UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BADAR KHAN SURI

Petitioner,

v.

DONALD TRUMP*, et al.,*

Respondents.

Case No. 1:25-cv-480

PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION FOR PRELIMINARY INJUNCTION

On March 17, 2025, the government arrested and detained Dr. Badar Khan Suri, in violation of his constitutional rights, pursuant to Respondents' policy (the "Policy") to weaponize the immigration enforcement system against non-citizens who Respondents perceive to be critical of the U.S. government, the Israeli government, or supportive of Palestinian rights. Dr. Khan Suri entered the United States in December 2022 as a foreign exchange visitor on a J-1 visa, and, up until the time of his arrest, had remained in lawful J-1 status. ECF 78-1, Second Amended Petition and Complaint, ¶¶ 13, 32. He came to the United States in order to conduct research and teach at the Alwaleed Bin Talal Center for Muslim-Christian Understanding at Georgetown University. *Id.* at ¶ 31. Shortly after his unlawful arrest and detention, the Responsible Officer for the J-1 program at Georgetown University discovered that the U.S. Department of State had unilaterally terminated Dr. Khan Suri's record in the Student and Exchange Visitor Information System ("SEVIS")—a database used to document and monitor the status of foreign students and exchange visitors like Dr. Khan Suri—without notice to Georgetown University or Dr. Khan Suri. *Id.* at ¶¶ 113-114. This

termination was not based on any lawful grounds but was in retaliation for Dr. Khan Suri's protected speech and association.

On May 14, 2025, this Court ordered that Dr. Khan Suri be released on bond, ECF 65, having found that exceptional circumstances exist that make the grant of bail necessary to make the habeas remedy effective, and that Dr. Khan Suri raised substantial constitutional claims on which he showed a high probability of success, Transcript of May 14, 2025 Hearing at 26-27 (hereinafter "Tr."). Dr. Khan Suri was released the same day and immediately returned home to his wife and family. He also hopes to return to his fellowship position as a teacher and researcher at Georgetown University. However, since his release, his record in the SEVIS system has not been reinstated and remains terminated. Because Dr. Khan Suri is not permitted to return to his position at Georgetown unless and until his J-1 status and corresponding SEVIS record are restored, he is unable to support his wife and three children, complete his scholarship, or resume teaching his students. ECF 78-1 ¶ 116.

Preliminary injunctive relief requiring Respondents to reinstate Dr. Khan Suri's SEVIS record is warranted here, because the termination of his SEVIS record is contrary to law, arbitrary and capricious, and constitutes unlawful retaliation for Dr. Khan Suri's protected speech and associations. Further, the equities weigh heavily in Dr. Khan Suri's favor, because reinstatement of his SEVIS record is a prerequisite to his return to his teaching and research and his ability to support his family, and the public has an interest in the lawful administration of the J-1 program. Finally, the requested relief does not interfere with any legitimate public or governmental interest and would not interfere in any way with the removal proceedings against Dr. Khan Suri.

BACKGROUND

A. The J-1 Exchange Visitor Program.

The J-1 classification is a nonimmigrant status intended for people who come to the U.S. to participate in an approved program for the purpose of teaching, studying, or conducting research, among other activities. ECF 78-1 ¶ 102; "Exchange Visitors," USCIS, https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/exchange-visitors (last visited June 19, 2025) (hereinafter, "USCIS"). These programs are designed to promote the exchange of persons, knowledge, and skills, in the fields of education, arts, and science." *Id*. Recipients of J-1 status must be sponsored by an exchange program that has been approved and designated as such by the U.S. Department of State ("State Department"). USCIS; ECF 78-1 ¶ 104. The categories of exchange visitors most often associated with university exchange programs are Visiting Professor, Research Scholar, Student, Specialist, and Student Intern. Declaration of Dahlia M. French dated May 30, 2025 at ¶ 6 (attached as Exhibit C and hereinafter "French Decl.").

