned him about his finances and tuition payments. Notwithstanding Mr. Chatwani's explanation, CBP canceled his F-1 visa and allowed him to withdraw his application for admission to the United States. This is a common situation in which a nonimmigrant is denied admission without prejudice and not barred from entering with a new visa in the future.

26. Mr. Chatwani returned to India. He reported what occurred to Northeastern University school officials who contacted CBP, which conceded that his refused entry and visa cancellation were error on its part. Mr. Chatwani then applied for and successfully obtained a new F-1 visa to attend Northeastern. But after receiving this visa, he decided instead to apply for admission to the same program major at his preferred school, Northwestern University in Evanston, Illinois.

27. Mr. Chatwani fully disclosed his previous CBP encounter to Northwestern admission officials, who understood he was eligible to enroll and return to the United States as a graduate student in its Engineering/Industrial Management program. Northwestern provided him with the

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[8] *See Nakka v. United States Citizenship & Immigr. Servs.*, 111 F.4th 995, 1007 (9th Cir. 2024); *Jie Fang v. Director United States Immigration & Customs Enforcement*, 935 F.3d 172, 183 (3rd Cir. 2019).
[9] *See Jie Fang*, 935 F.3d at 185.

necessary documentation to apply for a F-1 visa to take classes toward his master's degree. On July 20, 2023, the U.S. Consulate in Mumbai issued a new F-1 visa for him to travel to the United States He entered the United States at O'Hare Airport on September 4, 2023. Since then he has been studying and receiving academic related training with authorization from the U.S. Citizenship and Immigration Services.

28. He graduated near the top of his class with a grade point average (GPA) of 3.95 and a Master's in Engineering Management in December 2024. He sought post-completion OPT to work for Northwestern as a Graduate Assistant at Northwestern's Kellogg School of Management. USCIS granted his request for OPT and he received 12 months of employment authorization beginning in February 2025 valid to February 2026. He looks forward to standing for graduation ceremonies this June, and hopes to continue to obtain additional valuable training through the Optional Practical Training program.

29. Mr. Chatwani does not have any criminal record. Nonetheless, on April 5, 2025, he was informed by Northwestern that his SEVIS record had been terminated for the stated reason of "Otherwise Failing to Maintain Status-Individual identified in criminal records check and/or has had their VISA revoked."

30. A few days later, on or around April 9, 2025, Northwestern notified Mr. Chatwani that the termination reason had changed to "Other- Individual identified in criminal records check and/or has had their VISA revoked." He is unaware of either of these conditions pertaining to him. This is not a standard reason for termination and diverts from SEVP's prior policy to comply with applicable regulations that do not permit visa revocations to be a reason for SEVIS termination.

31. Around the same time, the Defendants sent Mr. Chatwani an email informing him that his OPT period had "ended."

32. On information and belief, ICE likely decided to terminate Mr. Chatwani's F-1 SEVIS record, status, and employment authorization because of an ICE artificial intelligence search that may have included students previously refused admission to the United States, regardless of the reasons or lack of legal implications of such refusal.[10] This was confirmed more recently by testimony of an ICE official, Andre Watson, who stated that it indiscriminately sought thousands of visa revocations from the Department State based on the appearance of F-1 students in a national crime (NCIC) database.

33. The NCIC database included many F-1 students whose appearance there did not implicate whether they continued to maintain their F-1 status or whether they were removable from the United States.

34. Because of this termination, Northwestern was no longer able to employ Mr. Chatwani, and he had to leave his job with them.

35. Mr. Chatwani filed suit in this Court on April 14, 2025 challenging Defendants' termination of his SEVIS record and their decision to end his authorization for OPT.

36. At a hearing on Mr. Chatwani's motion for a temporary restraining order, the Court entered a TRO ordering the Defendants to not detain or remove him from the Court's jurisdiction. The Court has extended the TRO several times and decided to consider Mr. Chatwani's current request to continue it as a motion for preliminary injunction.

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[10] Jason Koebler, *Inside a Powerful Database ICE Uses to Deport People,* 404Media, April 9, 2025, https://www.404media.co/inside-a-powerful-database-ice-uses-to-identify-and-deport-people/?utm_source=substack&utm_medium=email. According to this report, the database "allows filtering according to hundreds of different categories, which include things like … 'nonimmigrant alien refused admission'…."

37. On April 27, 2025, Northwestern University and Mr. Chatwani checked his SEVIS portal and saw that SEVP had reactivated his student record.

