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Policy Brief: Immigration Enforcement Actions Against International Students

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Student visas are a surprising focus of the Trump administration’s current enforcement measures. A handful of high-profile arrests of international students have dominated the news coverage and have raised serious concerns about the violation of First Amendment rights.¹ But beyond these cases, the Department of State (DOS) and Immigration and Customs Enforcement (ICE) are aggressively targeting international students, including those without a history of protest, for visa revocation, termination of their status, and removal. Late last month, Secretary Rubio reported that DOS revoked more than 300 student visas and announced a new program that uses AI-assisted reviews to screen social media posts of student visa holders.² Since that time, hundreds more students have had their visas revoked because of alleged criminal activities, or criminal cases that were dismissed. In concert, ICE began to terminate an unknown number of records of international students, which has significant implications for their immigration status.³ These actions are unprecedented, with a wide-ranging impact and significant due process concerns, as well as a number of open legal questions that will likely require litigation to resolve. AILA issued a [press statement](#) in response to the immigration enforcement targeting international students.

As litigation works its way through the courts, the significant and long-lasting economic impact of targeting international students may already be solidified.⁴ According to NAFSA: Association of International Educators (NAFSA), “international students studying at U.S. colleges and universities contributed \$43.8 billion and supported 378,175 jobs to the U.S. economy during the 2023-2024 academic year.”⁵ Although the overall share of international students is small, they play a particularly important role in supporting state universities as they offset declining state appropriations for university education, in part because most international students pay full tuition.⁶ Universities are already bracing themselves for a significant decline in international enrollment, which will only compound as these enforcement measures continue.⁷

Furthermore, there are implications for the businesses across the country who employ the 160,627 international students who will be unable to work if their SEVIS record is terminated.⁸ Indeed, over half of the examples submitted to AILA in the first twenty-four hours were for students on Optional Practical Training (OPT) work authorization. OPT allows students to put their education in practice with U.S. employers. The vast majority of international students work in the STEM fields.⁹

Beyond the economic impact, fighting the revocations and terminations of student visas will have a significant impact on the existing backlogs in both immigration court, and federal court. At the end of February 2025, the immigration courts had a backlog of 3,687,750 cases, which is expected to increase with the recent firings of immigration judges and dramatic shifts in court policy.¹⁰ Seeking to reinstate wrongfully terminated and revoked visas will also exacerbate processing delays at USCIS and DOS. This

¹ Thanks to the DOS Liaison Committee for their work in drafting the related [Practice Pointer: DOS Authority to Revoke Visas for Persons in the U.S.](#), which informed this policy brief. Special thanks to AILA members Dan Berger, Dahlia French, and Peter Rees for their review of a draft of this policy brief.

policy brief explains how student visas differ from other nonimmigrant visa types, explores the legal pathways to revoking and terminating a student visa, and explains the due process protections that are available.

Background

How are student visas different from other nonimmigrant visas?

Student visas, which include F-1, M-1, and J-1 visas,¹¹ are uniquely managed jointly by the federal government and the universities hosting the international student. One of the ways that student visas are different from other nonimmigrant visas is the use of a central electronic database managed by ICE known as the Student and Exchange Visitor Information System (SEVIS) to track their status.¹² Universities must report in SEVIS the nonimmigrant student's initial admission, course load, when they transfer, extend their stay, or engage in employment, as well as when their address changes. In short, ICE has relatively easy access to a lot of information on students who are noncitizens.

What is the difference between a visa and a status?

While often used interchangeably, there is a distinction between a visa and the noncitizen's status in the U.S., and keeping these separate is important to understanding the impact of revocation versus termination as well as the options available. A visa is the sticker in the noncitizen's passport that is issued by the DOS that authorizes them to travel to the U.S. Notably, a status can continue if a visa expires or is revoked.¹³ For example, someone who enters on an H-1B visa can remain in the U.S. even after the date on their visa, as long as they continue to renew their H-1B status. This distinction is also clear in the case of Canadian citizens, who are visa exempt but still require a status to attend school or work in the U.S.

How are student visas revoked?