In order to obtain formal approval as a J-1 sponsor program, an institution must first file an application through the SEVIS system. 22 C.F.R. § 62.5. The sponsor program must designate a "Responsible Officer," who is responsible for, among other things, "all official communications" with the State Department and the Department of Homeland Security ("DHS") relating to the program. 22 C.F.R. § 62.11(c). Sponsor programs are responsible for entering and maintaining certain information regarding exchange visitors in SEVIS, including validating the visitor's program participation and notifying the government of certain circumstances, such as where the visitor has failed to begin their program, has completed their program, or where there has been a change in certain specified circumstances of the visitor or sponsor. 22 C.F.R. § 62.13.

To obtain J-1 status, individuals must apply for a visa, which permits them to enter the United States. French Decl. ¶ 7. Exchange visitors apply for a J-1 visa by submitting a Form DS-2019, provided by the sponsoring program, to the State Department, which approves and issues the visas. USCIS. The spouse and unmarried children under the age of 21 of the J-1 exchange visitor may obtain a J-2 visa to travel to and remain in the U.S. as derivatives of the J-1 exchange visitor. *Id*.

Recipients of J-1 status generally "maintain status while they continue to engage in program activities as required by the terms of their program." *Id.*; *see also* French Decl. ¶ 8. An exchange visitor's J-1 status continues without a fixed end date as long as they continue to "engage in the exchange visitor program activity and compl[y] with the terms of their status." French Decl. ¶ 9 (citing 8 C.F.R. § 214.2(j)(1)(ii)(iv)). A J-1 exchange visitor may extend their period of participation, and thus the duration of their stay in the U.S., with the assistance of their program sponsor. 22 C.F.R. § 62.43.

J-1 exchange visitor status is distinct from a J-1 visa. A visa allows the holder to travel to the U.S. and seek admission at a port of entry. *See Sultan v. Trump*, No. 25-CV-1121, 2025 WL 1207071, at *2 (D.D.C. Apr. 24, 2025); French Decl. ¶ 7. Importantly, the expiration or revocation of a J-1 *visa* (the document that permits the individual to enter the United States) does not in and of itself have any impact on the J-1 *status* of an exchange visitor (which governs the ability of the individual to remain in the United States). French Decl. ¶ 14. ("Both the Department of State and ICE have acknowledged that visa revocation has no effect on status.").

A J-1 exchange visitor's status is reflected in their SEVIS record. French Decl. ¶ 9. The use of SEVIS is mandatory. 8 C.F.R. § 214.2(j)(1)(vii). SEVIS is used to monitor and report whether J-1 exchange visitors are complying with the requirements of their status. *See* 22 C.F.R. § 62.45;

French Decl. ¶ 16. The State Department describes SEVIS records as "the definitive record of student or exchange visitor status and visa eligibility." 9 FAM 402.5-4(B)(a).[1] "SEVIS records are meant to accurately reflect whether an exchange visitor is maintaining status . . . ." French Decl. ¶ 16. When an exchange visitor fails to maintain their status, it is the Responsible Officer or Alternate Responsible Officer ("ARO") who terminates the SEVIS record, not the government.[2] French Decl. ¶ 10; Declaration of Sandra Galib dated June 2, 2025 at ¶ 12 (attached as Exhibit B and hereinafter "Galib Decl.").

A J-1 exchange visitor's status may only be terminated by the government for certain grounds enumerated in federal regulations. The government can terminate status if, pursuant to notification in the Federal Register, the termination is based on "national security, diplomatic, or public safety reasons." 8 C.F.R. § 214.1(d). The government can also terminate status if a specific waiver of inadmissibility was granted but later revoked, or if a private bill is introduced that would confer permanent resident status on the noncitizen. *Id.* Finally, the State Department can terminate J-1 status if it establishes that the exchange visitor engaged in unauthorized employment. 22 C.F.R. § 62.40(b).

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[1] Available at https://fam.state.gov/fam/09FAM/09FAM040205.html. The Foreign Affairs Manual ("FAM") and its associated Handbooks are the "single, comprehensive, and authoritative source for the Department's organization structures, policies, and procedures that govern the operations of the State Department, the Foreign Service and, when applicable, other federal agencies." "Foreign Affairs Manual," Department of State, 2025, https://fam.state.gov/#:~:text=The%20Foreign%20Affairs%20Manual%20(FAM,when%20applicable%2C%20other%20federal%20agencies.

