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Legal Challenges Continue to Block Trump's Executive Order on Birthright Citizenship



According to [AP](#), [CNN](#), [Just Security](#), and multiple media reports, President Trump's January 20, 2025, Executive Order 14160, which seeks to deny automatic U.S. citizenship to children born on American soil with non-citizen parents, remains blocked by federal court rulings despite a recent Supreme Court decision that limited the reach of nationwide injunctions.

On June 27, 2025, the Supreme Court held that individual district judges may no longer issue universal nationwide injunctions. However, it clarified that class-action injunctions remain valid, preserving a legal pathway for nationwide relief under certain circumstances.

One such ruling came from U.S. District Judge **Joseph LaPlante** in New Hampshire, who certified a class of affected children and issued a nationwide injunction that remains in effect pending appeal. Although the Supreme Court's decision would have allowed the order to take effect on July 27 in states not covered by separate injunctions, Judge LaPlante's ruling ensures continued nationwide protection.

"The judge's order protects every single child whose citizenship was called into question by this illegal executive order," **Cody Wofsy**, the ACLU attorney representing children who would be affected by Trump's restrictions, said. "The government has not appealed and has not sought emergency relief so this injunction is now in effect everywhere in the country."

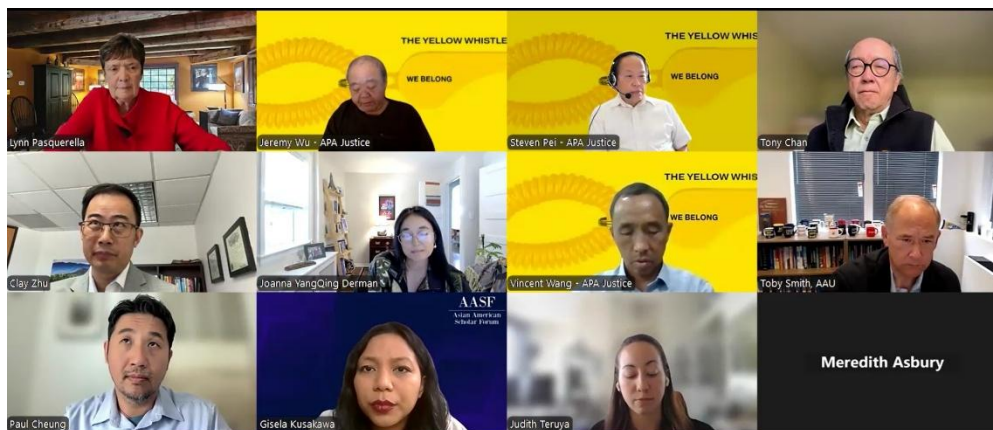
Elsewhere, U.S. District Judge **Leo Sorokin** of Massachusetts is weighing whether to maintain

a previously issued nationwide injunction or to narrow or stay it in light of the Supreme Court's decision. During a recent hearing, Judge Sorokin appeared skeptical of the government's arguments. Using an analogy about a noisy neighbor and a hastily proposed wall to block sound, he questioned how the government intended to comply with the law: "What you are telling me is we will do it but, in response to my question, you have no answer how you will do it," he said.

U.S. District Judge **Deborah Boardman** of Maryland [stated](#) in an opinion on July 18 that she would grant class action status on behalf of all children affected by the executive order and grant a preliminary injunction blocking it. But she did not immediately rule, noting a previous decision of hers to block the order was on appeal to the Fourth U.S. Circuit Court and that court would have to return the case to her. Judge Boardman said an immediate ruling from her would "promote judicial efficiency and economy because it would enable the Fourth Circuit to consider the merits of a class-wide preliminary injunction sooner rather than later."

At the core of these lawsuits is the 14th Amendment, ratified in 1868 in response to the **Dred Scott** decision, which denied citizenship to African Americans. In *United States v. Wong Kim Ark* (1898), the Supreme Court affirmed that children born in the U.S. to non-citizen immigrant parents are citizens by birth, unless their parents are foreign diplomats or enemy occupiers. This precedent remains a foundational element of birthright citizenship law—and the focal point of the current legal battles.