Student visas can be revoked at the U.S. government's discretion. However, historically, revocations when students are already present in the United States only occur in extreme cases. Consular officers are prohibited under 9 FAM 403.11 from revoking a visa when the individual is already in the United States, with an exception for revocation based on driving under the influence (DUI). Recently, the Department of State has revoked student visas using INA 237(a)(4)(C), which provides that "[a]n alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable." On March 28, 2025, Secretary of State Marco Rubio said that up to 300 visas had been revoked using INA 237(a)(4)(C).¹⁴

What happens after a visa is revoked?

Once a visa is revoked, ICE can choose to initiate removal proceedings under INA 237(a)(1)(B) (present in violation of law). ICE can also allege, among other grounds, that the individual is deportable under INA 237(a)(4)(C)(i), "an alien whose presence or activities in the United States the Secretary of State has a reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable."¹⁵ While ICE can make this allegation, it does not automatically authorize removal.

What is the distinction between revoking a visa and terminating status?

As discussed above, there is a distinction between a visa and a status. That distinction is important because it makes **revocation by DOS alone insufficient for removal**. If a visa is revoked by DOS, while the noncitizen's ability to re-enter the U.S. after departure is impacted, the revocation does not impact the nonimmigrant's **status** or require the immediate departure from the U.S.¹⁶

After revocation, the Department of Homeland Security (DHS) may determine that a person with a revoked visa is subject to deportation under INA 237(a)(1)(B), which states that any noncitizen “whose nonimmigrant visa. . . has been revoked . . . is deportable.”¹⁷ To remove a noncitizen after their nonimmigrant visa is revoked, DHS must file a Notice to Appear (NTA), which is the charging document that begins immigration court proceedings.

It is also possible to **terminate** a nonimmigrant status in limited circumstances under 8 CFR § 214.1(d).¹⁸ These circumstances include:

- revocation of specific waivers authorized on his or her behalf;
- introduction of a private bill to confer permanent resident status on such alien; or,
- pursuant to notification in the Federal Register, on the basis of national security, diplomatic, or public safety reasons.

Importantly, there is at least one federal court case connecting the limitations spelled out in 8 CFR § 214.1(d) to ICE terminating SEVIS records, which underpin an international student’s status in the U.S.¹⁹

There are widespread reports of ICE proactively terminating SEVIS records, particularly in cases where there is a history of minor misdemeanors that would not necessarily rise to the level of deportability or inadmissibility. ICE also terminated SEVIS records of students whose criminal matters were dismissed or withdrawn, which raises concerns about what violation ICE found that justified SEVIS record termination. According to NAFSA, the typical notations for terminations under this current trend include “serious adverse foreign policy consequences” and “otherwise failing to maintain status.”²⁰ The latter of which could be further explained in the notation as due to the student being identified in a criminal records check or because their visa was revoked.²¹ ICE taking these steps is highly unusual, as terminating SEVIS records is usually done by the university under specific circumstances spelled out in the regulations (such as withdrawing from school), and the student is expected to depart the U.S. immediately.²² It is unclear what evidence ICE is using to make these determinations, some of which appear to be previously resolved, leaving students unable to properly defend themselves.

What is the impact of a terminated SEVIS record?

Once a SEVIS record is terminated, the international student immediately loses employment authorization, cannot re-enter the U.S. if they depart, and if they have any dependents (spouses or children), their status is also terminated.²³

These terminations short circuit due process by not allowing the student the opportunity to hear the specifics of the charges against them, nor defend themselves before an arbitrator. The rationale given by ICE in some of the terminated SEVIS records includes: “[o]therwise failing to maintain status” and “terminated pursuant to 237(a)(1)(C)(i)/8 USC 1227(a)(1)(C)(i).”²⁴ This section of the INA states: “[a]ny alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted . . . or to comply with the conditions of any such status, is deportable.”²⁵ By relying on this general statement, which merely recites the statute without further explanation, ICE does not provide sufficient information to determine the underlying rationale and the accuracy of the government’s determination to terminate their status. AILA has already heard reports of students having their status terminated due to long-standing confusion over their name being similar to another’s, as well as individuals who have been charged with a misdemeanor but have not been to court yet.

What due process protections exist?

