



# Middle East Studies Association

## Task Force on Civil and Human Rights

The Middle East Studies Association of North America and its Task Force on Civil and Human Rights offered a series of Know Your Rights webinars in Spring 2025 addressing members' concerns about changing immigration policies and enforcement actions under the Trump administration. We received a wide range of questions that were addressed during these webinars. We have developed these materials in the hope that they might provide useful resources for our members addressing frequently asked questions (FAQs) as the new academic year begins.

MESA cannot and does not provide legal advice or resources and nothing in this memorandum should be construed as legal advice. The basic information in this memo, drawn from trustworthy public sources, is, instead, designed to be a starting point for better understanding distinctions between different visa categories and to determine whether you or your students might need to consult an immigration attorney.

## FAQs on Visa-Related Issues for Non-Citizens, including Green Card Holders

As a preliminary matter, it is worth noting that non-citizens face greater risk of visa revocation and removal from the United States in encounters with immigration officials **at the border or at ports of entry** than once they have been admitted to the United States. For all non-immigrant visa holders — that is those traveling on student visas (F-1, J-1 and M-1) or temporary work visas (H-1) — an immigration official at a border or port of entry may deny entry and remove individuals if they are deemed inadmissible on certain grounds.

Such grounds include:

- fraud or misrepresentation (e.g., suspicion that the student never enrolled or that an individual misrepresented their immigration history),
- improper documentation (e.g., missing documentation concerning student or employment status),
- other status issues (e.g., failure to maintain full-time enrollment for students or mismatch between terms of the temporary work visa and current job location, title or employer), or
- security or criminal concerns (e.g., prior immigration violations or criminal history).

If a visa is revoked at the border, this typically results in *expedited removal* without a hearing before an immigration judge. Those subject to expedited removal also face a five-year bar on entering the United States. Due process protections should require that a visa holder who already resides in the U.S. (i.e., is not entering for the first time) and is returning from lawful travel abroad be placed in removal proceedings (involving a hearing before an immigration judge, opportunities to challenge removal and appeals) rather than expedited removal, but in practice this distinction may not always be observed. For more, see this [Primer](#) from the American Immigration Council.

The remainder of the questions and answers below relate to visa revocations and status changes for non-citizens that are already in the country, rather than at the border or port of entry.

### 1.

#### What are the grounds for revoking student visas?

The basis for visa revocations depends on who is doing the revoking. The Secretary of State, their delegates, and consular officers abroad have the authority to revoke F-1 (full time academic students), J-1 and M-1 (vocational or non-academic students) visas at their “discretion,” a broad and undefined term. While the State Department’s [Foreign Policy Manual](#) says this authority should not be used “arbitrarily,” the examples it gives of situations for revocation are extensive, broad, and vague.

In contrast, immigration officers with DHS, including passport officers at airports, can only revoke student visas on specific grounds listed in federal law, including their suspicions that the visa holder has engaged in “terrorist activities” or is a member of a “terrorist organization.”

Once a visa holder has traveled to the U.S., revocation is more likely to come from an immigration officer or the State Department, but not from a consular officer.

### 2.

#### What is the process for revoking student visas?

The State Department’s [Foreign Policy Manual](#) says that visa holders must be given notice of intent to revoke their visas if “practicable,” for example when the visa holder’s location is known, to give the visa holder a chance to explain why their visa shouldn’t be revoked. In most cases (meaning unless the State Department determines otherwise), the visa holder should also be notified about the actual (or final) revocation of their visa.

A federal officer, typically a consular official or Customs and Border Protection (CBP agent), can revoke a visa physically, by writing or stamping the word “REVOKED” on it. A visa can also be revoked virtually through the State Department’s “Consular Lookout and Support System” database (CLASS), even without notification to the visa holder.

Visas that have been physically revoked are no longer valid for travel at the moment of revocation. Visas that have been virtually revoked are no longer valid for travel once the revocation has been entered into CLASS.

