EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

BADER KHAN SURI *Plaintiff*, v. DONALD J. TRUMP, *et al.*, *Defendants*.	Case No. 1:25-cv-480

Declaration of Dahlia M. French, Esq.

I, Dahlia M. French, declare the following under pain and penalty of perjury:

1. I am over 18 years of age and am fully competent to make this declaration. I have over 25 years of experience as a licensed immigration attorney. I earned my Juris Doctor in 1993, received bar admission in Connecticut (1993) and Ohio (1994) and have practiced immigration and international tax law since 1994. I am also admitted in the U.S. Tax Court and the Federal District Court for the District of Northern Indiana.

2. Since obtaining my license in December of 1993, I have specialized in immigration law, and specifically in academic immigration. I have been a member of the American Immigration Lawyers Association ("AILA") since January of 1998. As a member of AILA, I have served in various volunteer positions, including providing guidance to members on academic immigration issues, through practice advisories, speaking engagements, book chapter contributions, and answering direct questions on listservs. I am currently Managing Attorney in the law firm, French Legal.

3. I have been an active member of NAFSA: Association of International Educators, the most prominent national, professional organization for international student and scholar advisors for over 20 years. My activities with NAFSA include trainings, and guidance to members on academic immigration issues, through workshops, trainings, speaking engagements, and answering direct questions on listservs.

4. I was in private practice from 1993 to 2005, then transitioned to in-house immigration roles at the University of Virginia, Vanderbilt University, and Texas Tech University Health Sciences Center, from 2005 to 2021. With 16 years leading immigration offices in higher education, I have served as a Designated School Official (DSO), Alternate Responsible Officer (ARO), and Responsible Officer (RO). My immigration law practice focuses on academic, medical, business, and family immigration, with expertise in F-1, J-1, and M-1 visa categories, their derivatives, and institutional sponsorship obligations — including detailed knowledge of the J-1 exchange visitor program, the Student & Exchange Visitor Information System (SEVIS), and the laws, regulations, and legal guidance related to SEVIS and exchange visitors in J-1 status.

5. I am a sought-after speaker at immigration webinars and conferences, provide expert advice and mentorship to colleagues, and have authored book chapters, journal articles, and practice advisories on academic immigration matters. I am considered a subject matter expert on academic immigration and issues affecting individuals in F-1, J-1, or M-1 status and the J-1 Exchange Visitor program.

6. The Exchange Visitor Program is managed by the U.S. Department of State, and there are approximately 15 exchange visitor categories. J-1 nonimmigrant status is

available to noncitizens who pursue a program under one of the exchange visitor categories. The categories most used by colleges and universities are: Visiting Professor, Research Scholar, Student, Specialist, and Student Intern.

7. A J-1 visa may be issued a U.S. consulate to a Research Scholar who has been sponsored by a U.S. college or university. The visa is issued in order to permit their travel to the United States. Once admitted at a U.S. port of entry, by U.S. Customs and Border Protection (CBP), the J-1 researcher is issued an I-94 entry document as proof of lawful entry and status in the USA. The J-1 researcher reports to their sponsoring institution and begins the research activities at the institution.

8. The J-1 researcher must then fulfill certain requirements in order to maintain J-1 status. To maintain status, J-1 researcher must follow specific requirements including: engaging in the research activities that form the basis of the J-1 exchange visitor sponsorship; maintaining medical insurance for themselves and their family members; refraining from any unauthorized employment and only participating in authorized employment whether on-campus or off-campus with the permission of the J-1 Program Responsible Officer (RO) or Alternate Responsible Officer (ARO); reporting to the ARO before taking any actions that affect the SEVIS record such as taking medical leave, withdrawing from the program, and engaging in off-campus activities for remuneration; and reporting to the ARO if any incident occurs that may reflect negatively on the J-1 exchange visitor program or U.S. Department of State. *See* 8 U.S.C. § 1101(a)(15)(J)(i); 8 C.F.R. §§ 214.1(e)-(g), 214.2(j).