Reinstatement of student status – In the case of a SEVIS termination, students can request a reinstatement at the discretion of USCIS, which is a slow process and a favorable outcome may be unlikely given current administrative objectives. During this pending reinstatement process, while they can attend classes, they cannot work, engage in internships or curricular practical training, and cannot apply for post-graduation optional practical training (OPT). And F-1 reinstatement requests cannot be expedited (i.e. no premium processing), and a student may graduate before the application is approved. In those situations, USCIS may have to deny the request because the student is no longer engaging in academic study. Reinstatement requires an admission or acknowledgement that a status violation exists, which may have additional legal ramifications. Reinstatement may also not be possible for all students whose SEVIS was terminated. Even if the student ends up in immigration court, immigration judges do not have the authority to review a denial of reinstatement of a SEVIS record.²⁶ As a result, contesting a SEVIS termination will likely involve costly litigation in federal court.

Revocation & removal proceedings – The due process protections available to challenge a visa revocation are limited. Just last year, the Supreme Court held in *Bouarfa v Mayorkas* that the revocation of a visa petition under 8 U.S.C. § 1155 does not have judicial review.²⁷ However, there are significant due process protections before someone can be removed from the United States. Once a visa is revoked, the student can remain in the U.S. To initiate removal proceedings, DHS is required to file an NTA with the immigration court that sets forth the alleged basis for removing the person. In proceedings the individual is entitled to be represented by legal counsel (though not at government expense) and is entitled to challenge the government's evidence and make their case that they are not removable or inadmissible under the law.

Further Resources

[Policy Brief: Explaining the Foreign Policy Ground of Removability](#)

[Practice Pointer: DOS Authority to Revoke Visas for Persons in the U.S.](#) (AILA members only)

[Practice Alert: SEVIS Records of International Students Being Terminated by ICE](#) (AILA members only)

¹ See Nate Raymond, *Tufts student detained by Trump administration defends right to advocate*, Reuters (April 3, 2025 at 6:14 PM EDT) <https://www.reuters.com/world/us/tufts-student-detained-by-trump-administration-defends-right-advocate-2025-04-03/>.

² Ali Bianco, *Rubio says State Department has revoked more than 300 student visas*, POLITICO (March 27, 2025 at 4:02 PM EDT), <https://www.politico.com/news/2025/03/27/marco-rubio-student-visas-palestine-00005141>; Marc Caputo, *Scoop: State Dept. to use AI to revoke visas of foreign students who appear "pro-Hamas"*, AXIOS: Politics & Policy (Mar 6, 2025), [State Dept. to use AI to revoke visas of foreign students who appear "pro-Hamas"](#); Nick Lentz, *Visas of Central Michigan University international students terminated by federal officials, school says*, CBS: CBS Detroit (April 7, 2025 at 4:10 PM EDT), [Visas of Central Michigan University international students terminated by federal officials, school says - CBS Detroit](#);

³ Nick Lentz, *Visas of Central Michigan University international students terminated by federal officials, school says*, CBS: CBS Detroit (April 7, 2025 at 4:10 PM EDT), [Visas of Central Michigan University international students terminated by federal officials, school says - CBS Detroit](#)

⁴ *ACLU of NH files suit on revoked student status of Dartmouth College student*, ACLU: New Hampshire (April 7, 2025), [ACLU of NH files suit on revoked student status of Dartmouth College student | ACLU of New Hampshire](#); Sam Skolnik, *California, Pennsylvania Students Sue Over Revoked F-1 Visas (2)*, Bloomberg Law (April 7, 2025 at 8:50 AM EDT), [California, Pennsylvania Students Sue Over Revoked F-1 Visas \(2\)](#)

⁵ NAFSA, Policy and Advocacy, Policy Resources, [NAFSA International Student Economic Value Tool | NAFSA](#)