### 3.

#### What happens if a student’s visa is revoked while they are inside the country?

If a student visa is revoked while they are in the U.S., this does *not* necessarily mean that the person’s continued presence is unlawful or that they must immediately depart. Visas are travel documents that allow nonimmigrant visitors to enter the U.S. *Lawful* presence in the U.S. is based on formal *immigration status*. This means that a foreign student visa holder may maintain their lawful status as long as they maintain the terms of that status, for example, by remaining enrolled full-time at a U.S. university. By the same token, visa revocation alone does not necessarily result in immigration detention.

Similarly, visa revocation does not necessarily mean that the person is removable from the country. In order to be deported or removed, a person must be placed in removal proceedings before an immigration judge. However, because visa revocation is one of the grounds for removal, a person whose student visa has been revoked may become vulnerable to removal proceedings.

### 4.

#### **If a student is placed into “removal proceedings” based on a visa revocation, will they be detained?**

A person who is in removal proceedings is not necessarily subject to immigration detention. Whether they are detained depends on a number of factors, including the individual’s own immigration history (e.g., previously deported), criminal history, and the discretion exercised by immigration officials. Many people go through removal proceedings without being detained and are allowed to remain in their community while their case proceeds. They are required to attend immigration court hearings of their removal case in person, and may be subject to conditions such as additional check-ins with immigration officials and electronic monitoring.

Individuals are sometimes detained while their removal proceedings are pending, but this is most common in cases of prior criminal convictions, if the removal proceedings are triggered by an apprehension at the border, or if there are specific reasons adduced why immigration officials consider the individual to be a flight risk or danger to the community. Detained individuals may be eligible for bond hearings to request release (sometimes under supervisory conditions) or humanitarian parole.

### 5.

#### **What is SEVIS and what reporting obligations does it create for universities?**

The Student and Exchange Visitor Information System (SEVIS) is an online database through which universities provide certain information to the State Department and ICE about nonimmigrant students and exchange visitors on campus. If a university fails or refuses to provide this information, they may lose their certification with the Student and Exchange Visitor Program (SEVP), which is necessary for a university to enroll international students.

The information universities must provide to SEVIS includes: (1) the identity and current U.S. address of the foreign student; (2) the current academic status of the person, including whether they have maintained full-time student status; (3) any disciplinary action taken by the university against the student as a result of their criminal conviction; (4) the student’s degree program and field of study; and (5) the date of the student’s termination of enrollment in the university and the reason for termination, such as graduation or disciplinary action. In addition, students may be authorized to work on or off-campus with specific approvals by relevant school officials, also reported via the system.

### 6.

#### **What is the relationship between visa revocations and SEVIS?**

Visa revocation does not necessarily result in the termination of a student’s SEVIS record or require that a student whose visa has been revoked be expelled, suspended, or otherwise prevented from continuing their university programs or degrees. SEVIS termination is usually a separate process, though it may be triggered by visa revocation under some circumstances. SEVIS records are ordinarily terminated by university administrators, not DHS or the State Department, and are usually a result of status violations (e.g., failure to enroll, unauthorized work, etc.) or a material change in academic status (such as if a student is no longer enrolled full-time).

However, in spring 2025, ICE began terminating student SEVIS records without university involvement, for reasons unrelated to academic status, including pro-Palestine speech, participation

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in campus protests, social media activity, traffic violations, and prior arrests, including where charges were subsequently dropped. Many of the students affected by these ICE-instituted SEVIS terminations had not met any of these criteria, and the reason for the termination of their SEVIS records remains unclear. Faced with a wave of lawsuits and court orders, the government reversed these SEVIS terminations, but insisted that it may resume such terminations in the future.

As acknowledged in a recent affidavit from a senior ICE official, SEVIS termination does not affect a student's lawful status or constitute revocation of a student visa. However, if a student's SEVIS record is terminated, they may be susceptible to removal proceedings.

When a SEVIS record is terminated by ICE, neither the student nor the university is necessarily notified. However, university administrators can and should access SEVIS and tell students when ICE has terminated their record. There are ways to challenge such a termination, but the process is complex and not without risks.

For additional information, Penn State's Dickinson School of Law Center for Immigrants' Rights Clinic has assembled useful resources concerning visa revocation and SEVIS terminations (dated April 21, 2025), which you may find [here](#).