Summary of 2025/07/07 APA Justice Monthly Meeting (in progress)



The APA Justice monthly meeting on July 7, 2025, featured timely and urgent presentations from several distinguished speakers addressing the challenges facing higher education, civil rights, and immigrant communities amid escalating political pressures. Below is a summary of

the remarks from four of the speakers:

1. Lynn Pasquerella, President of the American Association of Colleges and Universities (AAC&U)

President Lynn Pasquerella expressed deep concern about the future of American higher education and democracy. She pointed out that this is a moment of enormous significance that brings a renewed sense of urgency to our nation's historic mission of educating for democracy. It is also a time of growing moral distress, in which campus leaders feel coerced into making decisions they believe are unethical decisions and they feel they have no choice but to make. They are continually forced to confront the question: *How much individual injustice should be tolerated for the sake of long-term reform?*

As a result, for many, that moral distress has morphed into a kind of moral injury—arising from the continuous erosion of their moral compass and the ongoing challenges to their deeply held values characterized by deepening ideological divides.

Development of Existential Threat to Higher Education

2023 brought attacks on DEI, a Supreme Court decision banning race-based admissions, and legislation introduced in 42 states to implement educational gag orders—limiting speech around race, gender, and other so-called “divisive concepts.”

At the end of that year, the presidents of Harvard, MIT, and Penn were called before the Congressional Committee on Education and the Workforce to answer for and atone for alleged antisemitism on their campuses—accusations attributed to their institutions' emphasis on DEI. At the December 5 hearings on Capitol Hill, Representative Virginia Foxx's opening statement was not only against those university presidents, but against higher education as a whole.

Those hearings foreshadowed the first 100 days of President Trump's second term, marked by unprecedented government overreach and political intrusion into nearly every aspect of college and university operations. This included the withdrawal of billions of dollars in federal research funding, caps on indirect costs for grants awarded by NIH and the Department of Energy, and the elimination of spending on research topics like race, transgender health, women's issues, climate change, misinformation, and COVID-19.

Within his first two and a half weeks in office, four executive orders were signed directly targeting transgender individuals. And within another two weeks, a Dear Colleague letter from the Department of Education directed colleges and universities to eliminate all DEI initiatives in hiring, curriculum, and co-curricular activities. A separate executive order mandated that higher education accrediting bodies remove all DEI-related standards, claiming that “radical left” accreditors had allowed campuses to be overrun by “Marxist maniacs and lunatics.”

Targeting of Chinese and International Students

We saw hundreds of international students detained and thousands more have their visas terminated. Limits were removed on ICE agents' activities on college campuses. In states like Florida, campus security officers were given authority to perform immigration enforcement functions.

Despite First Amendment protections, the President threatened the arrest and deportation of international students and faculty who participated in pro-Palestinian protests. Funding for study abroad and international scholarships was suspended. Harvard was warned that its ability to admit international students would be revoked unless it provided detailed records on all such students. Although Harvard complied, a month later Secretary **Kristi Noem** declared that international students would no longer be eligible for admission to Harvard, and existing international students were told they must transfer immediately or face visa termination.

Travel bans were implemented for citizens of 12 countries, and heightened visa restrictions were placed on those from seven others. On June 9, the government announced that all student visa applicants—regardless of country of origin—must unlock their social media accounts for review. One consequence of this has been that colleges and universities with high international student populations now face credit risk. Moody's has warned of downgrades to credit ratings—particularly for the 11% of American institutions where international students make up more than 20% of the student body.

The reemerging climate of fear and intimidation for Chinese students—echoes of the 77 cases brought by the Department of Justice under the "China Initiative." Although most cases were dismissed due to lack of evidence, the chilling effect on Chinese and Asian American researchers remains. During the program's enforcement, departures of Asian researchers from the U.S. increased by 75%. Although the initiative ended in 2022, recent attempts to revive it have reaffirmed a deep sense of uncertainty among Asian and Asian American students.

Efforts led by **Marco Rubio** and others, which many see as the weaponization of a population that has contributed significantly to the nation's economic development and academic excellence by bringing in global talent and diverse perspectives. During the last academic year, 200,398 Chinese students were studying in the U.S.—122,778 of them graduate students in STEM fields. These are the very students now being targeted.

What has unfolded constitutes an existential threat to American colleges and universities—institutions founded on the principles of the free exchange of ideas, the unfettered pursuit of truth, and independence from unwarranted governmental and political interference.

Call to Action

In April 2025, AAC&U, alongside the American Academy of Arts and Sciences, released a statement entitled [A Call for Constructive Engagement](#), outlining what is at stake for America's prosperity should the critical partnership between government and higher education continue to unravel. For the first time, sitting presidents of colleges and universities came together in large numbers to respond to attacks from the Trump administration. The statement made clear that while presidents and leaders of scholarly societies are open to constructive reform and do not oppose legitimate government oversight, they will stand together against efforts to restrict or undermine the freedoms fundamental to American higher education.