38. Mr. Chatwani's SEVIS record now shows that it was terminated from April 4, 2025 to April 26, 2025 and reactivated as of April 26, 2025.

39. Mr. Chatwani promptly resumed work with Northwestern on April 28, 2025.

40. Nonetheless, because of the gap in his SEVIS record from April 4, 2025 to April 26, 2025, various agencies of the U.S. government can find that Mr. Chatwani was out of lawful status during this period. This will impact a future request by him to change or extend his nonimmigrant status, including seeking a STEM extension of his OPT, or to adjust his status to that of a lawful permanent resident. 8 C.F.R. § 214.1(c)(4) (requiring continuous maintenance of status to seek extension of status); 8 U.S.C. § 1258(a) (same for change of status from one nonimmigrant status to another); 8 U.S.C. § 1255(c)(2), (7), (8) (same for adjustment of status from nonimmigrant to permanent resident).

41. Mr. Chatwani lost 22 days of employment authorization he should have had due to Defendants' actions. In addition to significant financial loss, this period counts against him as days of unemployment while on OPT, thus potentially jeopardizing his future ability to maintain status. *See* 8 C.F.R. §214.2(f)(10)(ii)(E)(having more than 90 days' unemployment while on post-completion OPT is failure to maintain status).

42. Mr. Chatwani received no advance notice of ICE's plans to terminate his SEVIS record and unilaterally strip him of his employment authorization in the United States, as required by federal regulations.

43. On April 26, 2025, ICE sent an internal memo to all SEVP personnel stating that "SEVP can terminate [SEVIS] records for a variety of reasons, including, but not limited to the

following reasons: . . . U.S. Department of State Visa Revocation (Effective Immediately)." The memo does not refer to any regulation regarding its authority to terminate F-1 status or a student's SEVIS record, nor does it contain any provision requiring Defendants to give notice to students whose SEVIS records are terminated per its terms. Due to this memo and statements by Defendants' operative Mr. Watson that Defendants have worked and will continue to persuade the Department of State to revoke visas, Mr. Chatwani fears Defendants will terminate his SEVIS record again in the near future in violation of federal regulations and with no notice despite his having done nothing to violate or fail to maintain his status. Should this happen, he also fears being unlawfully and forcibly abducted, detained, and deported without due process.[11]

44. The SEVIS terminations have created havoc and uncertainty for schools as well, which are struggling to respond to these unprecedented actions and determine whether and how they can help their international students while themselves facing the Defendants' malevolent existential threats. [12]

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[11] *See, e.g., Ozturk v. Trump*, No. 25-cv-10695-DJC, 2025 U.S. Dist. LEXIS 64831 (D. Mass. Apr. 4, 2025); Tyler Pager, "For Trump, the Constitution is a Hindrance as he Pushes for Deportations," New York Times, May 5, 2025, https://www.nytimes.com/2025/05/05/us/politics/trump-constitution-immigration-hearings.html. (" 'The courts have all of a sudden, out of nowhere, they've said maybe you're going to have to have trials,' the president said Monday in the Oval Office. 'I was elected to get them the hell out of here and the courts are holding me from doing it,' Mr. Trump said in the NBC News interview."). The Defendants have made no enduring attempt to ensure that Mr. Chatwani will not again become a number in their indiscriminate mass deportation effort but instead are proposing mechanisms to achieve just that result at their whim. *See id.* ("Now, Mr. Trump and his top aides show no signs of backing down from this fight. 'The right of 'due process' is to protect citizens from their government, not to protect foreign trespassers from removal,' Stephen Miller, one of Mr. Trump's top advisers, posted Monday on social media. 'Due process guarantees the rights of a criminal defendant facing prosecution, not an illegal alien facing deportation.'").

[12] Liam Knox, *How Trump is Wreaking Havoc on the Student Visa System*, Inside Higher Ed, April 5, 2024, https://www.insidehighered.com/news/global/international-students-us/2025/04/03/how-trump-wreaking-havoc-student-visa-system; Letter dated April 16, 2025 from Defendant Kristi Noem, Secretary of DHS, to the Director of Harvard University's International Office, requiring extensive information, stating its continued SEVP certification is contingent upon meeting reporting requirements, and requiring certification from the school's Principal Designated School Official," while warning of automatic withdrawal of the school's certification and criminal penalties for false, fictitious, or fraudulent information. *Available at* https://www.nytimes.com/interactive/2025/04/17/us/harvard-letter-signed.html.