### 7.

#### What are the grounds for revoking H1-B petitions?

H1-B visas are nonimmigrant visas that allow foreign nationals, including faculty and university staff, to temporarily work in the United States.

DHS, specifically United States Citizenship and Immigration Services (USCIS), approves H1-B petitions submitted by employers. A consular officer must then confirm that the facts supporting the visa are true during an interview. If the consular officer believes that the facts do not entitle the foreign national to a visa, they can return the petition to USCIS for reconsideration.

Once a H1-B visa holder has entered the U.S., USCIS can revoke a visa in two ways. An [automatic revocation](#) can only occur in specific situations, such as if the employer goes out of business or the employer notifies USCIS that the person no longer works for them. An automatic revocation cannot be appealed.

An "on notice" revocation is also limited to specific situations, including fraud, misrepresentation, or inaccuracies in the filing of the H-1B petition. In these cases, the government must provide a detailed explanation of the grounds for revocation and a time period during which the visa holder can proceed with multiple challenges to the revocation, first to the regional USCIS director responsible for the decision, then, if that fails, to its appeals unit, and finally to the federal courts.

### 8.

#### What happens when an H1-B petition is revoked?

If a person's H1-B petition is revoked while they are in the U.S., their continued presence in the country does not automatically become unlawful. If the revocation was based on loss of employment, they are typically entitled to a 60-day grace period to find a new employer, who can then petition for a new H1-B visa. If the revocation was based on fraud, misrepresentation, or inaccuracies in filing the original visa petition, the grace period may not apply and the person could be considered unlawfully present in the U.S. or subject to removal proceedings.

### 9.

#### What are the grounds for revoking a green card?

With some notable exceptions, like the right to vote, green card holders have the same rights as U.S. citizens while in the country. However, a green card holder can lose their right to remain in the U.S., meaning that their legal permanent residency (LPR) status is rescinded or revoked.

LPR status can be rescinded if USCIS determines that the person was not eligible for a green card in the first place. This kind of rescission usually only impacts people who adjusted their status while in the U.S. and must be instituted within five years of granting LPR status.

LPR status can be revoked at any time, no matter whether a person obtained their green card abroad or in the U.S. Revocations take place when new information is discovered *after* the green card was granted. The potential grounds for revocation include being convicted of certain crimes, engaging in fraudulent immigration-related activities, or engaging in activities deemed threatening to national security.

Most notoriously, as seen in recent cases involving pro-Palestine students, a person's green card may *potentially* be revoked if the Secretary of State has "reasonable grounds" to believe their presence or activities in the US may have serious adverse foreign policy consequences. This vague and broad ground is susceptible to abuse and can conflict with First Amendment rights. On several occasions, courts have concluded that this provision violates the Fifth Amendment due process rights of those present in the U.S. as well. The recent use of this provision in attempts to revoke the LPR status of individuals based on pro-Palestine speech has been challenged in several cases that are currently being litigated before courts. In several high-profile instances, courts have allowed those who were initially detained and placed into removal proceedings on the basis of this provision to be released for the duration of their cases.

### 10.

#### What is the process and consequence of rescinding or revoking LPR status?

To *rescind* LPR status, USCIS must serve the person with a [Notice of Intent to Rescind](#) within five years of their adjustment to permanent resident. The Notice must include the new information being used to rescind the green card and information explaining how the person can respond to these allegations. The person can contest the allegations by requesting a hearing before an immigration judge. If the judge's decision is unfavorable, the green card holder has a right to appeal to the Board of Immigration Appeals (BIA). Both immigration judges and the BIA are part of the Executive Branch, but an adverse determination by the BIA may be challenged in federal appellate courts.

If the court upholds the green card rescission, the person loses their LPR status but will not necessarily be removed from the U.S. Instead, they return to the status they held before becoming a permanent resident. If that status is still valid, they can stay in the country. If it is no longer valid, USCIS may place the person in removal proceedings.

To have their LPR status *revoked*, a person must appear before an immigration judge and that judge must determine that the person is removable. Expedited removal is not possible for legal permanent residents.