The process leading to the statement revealed the pressures campus leaders are experiencing. AAC&U held two virtual meetings where 193 campus leaders came together. Many spoke of needing board approval to speak out, others described pressure from state governors, and many feared media backlash. Yet nearly all cited growing demands from faculty and students to defend their institutions' core principles and push back against efforts to control curriculum or restrict freedom of expression.

We know from the recent removal of the President of the University of Virginia that concern over government overreach is real. That incident reaffirmed a conviction that emerged: If everyone exercises a little moral courage, no one person has to be the hero. This is a moment for all of us to come together across sectors and lead with moral courage.

When one university is threatened, it is the responsibility of all institutions to respond.

As philosopher **John Dewey** reminds us—democracy is not just a system of government, but a way of life. It depends on an educated and engaged citizenry, capable of making independent judgments, challenging authority, and participating meaningfully in public discourse.

2. Tony Chan 陳繁昌, Former President of King Abdullah University of Science and Technology and Former President of the Hong Kong University of Science and Technology

After having spent 20 years teaching at UCLA, Tony spent the following 15 years abroad—including six years as the President of King Abdullah University of Science and Technology in Saudi Arabia. Tony talked about his article, [The Role of Research Universities in a Changing World Order](#), which was recently published in Not Alone by Elsevier.

Recent Developments Since the article was written in early 2025

Much has changed since March—Harvard's authority to admit international students and its tax-exempt status are under threat, visa policies have shifted, and there have been dramatic funding cuts to the NIH and NSF. The NSF's Directorate for Mathematical and Physical

Sciences, where Tony once served, faces a proposed 75% cut. This level of disruption affects all research universities and makes long-term planning nearly impossible.

We have also seen a wave of university president resignations. The landscape is shifting rapidly, and academia is scrambling to respond. It is no longer just about campus governance—it is about our role in society and in global competitiveness.

Tony framed his article around East-West academic competition—particularly between the U.S. and China, though India now plays a growing role.

Talent Flow and Research Collaboration

Recently, Tony co-founded a virtual platform called "[Dialogue on Asian Universities](#)" (DAU). On June 23, DAU had its 11th dialogue, titled [Tectonic Shift in the Global Talent Chain: The Forces of Technology and Geopolitics](#), where Tony moderated a conversation between the presidents of two Indian Institutes of Technology (IITs)—Delhi and Mumbai—and a leading AI researcher from Tsinghua University, formerly a senior VP at Microsoft in Redmond.

Ten years ago, 90% of IIT graduates came to the U.S. Today, that trend has reversed: 90% stay in India, where opportunities are booming. The same is true in China, which is actively attracting returnees at the peak of their careers.

Chinese students once saw the U.S. as the obvious destination. Now, many are reconsidering—questioning whether it's worth investing years here under such uncertainty. There is a push from the U.S.—visa hurdles, political hostility—and a growing pull from home countries.

Tony gave two striking examples:

1. DeepSeek, a competitive AI model to ChatGPT, was built in China by graduates who never studied abroad. That is a wake-up call.
2. Meta has been hiring talent away from OpenAI—many of these AI researchers are young, Chinese-born, and U.S.-trained. So while the government tries to limit student visas, industry thrives on the very people being pushed out. There is a major contradiction.

When it comes to research collaboration, the trend has also reversed. Fifteen years ago, U.S. faculty were eager to collaborate globally—especially with China. Now, fears over dual-use technologies and national security have shut many doors.

This is understandable to a degree, but we have managed dual-use issues before—through clearances and containment. What we have now is a blanket policy that hinders not just collaboration with China, but progress on global challenges like climate, energy, and health.

Joint ventures are collapsing. Multiple American-Chinese university partnerships—at Berkeley, Michigan, and Georgia Tech—have closed under political pressure. Others are likely considering exit strategies.

Recommendations

Universities represent something deeper: values, leadership, and change in society. What is happening now has broader implications—for all of society. Here is the irony: the Chinese system is often criticized for authoritarianism, lack of free speech, and human rights issues. Yet, in recent years, Tony has seen a disturbing erosion of these very things in the U.S. He offered four recommendations:

1. **Academia must remember its core mission**—to serve society and humanity for the long term. Bending to short-term political pressure may be expedient but risks undermining academic integrity, reputation, and the ability to attract talent.
2. **Universities must adapt to shifting geopolitical and economic realities.** Ignoring national security concerns is not an option. But universities should propose pragmatic frameworks that enable collaboration within necessary constraints.
3. **Reaffirm academic freedom.** Without that, there is no point in having American-style universities.
4. **Leadership requires courage.** It is easier to do nothing. But if you are in a leadership position, that is not an option. If you cannot lead, you should step aside.

