



A FOREIGN STUDENT WHOSE VISA HAS BEEN REVOKED BY TRUMP SHOULD STILL BE ABLE TO CONTINUE TO ATTEND SCHOOL

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The revocation students' visas has caused alarm and panic. Our blog advises that the revocation of a visa in the passport does not necessarily result in a violation of nonimmigrant status. The student may still be able to continue their studies at the school.

On March 27, 2025, Secretary of State Marco Rubio [announced](#) at a press conference that the Department of State had revoked the visas of approximately 300 foreign students. This disturbing measure comes after the Trump administration has taken numerous actions targeting students involved in pro-Palestine protests for immigration enforcement actions in recent weeks, including the arrest of student activist [Mahmoud Khalil](#), who is a lawful permanent resident, as well as the arrest of a researcher at Tufts University in F-1 status, [Rumeysa Ozturk](#), who has been targeted for deportation for merely writing an op-ed in the student newspaper that was critical of Tufts and Israel. There have been other cases of Indian students whose visas have been revoked such as Bader Suri and Ranjana Srinivasan (discussed in this [article](#) that quotes Cyrus Mehta).

The State Department has the authority to revoke the underlying visa in the passport under INA 221(i), however, a student can still maintain F-1 visa status while in the US and there is no change in the [Student Exchange and Visitor Program](#). Until Trump took office on January 20, 2025, the State Department revoked the visa if the student had been arrested in the US for a minor offense, such as driving while intoxicated. The student was still considered to be

maintaining F-1 status and could continue to study. Similarly, an individual who was in H-1B status when the underlying H-1B visa got revoked could continue to work for the H-1B employer in the U.S.. If the nonimmigrant in F-1 or H-1B status departed the US, they would need to apply for a new visa in their passport.

ICE has now sneakily usurped the functions of the Designated Student Officer by cancelling F-1 student status in the Student Exchange and Visitor Program (SEVIS) without warning, according to [Zetee](#). Even if the visa is revoked and the F-1 status has been terminated in SEVIS, a foreign student can still continue to study and if placed in deportation proceedings should challenge the deportation before an Immigration Judge. According to a [The Times of India](#) article by Lubna Kably, hundreds of international students have received emails from the State Department warning them to self-deport or face arrest and deportation. "The crackdown is based on social-media reviews being conducted by DOS (which includes Consulate officials). Thus, even new student applications . . . will also come under such social media scrutiny." Kably reports that some students have received the emails "for something as innocuous as sharing a social media post."

In a [prior blog](#) written in 2017 when Trump during his first administration revoked visas based on country bans, we explained that revocation of a visa does not necessarily prevent a noncitizen from maintaining status in the U.S. For example, if a student was issued an F-1 and has already been admitted into the United States in F-1 status when the visa is revoked under a travel ban pursuant to INA 212(f), the revocation of the visa would not impact this student's ability to maintain F-1 status so long as she is enrolled in the designated school and is complying with all the other terms of her status, such as not engaging in unauthorized employment. If the student leaves the United States, however, she will not be able to come back to the United States without obtaining a new visa. Similarly, an individual whose H-1B visa is revoked may continue to maintain H-1B status but must remain in the employment of the petitioning entity that applied for the H-1B visa classification on his behalf. This individual may also seek an extension of status or change of status while in the United States.

Note that a nonimmigrant whose visa has been revoked is subject to removal. INA 237(a)(1)(B) provides:

"Present in violation of law - Any alien who is present in the United States in violation of this Act or any other law of the United States, or whose nonimmigrant visa (or other documentation authorization admission into the United States as a nonimmigrant) has been revoked under section 221(i) is deportable."

Even if one is not in violation of the INA, but their nonimmigrant visa has been revoked, they can be placed in removal proceedings. If the sole basis of placing the individual in removal proceedings was due to the revocation, under INA 221(i), the revocation can be challenged in removal proceeding.

As INA 237(a)(1)(B) makes clear that a nonimmigrant whose visa was revoked but has otherwise been maintaining status is still in status until they are removed, there is no basis for DHS or a university to terminate impacted students' F-1 status until they are removed. If a student is in proceedings and not detained, they can still attend school and maintain status. This principle applies even if a student's F-1 status in SEVIS is terminated.

The Trump administration has been detaining students after their visa has been revoked. If the student is detained after removal proceedings have been initiated, a habeas petition may be filed to obtain release of the student. The student should also challenge the deportation in immigration court on the grounds that the revocation has no basis especially when the student was engaged in lawful protected speech as in [Khalil's](#) case. While the student is contesting the grounds of deportation, they can continue their studies in the school.

A school, unlike an employer, is not obligated to verify a student on an I-9 form. A foreign student can be enrolled in a school even if they are not in F-1 or H-1B status. A noncitizen who is a DACA recipient or who has a pending I-485 adjustment of status application can be enrolled. Indeed, a foreign student who is not in any status based on violating their status or overstaying a visa can still be enrolled in school. A school need not issue a Form I-20 to enroll a student in F-1 status. There is no benchmark for a school to know the status of a student who is enrolled. Thus, even if DHS has cancelled the student's status in SEVIS the student should still be able to continue their studies in school.

If the student has successfully overcome the grounds of deportation, the student's F-1 status can be restored. If the student has received an e mail, as described in the Times of India article, that the visa has been revoked, then if

the student also learns that their SEVIS record has been terminated, the student should challenge the SEVIS termination in federal court through the Administrative Procedure Act on grounds that the action was arbitrary, capricious and the student was not given any warning or notice to respond. The visa revocation itself cannot be challenged in federal court before removal (deportation) proceedings, but if the student is placed in deportation, they can challenge the proceedings in immigration court. If a student is also detained upon the initiation of deportation proceedings, they can file a habeas petition in federal district court to challenge their detention as well as seek a bond hearing before an immigration judge. And ultimately, at the end of those deportation proceedings, the student could seek review in federal court of the visa revocation.

Although there is a vicious, unprecedented crackdown on foreign students under the Trump administration, with the help of lawyers and legal organizations, they should stand firm and challenge the revocation of their visas, the termination of their status, and their deportation. A foreign student who has protested, either on social media or through actual participation, against the military action in Gaza does not necessarily become a Hamas supporter. The student is protesting because they have been moved by tens of thousands of deaths of civilians including children. Demonstrating compassion for human suffering should not result in the student's exile.

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