CLAIMS FOR RELIEF

COUNT 1

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

(Unlawful F-1 Student Status Termination)

45. The foregoing allegations are realleged and incorporated herein.

46. The United States Constitution requires notice and a meaningful opportunity to be heard. *See Choeum*, 129 F.3d at 38 ("At the core of [a noncitizen's] . . . due process rights is the right to notice and the nature of the charges and a meaningful opportunity to be heard.").

47. Defendants terminated Mr. Chatwani's F-1 student status under the SEVIS system without (i) notifying him about this termination decision, (ii) providing him with an individualized hearing before an impartial adjudicator, or (iii) providing him with adverse evidence and an opportunity to confront and respond to such evidence.

48. Defendants' disregard for complying with well-established due process principles violated Plaintiff's due process rights.

49. Defendants have not shown that their unlawful termination of Mr. Chatwani's SEVIS record cannot reasonably be expected to recur. *See FBI v. Fikre*, 601 U.S. 234, 241 (2024).

COUNT 2

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT—ARBITRARY AND CAPRICIOUS AGENCY ACTION

(Unlawful F-1 Student Status and Employment Authorization Termination)

50. The foregoing allegations are realleged and incorporated herein.

51. Defendants' termination of Mr. Chatwani's F-1 student status under the SEVIS system is a final agency action. *See Jie Fang*, 935 F.3d at 182 ("[t]he order terminating these students' F- 1 visas marked the consummation of the agency's decisionmaking process, and is therefore a final order . . .").

52. Defendants' termination violated the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A), as arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with the law, including the regulatory regime at 8 C.F.R. §§ 214.1(d), 214.2(f), and 274a.14(a)-(b).

53. Under 8 C.F.R. § 214.1(d), Defendants have no statutory or regulatory authority to terminate Plaintiff's SEVIS record or status based simply on revocation of a visa.

54. Under 8 C.F.R. §274a.14(b) Mr. Chatwani was entitled to written notice in advance of any action taken to terminate his post-completion OPT employment authorization. Defendants have no authority to unilaterally terminate previously authorized employment by way of a purported termination of Mr. Chatwani's SEVIS record.

55. Moreover, in making its finding that Mr. Chatwani's student status should be terminated, Defendants did not consider any facts relevant to his individual circumstances nor did they provide any explanation, let alone reasoned explanation, justifying their determination. Defendants' lack of consideration of any relevant facts specific to Mr. Chatwani before making its determination was arbitrary and capricious and in violation of the APA.

56. Defendants have not shown that their unlawful termination of Mr. Chatwani's SEVIS record and post-completion OPT employment authorization cannot reasonably be expected to recur.

COUNT 3

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

(Unlawful Detention)

57. The foregoing allegations are realleged and incorporated herein.

58. The Fifth Amendment requires fair, pre-deprivation process when a person's liberty hangs in the balance.

59. In light of the unlawful termination of Mr. Chatwani's SEVIS record and F-1 student status, and Defendants' failure to show that such conduct cannot reasonably be expected to recur, Mr. Chatwani is at risk of abrupt detention without prior notice. He has no criminal record. He has ensured that he complied with all rules. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (finding immigration detention must further twin goals of (1) ensuring noncitizen's appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument for Mr. Chatwani's immigration detention, preventing him from pursuing his OPT and other benefits of lawful F-1 status.

COUNT 4

28 U.S.C. § 2241 PETITION FOR A WRIT OF HABEAS CORPUS

(Unlawful detention, restrictions on physical autonomy and severe deprivations of liberty) interests)

60. The foregoing allegations are realleged and incorporated herein.

61. ICE's actions deprived Mr. Chatwani of lawful status and the ability to move freely or work anywhere in the United States notwithstanding his previously granted employment authorization. Defendants have not shown that these actions cannot reasonably be expected to

recur. Together with statements from the Defendants and other U.S. government agencies, and actual arrests of other F-1 students, he reasonably fears that ICE may again terminate his SEVIS record and then abduct, imprison, and deport him to a third country in violation of his rights under applicable statutes, regulations, and the Constitution.