The bigger question is: how did we let it get this far without the public engaging? When we speak, people assume it is self-interest. We need third-party voices to make the case for why academia matters—beyond campus walls.

3. Clay Zhu 朱可亮, Founder and President, Chinese American Legal Defense Alliance (CALDA)

Clay provided updates on two major lawsuits challenging government actions targeting Chinese students and property buyers.

In early April, CALDA learned about the mass termination of student status for thousands of international students, most of whom are from China. In response, CALDA filed a case, [Chen v. Noem \(4:25-cv-03292\)](#), in the Northern District of California. On May 22, the judge issued [a nationwide preliminary injunction](#). As a result, the Student and Exchange Visitor Information System (SEVIS) statuses of most affected students have been restored.

However, CALDA also discovered that, simultaneously, DHS and ICE had terminated the students' SEVIS statuses, and the State Department had revoked their student visas. CALDA does not yet have an exact count of how many students are affected but plans to amend the

complaint to add the State Department as an additional defendant, in an effort to restore the revoked visas. Due to the recent Supreme Court decision in [CASA Inc. v. Trump \(8:25-cv-00201\)](#), CALDA may also need to further amend the complaint to pursue the case as a class action.

Meanwhile, in Texas, [Governor Greg Abbott signed Senate Bill 17 \(SB17\) into law](#) on June 20, 2025. The bill restricts certain foreign purchases of real property in Texas. CALDA filed a motion for a preliminary injunction and a motion for class certification the day before Independence Day. This is one of the first cases filed under the recent Supreme Court ruling in *CASA v. Trump*, which prompted CALDA to file these lawsuits on a class-action basis.

CALDA is currently awaiting a judge assignment and hearing date. Since the law takes effect on September 1, there is less than two months to obtain a court decision—followed potentially by an appeal.

Clay, expressing both gratitude for American opportunities and frustration at current policies, emphasized that CALDA's legal efforts aim to protect constitutional rights and ensure due process for affected Chinese individuals.

4. Joanna YangQing Derman, Director, Anti-Profilng, Civil Rights & National Security Program, Advancing Justice | AAJC, jderman@advancingjustice-aajc.org

Without going into the details of Texas Senate Bill SB17, Joanna highlighted several other top-line actions from AAJC.

On July 2, AAJC transmitted a bipartisan letter from AAPI leaders to members of Congress, urging broader protection for the safety of the AAPI community. It was signed by senior former government and elected officials, as well as community and public service leaders. (Please contact Joanna if you would like a copy of the letter.)

AAJC, along with the Asian American Scholars Forum (AASF), Chinese for Affirmative Action (CAA), and Stop AAPI Hate, also led a coalition letter representing 64 organizations addressed to Secretary **Marco Rubio**. His newly proposed visa policy—issued without meaningful clarity—harms the safety and well-being of students, undermines American values, and jeopardizes the nation's academic, technological, and economic leadership. The letter called for a halt to the implementation of the May 28 policy announcement to “aggressively revoke the visas of Chinese international students,” including those in “critical fields.”

There have also been several Supreme Court decisions in recent weeks. AAJC, along with the Washington Lawyers' Committee for Civil Rights and Urban Affairs and OCA, condemned the recent Supreme Court ruling in *CASA v. Trump*, which significantly limits the ability of lower courts to issue “universal injunctions.” Executive Order 14160, which seeks to end birthright

citizenship for individuals born in the United States whose parents had certain immigration statuses, may now go into effect on a case-by-case basis.

AAJC remains confident that related litigation will result in the Executive Order being ruled unconstitutional. AAJC has also issued press statements on other Supreme Court decisions, which can be found on the AAJC website.

Facing Government Scrutiny? Read This from Perkins Coie

The Perkins Coie logo is displayed in white text on a dark purple rectangular background. The background also features a faint, light purple geometric pattern of overlapping squares and rectangles.

Essential Strategies for Navigating Government Inquiries

On June 26, 2025, Perkins Coie LLP, a large international law firm headquartered in Seattle, Washington, hosted Compliance Collective webinars aimed at helping nonprofit and university leaders stay ahead of the curve when it comes to government investigations and inquiries. With oversight from executive agencies and legislative bodies on the rise, organizations in the nonprofit and higher education sectors are increasingly likely to encounter subpoenas, information requests, and other official actions. These sessions offered practical advice and up-to-date strategies to ensure leaders are well-prepared to respond effectively and protect their institutions.