[2] A program sponsor may terminate an exchange visitor's participation in its program for certain reasons. 8 C.F.R. § 214.1(e)-(g); 22 C.F.R. § 62.40(a). However, Georgetown University did not terminate Dr. Khan Suri's participation in its program and provided no notification to either the State Department or DHS that would have led to the termination of Dr. Khan Suri's SEVIS record, so these provisions are not relevant here. Galib Declaration ¶¶ 4, 11.

Notably, the revocation of a visa is not grounds for termination of a SEVIS record. *See* ICE Policy Guidance 1004-04 – Visa Revocations (June 7, 2010) (attached as Exhibit D); Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA REVOCATION (Sept. 12, 2016) ("If an exchange visitor is in the United States, the revocation of their visa does not override the J-1 status granted by Customs and Border Protection ("CBP") at the time of their entry or their ability to stay in the United States (except in extremely rare instances).") (attached as Exhibit E); French Decl. ¶¶ 14-15.

B. The Unlawful Termination of Dr. Khan Suri's SEVIS Record.

Dr. Khan Suri was participating in the exchange visitor program as a "research scholar," which is "a foreign national whose primary purpose is conducting research, observing, or consulting in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions. A research scholar also may teach or lecture where authorized by the sponsor." 22 C.F.R. § 62.4(f); ECF 78-1 ¶ 112. Dr. Khan Suri began participation in his approved program on January 1, 2023, and remained in active status until the time of his arrest and detention. Declaration of Badar Khan Suri dated June 23, 2025 at ¶ 7 (attached as Exhibit A and hereinafter "Khan Suri Decl."); Galib Decl. ¶ 11. He received two extensions of his J-1 status, and at the time of his arrest, Dr. Khan Suri had been approved to continue in his fellowship program until December 31, 2026. Khan Suri Decl. ¶ 5; Galib Decl. ¶ 5. Dr. Khan Suri was in active status at all times until his SEVIS record was terminated. Khan Suri Decl. ¶ 7; Galib Decl. ¶ 11. Georgetown's Responsible Officer did not terminate Dr. Khan Suri's SEVIS record, nor did she or any ARO provide any information

through SEVIS or otherwise that would have served as the basis for the government to terminate Dr. Khan Suri's J-1 status. Galib Decl. ¶ 11; ECF 78-1 ¶ 115.

Neither DHS nor the State Department ever provided Dr. Khan Suri or the Office of Global Services at Georgetown University any notice that Dr. Khan Suri's SEVIS record or his J-1 status had been terminated. Khan Suri Decl. ¶ 8; Galib Decl. ¶ 9; ECF 78-1 ¶ 114. Instead, having heard about Dr. Khan Suri's arrest, the Responsible Officer for the J-1 program at Georgetown viewed Dr. Khan Suri's SEVIS record on the morning of March 18, 2025, and saw that it had been terminated by a "State Department Official" earlier that morning. Galib Decl. ¶ 4; ECF 78-1 ¶ 114. The first reason given for the termination at 8:52 a.m. was "No Show," but that was amended at 9:19 a.m. to "Other - Failure to Maintain Status." *Id.* Dr. Khan Suri's SEVIS record also showed that the J-2 status of his three children was terminated on March 15, 2025, for the stated reason, "Terminated When J-1 Was Terminated." Galib Decl. ¶ 7. Dr. Khan Suri's SEVIS record remains terminated to the present, as do the records of his children. Galib Decl. ¶ 8; ECF 78-1 ¶ 114.

None of the grounds set out in 8 C.F.R. § 214.1(d) or 22 C.F.R. § 62.40(b), which would permit unilateral termination by the government of Dr. Khan Suri's SEVIS record, exist in this case. Khan Suri Decl. ¶ 8. Moreover, the unilateral termination of Dr. Khan Suri's SEVIS record is unprecedented. French Decl. ¶ 17 ("I am aware of no time prior to 2025 when ICE or the State Department terminated a SEVIS record solely due to visa revocation."); Galib Decl. ¶ 12 ("In my 25 years in Georgetown's Office of Global Services, I had never seen a J-1 SEVIS record terminated unilaterally by the State Department in this manner until Dr. Khan Suri's.").