62. In addition to the threat of arrest, ICE's termination of his status and OPT employment authorization substantially interferes with his freedom of movement, inasmuch as it deprives him entirely of the ability to accept or continue previously authorized employment. It is no less egregious than if the U.S. government were to fire even a U.S. citizen and then prohibit the citizen from accepting any other employment. Courts have recognized this serious, unlawful, and substantial imposition of economic disadvantage can constitute "economic persecution." *Borca v. INS,* 77 F.3d 210, 216 (7th Cir. 1996). In this case, it is a direct consequence of ICE's actions so as to meet the "in custody" requirement for a writ of habeas corpus. A habeas petitioner is in custody if "his physical liberty . . . is limited in a non-negligible way...." *Stainbridge v. Scott,* 791 F.3d 715, 719 (7th Cir. 2015). *C.f. Cossio v. Air Force Court of Criminal Appeals,* 129 F.4th 1013, 1019-20 (7th Cir. 2025) (requiring direct, not collateral consequences to satisfy "in custody").

63. To the extent the Defendants' reactivation of Mr. Chatwani's SEVIS record reinstates his OPT employment authorization, the OPT remains diminished in its duration, and its previous unlawful termination has harmed him financially and threatens a future status violation.

64. On information and belief, Defendants' agency seeks to detain and swiftly move detainees it claims have violated their status to locations far from their homes and original place of detention, thus depriving the original detention State of habeas jurisdiction and imposing

hurdles to the detainees' challenging the arrest and removal process.[13] Thus, it is appropriate for Mr. Chatwani to bring this habeas action in the Northern District of Illinois at this time, and for this Court to assume jurisdiction over all his claims to prevent additional unlawful restrictions on his liberty.

PRAYER FOR RELIEF

Plaintiff asks that this Court grant the following relief:

(1). Assume jurisdiction over this matter;

(2). Declare that Defendants' termination of Mr. Chatwani's F-1 student status under the SEVIS system without affording him sufficient notice and opportunity to be heard violated Plaintiff's Fifth Amendment due process rights and the APA (including under 8 C.F.R. § 214.1(d));

(3). Declare Defendants' termination of Mr. Chatwani's F-1 student status under the SEVIS system to be legally null and void in such manner, and to such extent that it shall have no future legal consequences to him when seeking any future immigration benefits, including but not limited to future requests to change or extend nonimmigrant status, seek employment authorization otherwise available to Mr. Chatwani, adjust of status to lawful permanent resident, or to seek a U.S. visa or admission to the United States and that any denials of such benefits must be based on reasons independent and apart from the Defendants' April 4, 2025 termination of Mr. Chatwani's SEVIS status.

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[13] Eric Levinson and Gloria Pazmino, *Why ICE is really moving detainees over a thousand miles from where they were arrested,* CNN, April 10, 2025, https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa/index.html?utm_campaign=everyaction&utm_medium=email&utm_source=&emci=db971c3b-0c17-f011-8b3d-0022482a9fb7&emdi=776dc067-6b18-f011-8b3d-0022482a9fb7&ceid=4490391

(4). Enjoin Defendants from terminating Mr. Chatwani's SEVIS record for reasons not specified in the Immigration and Nationality Act or its implementing regulations as a basis for finding an F-1 student to be out of or in violation of status or as a basis for the DHS to terminate a F-1 student's SEVIS record;

(5). Order Defendants to provide adequate individualized proceedings before an impartial adjudicator should they again terminate Mr. Chatwani's SEVIS record, in which he will be entitled to review any adverse evidence and respond to such evidence prior to determining whether his F-1 student status should be terminated;

(6). Order Defendants to reinstate Plaintiff's valid F-1 student status under the SEVIS system at Northwestern University retroactive to April 4, 2025 and to expressly annotate his record to make such retroactive reactivation clear;

(7). Order Defendants to extend Mr. Chatwani's post-completion OPT authorization in SEVIS to at least February 24, 2026 to make up for the 22 days of OPT he lost, and to issue him a new employment authorization card (EAD) reflecting this extended validity;

(8). Enjoin Defendants from counting any of the 22 days that Mr. Chatwani's SEVIS record was terminated against him when determining whether Mr. Chatwani had more than 90 days' unemployment during a period of post-completion OPT;

(9). Issue a Writ of Habeas Corpus and enjoin Defendants from physically detaining Plaintiff pending the instant case or based on reasons related in any way to Defendants' previous SEVIS termination;

(10). Award attorney's fees and costs; and

(11). Order any further relief this Court deems just and proper.

Respectfully Submitted

s/Scott D. Pollock

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CERTIFICATE OF SERVICE

I, Scott D. Pollock, certify that the above Plaintiff's Amended Complaint for Habeas, Declaratory, and Injunctive Relief was served on May 14, 2025 on counsel of record for the Defendants via the Court's ECF filing system.

s/Scott D. Pollock
Attorney for the Plaintiffs

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