9. J-1 status continues as long as the nonimmigrant continues to engage in the exchange visitor program activity and complies with the terms of their status. 8 C.F.R. § 214.2(j)(1)(ii)(iv). This is reflected on the entry document (the I-94) that a J-1 exchange

visitor receives when they are admitted into the country at a port of entry. Whereas, for example, the I-94 issued to someone entering the country on a tourist visa will contain a fixed end date by which they must leave the United States (typically six months after admission), a J-1 exchange visitor's I-94 will have a "Duration of Status" or "D/S" annotation rather than a fixed end date. J-1 duration of status includes the periods in which the exchange visitor is engaged in the program and maintaining status. *Ibid.*

10. When a violation of status occurs, the ARO terminates the SEVIS record. I know of no situation where ICE or the State Department has terminated the SEVIS record instead of the ARO, except in the last two months.

11. U.S. consulates have limited authority to revoke visas, including J-1 visas, and generally should provide notice prior to doing so. *See* 9 FAM 403.11-3(A)-(B) & 403.11-4(A)(1). The Department of State has given particular attention to situations in which someone is charged with driving under the influence offense, 9 FAM 403.11-3(A)(4), 403.11-3(B), 403.11-5(B)(c). Prior to 2025, driving under the influence was the only scenario in which J-1 visa revocation commonly occurred. In my experience and to my knowledge, prior to 2025, consulates never revoked a J-1 visa for any other misdemeanor offenses or for other derogatory reasons.

12. J-1 visas and J-1 status are distinct. The purpose of a visa is to permit travel to the United States. A J-1 visa may expire while an exchange visitor is in the United States in J-1 status, and the expiration of the visa does not impact their status. It only requires them to apply for and obtain a new visa the next time they travel abroad, in order to re-enter the United States. Sometimes a nonimmigrant changes status from another valid status to J-1 status while in the United States, and when that occurs, the exchange visitor will have J-1 status, but no J-1 visa. When that exchange visitor travels outside the United

States, they will then need to apply for a J-1 visa at the U.S. Embassy in order to return to the United States.

13. When a visa is revoked while someone is outside the United States, they will be unable to travel to the United States unless they apply for and obtain another visa. Visas may also be revoked while a noncitizen is inside the United States in very limited situations. *See* 9 FAM 403.11-3(B)(b). When that occurs, if the noncitizen leaves the United States, they will be unable to return without being granted a new visa.

14. The revocation of a visa does not itself impact status in the United States. Both the Department of State and ICE have acknowledged that visa revocation has no effect on status.[1] The Department of State's 2016 guidance, for example, clearly states that even after visa revocation, a J-1 exchange visitor maintains status, and the agency will contact the ARO to confirm the exchange visitor is maintaining status. Those statements are correct, and J-1 exchange visitors and their sponsoring institutions have relied on them to provide guidance to J-1s with visa revocations.

15. I know of no time before 2025 that a visa revocation, even if done due to a driving under the influence arrest or conviction, *see* 9 FAM 403.11-5(B)(c), led to the termination of a SEVIS record. While the revocation of a visa has also been a deportability ground since 2004, I also know of no time before 2025 in which ICE relied on the revocation of a visa to detain someone or to put them into removal proceedings.

[1] U.S. Dept. of State Bureau of Educational and Cultural Affairs, Private Exchange Sector, Guidance Directive 2016-03: 9 FAM 403.11-3 – VISA REVOCATION (September 2, 2016), https://www.aila.org/dos-guidance-directive-2016-03-on-visa-revocation. ICE/SEVP Policy Guidance 1004-04-Visa Revocations (June 7, 2010), https://www.ice.gov/doclib/sevis/pdf/visa_revocations_1004_04.pdf.

16. SEVIS is a record system used to monitor exchange visitors in J-1 status, as well as their dependent family members. SEVIS records are meant to accurately reflect whether an exchange visitor is maintaining status, although mistakes do occur.

