Explainer: Revocation of Student Visas and Termination of SEVIS Records

In recent months, the U.S. government has revoked over 1,600 student visas and terminated the SEVIS records[1] of over 4,700 international students,[2] often without prior notice or clear justification. These actions, initiated by the U.S. Department of State and U.S. Immigration and Customs Enforcement (ICE), respectively, have been based on vague or minor infractions, such as dismissed misdemeanor charges or non-criminal protest activities, leading to widespread uncertainty among students and universities. The abrupt terminations have resulted in immediate consequences for affected students, including loss of employment authorization, ineligibility for reentry into the U.S., and potential deportation. Legal challenges have prompted some courts to issue temporary restraining orders, restoring the SEVIS records of certain students. At the same time, ICE has indicated plans to develop a formal policy for such terminations.

These actions against international students – which raise concerns about freedom of speech and due process violations – raise three critical legal questions:

1. Does the U.S. government have broad discretion to revoke a student visa?
2. Does the U.S. government have broad discretion to terminate a student's SEVIS record?
3. Can students whose visa was revoked and whose SEVIS record was terminated stay in the United States?

Under current law, the short answer to the first question is "yes." The United States government has broad discretion to revoke a student visa. The answer to the second question is "no." The United States government cannot terminate a student's SEVIS record unilaterally without sufficient legal justification. The third question is more complex from a legal standpoint, as a SEVIS termination does not automatically terminate a student's lawful status, but does make the student"subject to removal," exposing them to future legal peril.

1. Government's Broad Discretion to Revoke Student Visas

The United States government has broad discretion to revoke visas, including student visas. Such discretion was upheld by the U.S. Supreme Court in the 2024 case Bouarfa v.

[1] The Student and Exchange Visitor Information System (SEVIS) is the system that the U.S. Department of Homeland Security (DHS) uses to maintain information on international students who come to the U.S. with F-1, M-1, or J-1 visas.

[2] As of May 7, 2025.

Mayorkas. In a unanimous decision, the Court emphasized that visa revocations are discretionary decisions insulated from judicial review.

Using that broad discretion – and raising questions about freedom of speech in the United States – the State Department has revoked student visas who have participated in protests in university campuses. Using INA 237(a)(4)(C), which provides that "an 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," the State Department has revoked student visas. The administration has also revoked visas for DUIs using the Foreign Affairs Manual. The manual instructs consular officers abroad to revoke visas when the individual has been arrested or convicted for driving under the influence.

2. Limits on the Government's Authority to Terminate Student SEVIS Records

The Student and Exchange Visitor Information System (SEVIS) is the system that the U.S. Department of Homeland Security (DHS) uses to keep information on international students who come to the U.S. with F-1, M-1, or J-1 visas. Historically, updating and maintaining the SEVIS records of international students has been delegated almost entirely to Designated School Officials (DSO). DSOs are staff members of academic institutions, not government officials.

Under 8 C.F.R. § 214.2(g)(2), DSOs must report through SEVIS to DHS when a student fails to maintain status as described in the Code of Federal Regulations. Termination of SEVIS registration by DSOs can only be done for the reasons listed in 8 C.F.R. § 214.2(e)–(g), such as engaging in unauthorized employment, providing false information to DHS, or being convicted of a crime of violence with a potential sentence of more than one year, among others.

In addition, DHS officials – under 8 C.F.R. § 214.1(d) – can terminate SEVIS records when:

1) A previously granted waiver under 8 U.S.C. § 1182(d)(3) or (4) is revoked;
2) A private bill to confer lawful permanent residence is introduced in Congress; or
3) DHS published a notification in the Federal Register identifying national security, diplomatic, or public safety reasons for termination.

Nevertheless, DHS terminations of SEVIS records have historically been rare. That changed in March of this year when DHS implemented a program dubbed "Student Criminal Alien Initiative," which ran 1.3 million names of foreign students through a federal database run by the National Crime Information Center (NCIC).that tracks criminal histories, missing persons, and other brushes with the law. The search found about 6,400 cases that involved students with minor encounters with law enforcement,

such as arrests for reckless driving, DUIs, or misdemeanors, where charges were often dropped or never filed, falling well below the legal threshold needed to justify revoking a student's lawful status to study in the U.S.

The program has resulted in the termination of over 4,700 SEVIS terminations as of May 7, 2025. Yet, the NCIC database that federal officials relied on often lacks case disposition information, meaning it does not systematically track case outcomes after law enforcement encounters or charges. As a result, many of the logged encounters were never pursued further or led to charges that were ultimately dismissed. Reliance on this incomplete dataset for this purpose can misrepresent an individual's legal history, leading to SEVIS terminations where an individual was never convicted of – or even charged with – any wrongdoing.

The mass SEVIS terminations ended up being litigated in courts of law across the United States in suits brought by affected students. The students argued that the termination of their SEVIS status was "not in accordance with law and in excess of statutory authority under the Administrative Procedure Act." They also highlighted that the termination of SEVIS violated the Due Process Clause of the Fifth Amendment to the Constitution. Finally, they argued that the termination of SEVIS had been arbitrary and capricious under administrative law.

After intense legal scrutiny of this program, some judges granted temporary restraining orders mandating the government to reverse the terminations of SEVIS records of the affected students. In their opinion, the government's actions had been arbitrary, capricious, and not in accordance with the law.

The Trump Administration reversed the SEVIS terminations as ordered by the courts. However, a few days later, the administration announced a new policy that would allow them to terminate the SEVIS records for various reasons, including revocation of student visas by the State Department. As of the time of the publication of this explainer (June 13, 2025), details of how the new policy would be implemented have yet to be released.

3. Revoking Visas and Terminating SEVIS Records Does Not Force International Students to Leave the Country But Exposes Them to Legal Peril

As explained by the judge in Georgia who ordered the government to restore the SEVIS records of students, student status and student visas are not one in the same. The student visa refers only to the document that nonimmigrant students receive to enter the United States, whereas F-1 student status refers to the students' formal immigration classification once they enter the country.

Revoking a visa does not impact the immigration status of students or their ability to pursue their courses of studies in school. In other words, by itself, revoking a visa does

not automatically trigger removal proceedings, only impacting the individual's ability to re-enter the United States. However, this comes with a significant caveat. After revocation of a visa, 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." In that case, ICE can take the affirmative step of initiating removal proceedings, placing the students in legal peril. Students in this situation become "subject to removal." Given the political environment and the Trump administration's aggressive immigration enforcement posture, it seems likely that DHS would initiate removal proceedings in many of these instances.

Even if students are not placed into removal proceedings, the termination of their SEVIS records creates many complications for international students, distinct from the formal visa revocation process. The termination of their SEVIS records may cause them to lose their ability to pursue their courses of study and be prohibited from working.

Conclusion

While the U.S. government has broad authority to revoke student visas, it does not have unrestricted power to terminate SEVIS records without legal cause. The recent revocations and terminations have created legal and procedural uncertainty for thousands of international students. Despite their vulnerable status, students whose SEVIS records were terminated and visas revoked may still lawfully remain in the U.S., although they become subject to removal and face legal peril if formal removal proceedings are initiated. These developments highlight the urgent need for clearer policies and stronger protections to ensure due process for international students.