As a result of the termination of his SEVIS record, Dr. Khan Suri is unable to participate in his fellowship program, including teaching. Galib Decl. ¶ 13; Khan Suri Decl. ¶ 9; ECF 78-1 ¶ 116. An extended absence from his work will likely negatively impact his prospects for future

employment and success in his field. Khan Suri Decl. ¶ 10. In addition, he is not receiving his salary from Georgetown and thus is unable to support his family, causing financial hardship for them. Khan Suri Decl. at ¶ 11; ECF 78-1 ¶ 116. Finally, his children, who were in the U.S. on J-2 status as derivatives of his J-1 status, have also had their SEVIS records terminated. Galib Decl. ¶ 7. The termination of his children's records indicates that their J-2 status has been terminated, as well. ECF 78-1 ¶ 116; *see* French Decl. ¶ 22. Because the termination of Dr. Khan Suri's SEVIS record is unlawful and is resulting and will continue to result in irreparable harm to him, Dr. Khan Suri is entitled to preliminary injunctive relief requiring the government to restore his and his children's SEVIS records.

LEGAL STANDARD

Dr. Khan Suri is entitled to a preliminary injunction because (1) he is likely to succeed on the merits of his claims; (2) he is likely to suffer irreparable harm absent an injunction; (3) the balance of hardships tips in his favor; and (4) he can show that an injunction is in the public interest. *Vitkus v. Blinken*, 79 F.4th 352, 361 (4th Cir. 2023) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). To satisfy the first factor, "[a] plaintiff need not establish a certainty of success, but must make a clear showing that he is likely to succeed at trial." *Di Biase v. SPX Corp.*, 872 F.3d 224, 230 (4th Cir. 2017) (internal quotation marks omitted). When the government is the defendant, the last two factors merge. *Vitkus*, 79 F.4th at 368.

Further, under the Administrative Procedure Act, a court may also "to the extent necessary to prevent irreparable injury, . . . issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings." 5 U.S.C. § 705.

ARGUMENT

A. Dr. Khan Suri is Likely to Succeed on the Merits.

Respondents' termination of Dr. Khan Suri's status and SEVIS record is clearly unlawful under the Administrative Procedure Act and the First and Fifth Amendments to the U.S. Constitution, and Dr. Khan Suri is therefore likely to succeed on the merits of his challenge to that action. "When a complaint alleges multiple causes of action, a plaintiff need only show a likelihood of success on one claim to justify preliminary injunctive relief." *Doe v. Noem*, No. 3:25-CV-00023, 2025 WL 1399216, at *6 (W.D. Va. May 14, 2025) (citing *Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX, 2025 WL 1014261, at *9 (D. Md. Apr. 6, 2025); *Variable Annuity Life Ins. Co. v. Coreth*, 535 F. Supp. 3d 488, 505 (E.D. Va. 2021); *Nabisco Brands, Inc. v. Conusa Corp.*, 722 F. Supp. 1287, 1292 n.4 (M.D.N.C.), aff'd, 892 F.2d 74 (4th Cir. 1989) (table decision)).

1. The termination of Dr. Khan Suri's SEVIS record violates the Administrative Procedure Act.

The termination of Dr. Khan Suri's SEVIS record violates the Administrative Procedure Act ("APA") because it is arbitrary and capricious, not in accordance with the law, and is contrary to a constitutional right[3]. *See* 5 U.S.C. § 706(2). The termination of a SEVIS record is a final agency action reviewable under the APA. *See* 5 U.S.C. § 704; *Jie Fang v. Director United States Immigration & Customs Enforcement*, 935 F.3d 172, 182-83 (3d Cir. 2019); *Parra Rodriguez v. Noem*, No. 3:25-CV-616 (SRU), 2025 WL 1284722 (D. Conn. May 1, 2025) at *7 (holding termination of a SEVIS record is reviewable final agency action); *Mohammed H. v. Trump*, No. CV 25-1576 (JWB/BTS), 2025 WL 1692739, at *6 (D. Minn. June 17, 2025) (same); *Doe v. Noem*,

[3] The termination of Dr. Khan Suri's SEVIS record is contrary to a constitutional right, because it was done in retaliation for Dr. Khan Suri's protected speech and associations, as discussed *infra*.