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- ⁶ John Bound et al, *A Passage to American: University Funding and International Students*, American economic journal, Economic policy vol. 12, (February 2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10832447/>; See also Omar Duwaji, *High fees paid by international students help US universities balance their books*, The World (March 28, 2024), [High fees paid by international students help US universities balance their books - The World from PRX](#)
- ⁷ Liam Knox, *International Enrollment's Precarious Moment*, Inside Higher Ed: Global (March 19, 2025), <https://www.insidehighered.com/news/global/international-students-us/2025/03/19/colleges-fear-decline-international-student>
- ⁸ Student and Exchange Visitor Program (SEVP), *2023 SEVIS by the Numbers Report* (May 13, 2024), https://www.ice.gov/doclib/sevis/btn/24_0510_hsi_sevp-cy23-sevis-btn.pdf.
- ⁹ *Id.*
- ¹⁰ TRAC Immigration, Tools, <https://tracreports.org/immigration/quickfacts/coir.html>.
- ¹¹ F-1 visas are for academic students and are the most common. M-1 visas are used for non-academic studies (like language or occupational school). In the academic context, J-1 visas are more commonly used for postgraduate fellowships and residencies than students.
- ¹² Homeland Security Act of 2002, Section 442(a)(4), https://www.dhs.gov/sites/default/files/2023-11/23_0930_HS_A-2002-updated.pdf.
- ¹³ See Student and Exchange Visitor Program and Designated School Officials of SEVP-Certified Schools with F-1 Students Eligible for or Pursuing Post-Completion Optional Practical Training, *SEVP Policy*, (April 23, 2010), https://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf; Guidance Directive 2016-03, *9 FAM 403.11-3 – VISA REVOCATION*, (September 2, 2016) <https://j1visa.state.gov/wp-content/uploads/2016/09/2016-03-GD-Visa-Revocation-FINAL-Sept-2016.pdf>
- ¹⁴ Secretary of State Marco Rubio Remarks to the Press, U.S. Department of State (March 28, 2025), <https://www.state.gov/secretary-of-state-marco-rubio-remarks-to-the-press-3/>; Humeyra Pamuk, *Rubio Says U.S. May Have Revoked More Than 300 Visas*, Reuters, (March 27, 2025), <https://www.reuters.com/world/us/rubio-says-us-may-have-revoked-more-than-300-visas-2025-03-27/>
- ¹⁵ *Policy Brief: Explaining the Foreign Policy Ground of Removability*, American Immigration Lawyers Association (March 14, 2025), <https://www.aila.org/library/policy-brief-explaining-the-foreign-policy-ground-of-removability>.
- ¹⁶ *AILA DOS Liaison Q&As (4/15/15)* at Q.#7 and Q.#10, AILA Doc. No. 15042004, American Immigration Lawyers Association (April 15, 2015) <https://www.aila.org/library/aila-dos-liaison-qas-04-15-15>.
- ¹⁷ INA § 237(a)(1)(B).
- ¹⁸ 8 CFR § 214.1(d).
- ¹⁹ See *Jie Fang et al. v. Director, ICE*, 935 F.3d 172, 176 (3rd Cir., Aug. 15, 2019). *Jie Fang* held that ICE's order terminating students' visas was a final order subject to judicial review under APA, and action was ripe for adjudication. This case came out of a 2013 ICE operation where the agency created a fake university to target academic recruiters. By the end of this operation, students were sent a letter informing that their SEVIS record had been terminated "due to your fraudulent enrollment." While the government conceded that the students were victims of fraud, this termination created issues for the student's subsequent enrollment in legitimate universities.
- ²⁰ NAFSA, *ICE-Initiated SEVIS Record Terminations*, (April 8, 2025), <https://www.nafsa.org/regulatory-information/ice-initiated-sevis-record-terminations>.
- ²¹ *Id.*
- ²² DHS, *Study in the States*, "Terminate a Student," (November 7, 2024), <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student#:~:text=Terminate%20a%20Dependent,Effects%20of%20Termination,2%20dependent%20records%20are%20terminated>.
- ²³ *Id.*
- ²⁴ INA § 237(a)(1)(C)(i) states "[a]ny alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 1258 of this title, or to comply with the conditions of any such status, is deportable."
- ²⁵ INA § 237(a)(1)(C)(i).
- ²⁶ See discussion in *Jie Fang*, 935 F.3d at 184-5.
- ²⁷ *Bouarfa, v. Mayorkas, Secretary of Homeland Security, Et al*, 604 U.S., (2024).