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May 22, 2026

BY ECF

Honorable Kai N. Scott, U.S.D.J.

U.S. District Court for the Eastern District of Pennsylvania

Re: CHAUDHARI v. JAMISON et al, 2:26-cv-2852-KNS
Supplemental Authority re: Deferred Action

Dear Judge Scott:

Petitioner, Sureshbhai Chaudhari, respectfully submits the supplemental brief – as undersigned counsel has just become aware of relevant proceedings affecting substantially similar issues as those presented to this Honorable Court in the instant matter. Specifically, on May 20, 2026, the Court in *ICWC v. Noem* issued an order staying the 2025 Vitello Memo and two related Trump administration policies resulting in the routine arrest, detention, and removal of immigrants with pending VAWA, U visa, and T visa petitions. Case No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026); *see also Exhibit A – Decision*; *see also Exhibit B – Vitello Memo*.

The court certified three classes (defined below) and stayed the memo and policies nationwide on behalf of those classes. Because it stayed the Vitello Memo, the 2021 and 2011 guidance that memo rescinded is now back in force. Therefore, ICE should now be implementing the victim-centered approach described in those prior memos. *See Exhibit C – 2021 Memo*. The court stayed ICE's policies of (1) **unilaterally revoking deferred action status issued to U and T visa petitioners by detaining and removing them without USCIS having revoked that status**, and (2) removing U and T petitioners who request a stay of removal without first obtaining a determination of their prima facie eligibility for those visas.

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The Court preliminarily certified the following classes:

1. Pending Petition Class: **All individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement.**
2. Deferred Action Class: **All individuals to whom USCIS has granted deferred action based on a pending U or T visa petition** and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status.
3. Stay of Removal Class: All individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE and who request or requested a stay of a final removal order prior to enforcement of that removal order.

The order requires:

1. DHS to stay the 2025 Vitello Memo, including its rescission of prior policies. This stay applies in favor of the current and future clients of the Organizational Plaintiffs, and the members of all three Classes.
2. DHS to stay the De Facto Revocation Policy, under which ICE does not honor grants of deferred action conferred by USCIS to individuals with pending petitions for U or T visas. This stay applies to the current and future clients of the Organizational Plaintiffs, and the members of the Deferred Action Class.
3. DHS to stay the Blind Removal Policy. This stay applies in favor of the current and future clients of the Organizational Plaintiffs, and the members of the Stay of Removal Class.

The Court also ordered the government to permit the return of the unlawfully deported named plaintiffs. This recent decision supports and substantiates Petitioner's argument. Specifically, the argument that Petitioner's grant of deferred action entitles him to a period of prosecutorial discretion where he is not permitted to be removed from the United States. The recent decision also significantly undermines Respondents' argument that Petitioner's removal is justified "on account of changed circumstances" or that the government determined "there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i).

Based upon the foregoing, Petitioner respectfully requests that this Honorable Court enter an Order granting the Petition, and ordering that Petitioner is immediately released from ICE Custody.

Respectfully Submitted,

s/Conor A. Deane

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