2025 WL 1161386, at *6 n.5 (same); *Doe v. Noem*, No. 2:25-CV-00633, 2025 WL 1141279, at *3 (W.D. Wash. Apr. 17, 2025) (same).

An agency action is arbitrary and capricious if "the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). In taking an action, an agency "must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Id.* In other words, "[p]ursuant to the APA's scheme of reasoned decisionmaking, an administrative agency 'must be required to apply in fact the clearly understood legal standards that it enunciates in principle.'" *Knox v. U.S. Dep't of Lab.*, 434 F.3d 721, 724 (4th Cir. 2006) (quoting *Allentown Mack Sales & Serv., Inc. v. NLRB*, 522 U.S. 359, 376 (1998)).

Further, a failure to act in accordance with law or regulation also renders an agency action invalid as "not in accordance with law." *See J.E.C.M. ex rel. Saravia v. Lloyd*, 352 F. Supp. 3d 559, 583 (E.D. Va. 2018) ("[W]here an agency's decision does not comport with governing statutes or regulations, that decision is 'not in accordance with law' and must be set aside.").

The government's termination of Dr. Khan Suri's SEVIS record was arbitrary, capricious, and not in accordance with the law because Respondents have provided no factual basis for the termination of his SEVIS record and J-1 status and because it was not done pursuant to any of the permissible reasons for terminating J-1 status. *See* 8 C.F.R. § 214.1(d); 22 C.F.R. § 62.40(b). The only indication of the reason for the termination is Respondents' generalized comments in the press and on social media, and the remarks of the officers who arrested Dr. Khan Suri. Some of those

remarks reference the government's intent to revoke the visas of individuals they characterize as "supporting Hamas." *See*, *e.g.*, ECF 78-1 at ¶¶ 39-42, 54, 60, 65. Other statements point only to Dr. Khan Suri's protected speech and associations, and not to any valid basis under the law for terminating his status. *See*, *e.g.*, *id.* at ¶¶ 81, 83-84. None of these statements reference any permissible statutory or regulatory basis to terminate Dr. Khan Suri's J-1 status, but instead, reflect the government's intent to use immigration laws to suppress protected speech.

As discussed, federal regulations set out the exclusive bases under which the government is authorized to terminate an exchange visitor's J-1 status. *Supra*, pp. 5-6. Although the notation in Dr. Khan Suri's SEVIS records indicated that it was terminated because he "failed to maintain status," the record contains no information about how Dr. Khan Suri allegedly failed to maintain his status. This reason is further suspect because it is the sponsoring program, not the government, that actually terminates the SEVIS record of a J-1 exchange scholar in circumstances where they have failed to maintain status. Georgetown's Responsible Officer did not do so. *Supra*, pp. 6-7. And to the extent that the government relied on the revocation of Dr. Khan Suri's J-1 visa to terminate his status, visa revocation is not one of the permissible grounds for the government to terminate a SEVIS record. *See Mohammed H.*, 2025 WL 1692739, at *6 ("[V]isa revocation, standing alone, does not justify SEVIS termination.") (citing *Doe v. Noem*, No. 3:25-CV-00042-RGE-WPK, 2025 WL 1203472, at *4 (S.D. Iowa Apr. 24, 2025)).

In fact, Dr. Khan Suri had maintained his status up until his SEVIS record was terminated. Under these circumstances, the government's unilateral termination of Dr. Khan Suri's SEVIS record, and therefore his J-1 status, does not comply with the statutory or regulatory scheme governing such status.

In recent similar cases, courts have consistently found that ICE's unilateral termination of the SEVIS records of international students in F-1 status in a manner similar to that in Dr. Khan Suri's case likely violates the APA. These courts have issued Temporary Restraining Orders or Preliminary Injunctions to enjoin Defendants' termination of F-1 student status and require Defendants to set aside their termination determinations. *See*, *e.g.*, *Mohammed H.*, 2025 WL 1692739; *Doe v. Trump*, No. 25-CV-03140-JSW, 2025 WL 1467543, at *9 (N.D. Cal. May 22, 2025) (granting nationwide preliminary injunction); *Doe v. Noem*, No. 3:25-CV-00023, 2025 WL 1399216 (W.D. Va. May 14, 2025); *Vyas v. Noem*, No. CV 3:25-0261, 2025 WL 1351537 (S.D.W. Va. May 8, 2025); *Sultan*, 2025 WL 1207071; *Parra Rodriguez*, 2025 WL 1284722; *Ajugwe v. Noem*, No. 8:25-CV-982-MSS-AEP, 2025 WL 1370212 (M.D. Fla. May 12, 2025); *Doe #1 v. Noem*, No. 25-CV-2998 (KSH) (AME), 2025 WL 1348503 (D.N.J. May 8, 2025); *Doe #1 v. Trump*, No. 25 C 4188, 2025 WL 1341711 (N.D. Ill. May 8, 2025); *Isserdasani v. Noem*, No. 25-CV-283-WMC, 2025 WL 1330188 (W.D. Wis. May 7, 2025); *Doe v. Noem*, 2025 WL 1203472.