The webinars focused on two principal avenues of risk: (1) revocation of tax-exempt status by the IRS, and (2) law enforcement and regulatory inquiries, including subpoenas, congressional investigations, and government raids. These risks are increasingly intertwined, with legislative and executive actions targeting activities perceived as contrary to public policy or law.

Perkins Coie has shared two documents summarizing the insights from the webinars:

- [Essential Strategies for Navigating Government Inquiries](#)
 - Legal Frameworks and Areas of Exposure
 - Practical Guidance for Risk Assessment and Response
 - Developing Robust Policies and Procedures
- [Search Warrants: Dos and Don'ts](#)

Perkins Coie concludes that in an increasingly uncertain regulatory environment, nonprofit organizations and higher education institutions must proactively identify and assess their unique risks, establish clear protocols for government interactions, and ensure ongoing board and management engagement. Tailored compliance strategies, informed by legal counsel and

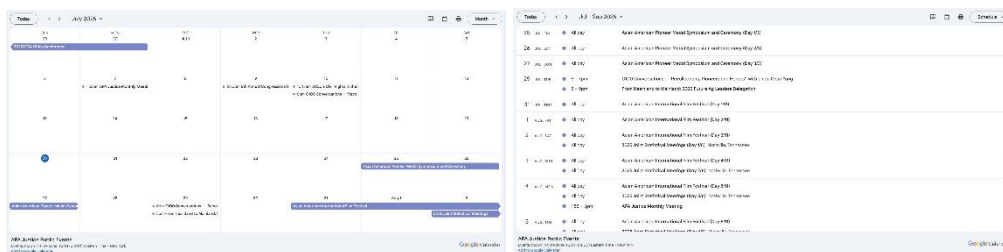
aligned with organizational mission and risk tolerance, are essential to navigating the evolving landscape of government scrutiny.

Perkins Coie welcomes interested parties to contact any of the following presenters or Perkins Coie representative for more in-depth guidance or legal support.

- Jamie Schafer, Partner, JSchafer@perkinscoie.com
- Jean-Jacques Cabou, Firmwide Co-Chair, White Collar & Investigations Practice, Partner, JCabou@perkinscoie.com
- Angela Jones, Deputy General Counsel, Partner, AJones@perkinscoie.com
- Richard Sevcik, Firmwide Chair, Tax-Exempt Organizations Practice, Partner, RSevcik@perkinscoie.com

News and Activities for the Communities

1. APA Justice Community Calendar



Upcoming Events:

2025/07/25-27 Asian American Pioneer Medal Symposium and Ceremony
2025/07/29 C100 Conversations – “Recollections, Pioneers and Heroes” with Linda Chao Yang
2025/07/29 From Heartland to Mainland: 2025 Future Ag Leaders Delegation
2025/07/31-08/10 Asian American International Film Festival
2025/08/02-07 2025 Joint Statistical Meetings
2025/08/04 APA Justice Monthly Meeting

Visit <https://bit.ly/3XD61qV> for event details.

2. 1990 Institute Youth Symposium

ROOTS & WINGS

Celebrating Asian American Youth
With the Power of Community



**SATURDAY,
SEPTEMBER 6, 2025
9:00 AM – 4:30 PM**

*College of San Mateo
1700 W. Hillsdale Ave.
San Mateo, CA 94401*

Visit 1990institute.org
for more information.

WHAT: 1990 Institute Youth Symposium — Roots and Wings: Celebrating Asian American Youth with the Power of Community

WHEN: September 6, 2025, 8:30 am - 4:30 pm PT

WHERE: College of San Mateo, 1700 W Hillsdale Blvd, San Mateo, CA 94401

HOST: 1990 Institute

DESCRIPTION: This inaugural Youth Symposium is more than a one-day event. It is our first large-scale, cross-generational outreach initiative and marks a major milestone for the 1990 Institute as we navigate this fast-changing and challenging time, and position ourselves as a leader in addressing the most pressing and relevant issues impacting our community. It builds upon 1990's legacy educational programming and supports our core mission.

REGISTRATION: <https://bit.ly/4m79Q0D>

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APA Justice Task Force is a non-partisan platform to build a sustainable ecosystem that addresses racial profiling concerns and to facilitate, inform, and advocate on selected issues related to justice and fairness for the Asian Pacific American community. For more information, please refer to the new APA Justice website under development at www.apajusticetaskforce.org. We value your feedback. Please send your comments to contact@apajustice.org.

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