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. This is because, by their own 2010 guidance, ICE and the State Department know that visa revocation does not equate to a loss of status or trigger SEVIS record termination, and termination of a SEVIS record on the grounds of a visa revocation is improper. While on April 26, 2025, ICE sent an internal broadcast message listing visa revocation as among the potential bases for SEVIS termination, this internal email does not supersede the agency's guidance, which the agency has not rescinded. The agency has also not revised its public-facing information on the Bridge USA website.[2]

18. The reasons to terminate a SEVIS record are clearly articulated in SEVIS guidance and regulations.[3] Termination of a SEVIS record is appropriate when an exchange visitor fails to maintain status, such as failing to perform the J-1 program objectives, working in a manner not authorized by their status, by providing false information, or by engaging in criminal activity. 8 C.F.R. §§ 214.1(e)-(g), 214.2(j). Termination of a SEVIS record is also appropriate if an exchange visitor's status has been terminated due to the reasons enumerated in 8 C.F.R. § 214.1(d), which include the circumstance where a waiver was granted in order to allow the exchange visitor's

[2] https://j1visa.state.gov/sponsors/current/regulations-compliance/ and Guidance Directive 2024-02 Proper use of "shorten", "end" and "terminate" Sevis functions in the exchange visitor program

[3] Ibid. See also 8 C.F.R. 214.2(j)(1)(ii)-(iv).

admission, and the waiver has been revoked. The terminations are conducted by the university in these situations, not ICE.

19. Termination of a SEVIS record has serious consequences for the exchange visitor. Termination negatively impacts physical presence in the U.S., continuation of the J-1 programs, and future immigration status. A SEVIS record is assumed to accurately reflect whether an exchange visitor maintains status, because the SEVIS is the sole location where comprehensive status information is kept. Therefore, a SEVIS record termination always triggers a negative impact even if the J-1 exchange visitor did not engage in any activity that required termination and was not in violation of status, and even if the termination was due to mistakes by a third party or government agency.

20. SEVIS record terminations are always a significant disruption to a J-1's participation in an exchange program. For example, J-1s whose SEVIS record has been terminated are immediately unable to continue employment (including internships, mandatory clinical rotations, graduate research or teaching assistantships). In addition to the immediate loss of employment, the termination results in an inability to renew driver's licenses or state ID cards, because state databases use a federal verification system that confirms the SEVIS record is in Active status.

21. A SEVIS record termination also negatively affects a J-1's ability to obtain future immigration benefits. A violation of status must always be reported on a U.S. consulate visa application and on USCIS applications for immigration benefits. Exchange visitors with a violation of status do not qualify for the U.S. visa waiver program, may be denied a visa, may be denied admission at a U.S. port of entry even with a visa, may be required to file a nonimmigrant visa waiver application or to remain outside the U.S. for

several years before being issued another visa. A violation of status even becomes a factor in the adjudication of future requests for permanent residence status.

22. A SEVIS record termination also has negative consequences for any dependents that have come to the U.S. with the exchange visitor in J-2 status. When a J-1's SEVIS record is terminated, the associated J-2 records are also terminated. This immediately triggers a violation of status for J-2 family members, even though they took no actions that violated their immigration status. The J-2 may have to end their academic studies if their school does not accept individuals with visa status violations; end authorized employment, cannot renew driver's licenses, and cannot change to another nonimmigrant visa status. As with the J-1, the violation of status negatively affects the J-2's ability to obtain future immigration benefits.

23. While the J-1 exchange visitor and F-1 international student programs have slightly different requirements which must be met to maintain status, the bases for violations of status found in 8 C.F.R. 214.1 apply to both, and the relationship between the noncitizens' visa, SEVIS record and status are the same under both programs.

24. I am not a party to this action or proceeding. I am aware of the facts stated herein of my own knowledge, and, if called to testify, I could and would competently so testify.

Executed on May 30, 2025, in Lubbock, TX.

Dahlia M. French, Esq.