These cases involving F-1 status are not materially different from Dr. Khan Suri's case involving J-1 status. *See* French Decl. ¶ 23. While the two programs have slightly different requirements for maintaining status, both F-1 students and J-1 exchange visitors are governed by the requirements of 8 C.F.R. § 214.1. *Id.* Both programs rely on SEVIS to accurately reflect a nonimmigrant's actual status. *Id.* As courts have uniformly concluded when examining agency action in the context of F-1 SEVIS record terminations, unilateral termination of a SEVIS record by the government for a reason not enumerated in the relevant regulations is contrary to law and arbitrary and capricious. Therefore, Dr. Khan Suri is likely to prevail on his APA claims.

2. The termination of Dr. Khan Suri's SEVIS record violates the First and Fifth Amendments to the U.S. Constitution.

As alleged in Dr. Khan Suri's Second Amended Petition and Complaint, Respondents terminated Dr. Khan Suri's status as part of a concerted effort to target him in retaliation for and to chill his protected speech in violation of the First Amendment and in retaliation for his familial associations in violation of the First and Fifth Amendments. ECF 78-1 ¶¶ 6, 121, 125. This Court has already found that Dr. Khan Suri has shown "a high probability of success" on his "substantial constitutional claims" that his arrest and detention were part of this effort. Tr. 26-27. Because Respondents had no lawful basis upon which to terminate Dr. Suri's status, and the termination of his status by the State Department occurred close in time to the issuance of the Rubio Determination and Dr. Khan Suri's arrest and detention, it is more than reasonable to draw the inference that the termination of status was part and parcel of Respondents' retaliatory plan.

To succeed on his First Amendment speech claim, Dr. Khan Suri must show that his speech is protected by the First Amendment, that the Respondents' actions adversely affected his constitutionally protected speech, and that there is a causal relationship between his speech and Respondents' actions. *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 686 (4th Cir. 2000).

The First Amendment also protects two types of association: intimate association and expressive association. *Iota Xi Chapter of Sigma Chi Fraternity v. Patterson*, 566 F.3d 138, 146 (4th Cir. 2009). Intimate association is "the choice to 'enter into and maintain [an] intimate human relationship[].'" *Id*. (quoting *Roberts v. U.S. Jaycees*, 468 U.S. 609, 617 (1984)).[4] Expressive association is "the 'right to associate for the purpose of engaging in those activities protected by the First Amendment—speech, assembly, petition for the redress of grievances, and the exercise

[4] Because the Supreme Court in *Roberts v. U.S. Jaycees*, 468 U.S. at 617-18, concluded that the choice to enter and maintain certain intimate relationships must receive protection as a fundamental element of personal liberty, some courts also recognize the right to intimate association under the Due Process Clause of the Fifth Amendment. *See Rucker v. Harford Cnty, Md.*, 946 F.2d 278, 282 (4th Cir. 1991).

of religion.'" *Id*. (quoting *Roberts*, 468 U.S. at 618). To succeed on his association claims, Dr. Khan Suri must demonstrate that he is engaged in a protected association, and that the government's actions infringed on his right. *See Reynolds v. Summey*, No. 222CV02649DCNJDA, 2003 WL 3020196, at *7-8 (D.S.C. Mar. 30, 2023).

In ordering Dr. Khan Suri's release on bond, this Court held that Dr. Khan Suri's speech was protected, Tr. 28:22-25, and that his relationship with his wife and her father are also protected by the First Amendment, Tr. 29:22-25 (citing *N.A.A.C.P. v. Claiborne Hardware Co.*, 458 U.S. 886 (1982) and *Roberts*, 468 U.S. 609). The Court also found that Dr. Khan Suri had offered enough evidence for it to "infer that Respondents' detention and apprehension of Petitioner was caused by his speech, his wife's speech, or his association with his wife and his wife's father." Tr. 30:1-5. That evidence included statements by Respondents that indicated that they intended to cancel or revoke the visas of noncitizens like Dr. Khan Suri in order to remove them from college campuses and the country. Tr. 30-31. This evidence is similarly sufficient to conclude that the termination of Dr. Khan Suri's SEVIS record was done in retaliation for his protected speech or associations. In addition, the fact that the stated reason for the termination of Dr. Khan Suri's SEVIS record would not authorize that action by the government adds further support for the conclusion that the actual reason for the termination was unconstitutional retaliation for protected speech and association.

As to the effect on Dr. Khan Suri's speech, when, as here, the government "restricts the award of or terminates public benefits based on" protected speech, that action necessarily has an adverse impact on the speaker's First Amendment rights. *Suarez Corp. Indus.*, 202 F.3d at 687 (citing *Board of County Comm'rs v. Umbehr*, 518 U.S. 668, 686 (1996)). In addition, Dr. Khan Suri has clearly alleged that his speech was silenced because he was unable to exercise his right to speak while detained and remains chilled due to the continuing threat of re-detention and the

termination of his status. Due to the loss of his status, he is also unable to continue his research or his teaching, which is a further restriction on Dr. Khan Suri's protected speech. Khan Suri Decl. ¶¶ 6, 10; ECF 78-1 ¶¶ 121-122.

B. Petitioner Has Suffered and Will Continue to Suffer Irreparable Harm.

Dr. Khan Suri has suffered and will continue to suffer irreparable harm if his SEVIS record is not reinstated. First, he is suffering financially, because his income from his fellowship was his family's primary means of support. Khan Suri Decl. ¶ 11. He is unable to return to his fellowship or receive his salary unless and until his SEVIS record is reinstated. *Id.* He is also unable to obtain any other employment, because he has no authorization to accept employment apart from his approved fellowship program. The inability to engage in employment, and the resulting impacts on him and his family, constitute irreparable harm. *See*, *e.g.*, *Oruganti v. Noem*, No. 2:25-CV-00409, 2025 WL 1144560, at *4 (S.D. Ohio Apr. 18, 2025) (noting that economic harm suffered as a result of status termination "is irreparable because money damages are likely not available when this litigation concludes."); *Doe 4 v. Lyons*, No. 2:25-CV-00708, 2025 WL 1208072, at *9 (W.D. Wash. Apr. 25, 2025) (finding that "the loss of work authorization is irreparable harm" and collecting cases holding similarly).

Second, Dr. Khan Suri is suffering professionally. He is currently unable to access his Georgetown email account and his Georgetown ID has been deactivated, restricting his access to university facilities and impeding his ability to conduct his research. Khan Suri Decl. ¶ 9. As an academic intending to pursue a research and teaching career, completing and publishing his research is critical to his prospects of future success. Any gap or delay in his progress towards publishing harms those prospects. *Id.* at ¶ 10. In addition to simply losing time that could have been spent on his work, being unable to teach his course focusing on the subject of his research

deprives him of an important opportunity to receive feedback on that research. *Id.* at ¶¶ 6, 11. This is clearly irreparable harm. *See Doe 4 v Lyons*, 2025 WL 1208072, at *8 (finding that "interruption of educational programs or progress can constitute irreparable harm" and collecting cases holding similarly); *Liu v. Noem*, Case No. 1:25-cv-133-SM-TSM, 2025 WL 1233892 at *11 (D.N.H. Apr. 29, 2025) (finding that the plaintiff's "inability to continue his research because of DHS's termination of his F-1 status has significant and irreparable consequences for his academic trajectory" and thus constituted irreparable harm); *Parra Rodriguez*, 2025 WL 1284722 at *8 (collecting cases).

Finally, the termination of Dr. Khan Suri's SEVIS record could create ongoing immigration consequences for both him and his children. SEVIS is the sole location where information regarding J-1 exchange visitors is kept, and the termination of that record has a negative impact because the "SEVIS record is assumed to accurately reflect whether an exchange visitor maintains status." French Decl. ¶ 19. The terminated status of this record creates uncertainty and could impact Dr. Khan Suri's and his children's prospects for future immigration benefits in the United States. French Decl. ¶¶ 21-22; *see also Vyas*, 2025 WL 1351537, at *10 (finding that the possible accrual of unlawful presence constitutes irreparable harm); *Doe v. Trump*, 2025 WL 1467543, at *7 (noting that even after SEVIS records were reinstated, the erroneous termination could "make it more difficult for the plaintiffs to obtain a new visa or to change their nonimmigrant status," and thus constituted irreparable harm).

C. The Balance of Hardships and Public Interest Weigh Heavily in Petitioner's Favor.

The balance of hardships – where Dr. Khan Suri faces irreparable harm and Respondents face none – tips entirely in Petitioner's favor. Respondents have no legitimate interest in terminating Dr. Khan Suri's status unlawfully. "The public undoubtedly has an interest in seeing

its governmental institutions follow the law." *Vitkus,* 79 F.4th at 368, and "upholding constitutional rights surely serves the public interest." *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002). Similarly, the public has an interest in the lawful administration of the J-1 program, which Congress created to invite scholars and teachers to further their education and training in the United States. *See Vyas*, 2025 WL 1351537, at *11. Further, an order requiring Respondents to reinstate Dr. Khan Suri's SEVIS record would have no impact on the removal proceedings pending against him, or any other legitimate government interest. On the other hand, such an order would allow Dr. Khan Suri to resume his research and teaching and to provide for his family.

D. No Security Should Be Required.

Federal Rule of Civil Procedure 65(c) provides that "[t]he court may issue a preliminary injunction . . . only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined." The amount of any such security bond is left to this Court's discretion, "and in circumstances where the risk of harm is remote, a nominal bond may suffice." *Doe v. Pittsylvania Cnty., Va.*, 842 F. Supp. 2d 927, 937, 2012 WL 363980 (W.D. Va. 2012) citing *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 (4th Cir. 1999) (approving district court's fixing bond amount at zero in the absence of evidence regarding likelihood of harm). A district court may also waive the security requirement altogether, but must still "expressly address the issue of security before allowing any waiver." *Vyas*, 2025 WL 1351537, at *11 (*quoting Pashby v. Delia*, 709 F.3d 307, 332 (4th Cir. 2013), abrogated on other grounds by *Winter*, 555 U.S. 7 (cleaned up)).

Here, the Court should not require security in this case based on Dr. Khan Suri's likelihood of success in prevailing on his claims and the fact that there is no realistic likelihood of harm or cost to Respondents from enjoining their illegal conduct. Courts in similar cases involving

termination of the SEVIS records of F-1 international students have waived the security requirement for the same reasons. *See*, *e.g.*, *Doe v. Noem*, 2025 WL 1399216, at *11 (waiving the security requirement and finding that there is "no reason to believe a preliminary injunction will impose any significant financial burden on" the government); *Vyas*, 2025 WL 1351537, at *11 (noting that the government "should not incur significant costs" and waiving bond).

Because one aspect of the irreparable harm Dr. Khan Suri is suffering as a result of Respondents' unlawful conduct is financial hardship, requiring a security bond in this case would vitiate the meaningfulness of preliminary relief. *See*, *e.g.*, *Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-CV-00333-ABA, 2025 WL 573764, at *30 (D. Md. Feb. 21, 2025) (setting a nominal bond of zero dollars in granting a preliminary injunction and finding that the government's requested bond would essentially forestall plaintiffs' access to judicial review).

CONCLUSION

For the foregoing reasons, Dr. Khan Suri respectfully requests that this Court issue a preliminary injunction granting the relief requested in his Motion.

Dated: June 23, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Eden Heilman, hereby certify that on this date, I uploaded a copy of Petitioner's Memorandum in Support of Motion for Preliminary Injunction and any attachments using the CM/ECF system, which will cause notice to be served electronically to all parties.

Date: June 23, 2025

Respectfully submitted,

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