

United States Senate

WASHINGTON, DC 20510

April 28, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street NW
Washington, DC 20536

Dear Secretary Noem, Secretary Rubio, and Acting Director Lyons:

We recently learned that your agencies have been revoking student visas and terminating Student Exchange and Visitor Information System (SEVIS) records across the country. These actions to end student status reflected an unannounced change in policy and were inconsistent with existing laws, regulations, policies, and agency guidance governing the maintenance and termination of student status—that is why we welcomed the news late last week that in response to litigation around the country, ICE has reversed these SEVIS terminations.¹ We now urge you to undo other actions to end student status that are inconsistent with such laws, regulations, and agency guidance and ensure that all future actions to end student status fully comply with the law.

Foreign students must navigate a complicated mix of agencies to maintain their status. Under current regulations and policy, students who enter into the United States on an F-1 student visa or J-1 exchange visitor visa are admitted to the United States for “duration of status.”² This essentially means that F-1 and J-1 visa holders may be in good standing as long as they comply with the terms and conditions of their status, even if their visa has expired.³ Students who enter on an M-1 visa for vocational education are admitted for a fixed time period to complete their course of study.⁴ The Office of Student Exchange and Visitor Programs (SEVP), within the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), works with universities and program administrators to determine whether F-1 and M-1 students are meeting requirements for their visas and terminate SEVIS records as appropriate under SEVP

¹ See Kyle Cheney and Josh Gerstein, [Trump administration reverses abrupt terminations of foreign students’ US visa registrations](#), Politico (Apr. 25, 2025); see also Johanna Alonso, [Inside the Lawsuits Challenging SEVIS Terminations—and Succeeding](#), Inside Higher Ed (April 24, 2025).

² 8 CFR 214.2(j)(1)(ii); 8 CFR 214.2(f)(5)

³ *Id.* and Immigration and Customs Enforcement Student Exchange and Visitor Program (ICE SEVP) Policy, [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](#), (Apr. 23, 2010).

⁴ 8 CFR 214.2(m)(5).

regulations.⁵ The Department of State (DOS) Bureau of Educational and Cultural Affairs administers the J-1 exchange visitor visa, but their records are maintained by SEVIS.⁶ Existing regulations and agency guidance inform students and other visa holders of how they might lose their student status, including that they cannot be convicted of serious crimes, cannot work unless authorized by DHS, and must be completing the education or program related to their visa.⁷ However, students across the country—who by all accounts appear to have followed all of the applicable laws and agency guidance—have reported visa revocations with no clear explanation as to the basis to terminate status.⁸ SEVP has completed at least 4,736 total terminations of student visa holders’ SEVIS records.⁹ By DHS’s own admission, the statute and regulations do not provide SEVP the authority to terminate nonimmigrant status by terminating a SEVIS record.¹⁰ Your decision to reverse such terminations is therefore prudent and required by law.¹¹

Current laws, regulations, and agency guidance also require notice to be provided when a student’s status is being terminated or revoked.¹² Here, it is not clear that students were provided the notice required by law. Many students were notified by universities that they have lost their student status when their SEVIS records have been terminated, without being provided any information about potential reinstatement.¹³ Some students received emails that their visas were revoked and were directed to self-deport, with no clear information as to the basis for their revocation or means by which they can appeal the revocation.¹⁴ Some students only learned about losing status when arrested by masked federal agents.¹⁵ These reports suggest that students were not given notice of the termination of their status in a manner consistent with existing laws, regulations, and agency guidance.

Once a student’s visa is revoked, although their status is not automatically terminated, removal proceedings may be initiated against them, allowing them to be detained at the discretion of DHS.¹⁶ Similarly, when a student’s SEVIS record is terminated, the student is no longer in an authorized period of stay in the United States, and students and their universities cannot regularly

⁵ 8 CFR 214.3; Student Exchange and Visitor Information System (SEVIS) Help Hub, [Termination Reasons](#) (last viewed Apr. 9, 2025).

⁶ Department of State, [Exchange Visitor Visa](#) (last viewed Apr. 9, 2025).

⁷ See 8 CFR 214.1(d)-(g); see also 8 USC 1101(a)(15)(F), (J), (M); 8 CFR 214.2(f), (m), (j); and INA 241(a)(1)(C)(i); 9 FAM 403.11.

⁸ See, e.g. Tyche Hendricks, [California Students, Blindsided by Visa Cancellations, Sue Trump Administration](#), KQED (Apr. 8, 2025).

⁹ ICE Homeland Security Investigations Response to Data requests by the Senate and House Committees on the Judiciary (Apr. 10, 2025).

¹⁰ [Declaration of Andre Watson](#), No. 2:25-CV-11038-SJM-DRG (ED Mich. S. Div. Apr. 14, 2025).

¹¹ Kyle Cheney and Josh Gerstein, [Trump administration reverses abrupt terminations of foreign students’ US visa registrations](#), Politico (Apr. 25, 2025).

¹² See 8 USC 1201(i) (requiring notice and permitting appeal through immigration court proceedings); 9 FAM 403.11-4(A)(1); 8 USC 1229; 8 CFR 205.1, 205.2.

¹³ American Immigration Lawyers Association, [Policy Brief: Immigration Enforcement Actions Against International Students](#) (Apr. 11, 2025).

¹⁴ *Id.*

¹⁵ Niha Masih, Anumita Kaur, Frances Vinall and Julie Yoon, [Tufts student from Turkey detained by masked officers, video shows](#), The Washington Post (Mar. 27, 2025).

¹⁶ See 8 USC 1227(a)(1)(B); 8 USC 1201(i) (allowing immigration court review of visa revocation).

maintain student records in SEVIS, as is required to maintain student status.¹⁷ In addition, upon SEVIS record termination, the student must depart the United States or take other action to restore legal status, and DHS “may investigate to confirm the departure of the student.”¹⁸

Students who have entered through our legal immigration system and followed the law remain unsure of what, if any, steps they may take to maintain their status and safeguard themselves from immigration enforcement. While we are relieved that ICE has reversed these SEVIS terminations,¹⁹ we now urge you to undo other actions to end student status that are inconsistent with such laws, regulations, and agency guidance. Finally, we understand that you are contemplating additional actions to end student status.²⁰ Any such changes must be consistent with applicable statutes, including requirements for notice with respect to changes that would deprive a student of their status and ability to live and study in the United States and place them at risk of detention.²¹

We also request information to better understand how your departments are implementing any new, unannounced policies with respect to identifying students for status revocation. Please provide the following information by May 12, 2025:

1. Any guidance issued by DOS and/or DHS governing the revocations of nonimmigrant visas, issued from January 20, 2025 to date.
2. Any guidance issued by DOS and/or DHS governing how nonimmigrants are to be notified of visa revocations, issued from January 20, 2025 to date.
3. Any guidance issued by DOS and/or DHS governing the terminations of SEVIS records, issued from January 20, 2025 to April 25, 2025.
4. Any guidance issued by DOS and/or DHS governing how student visa holders are to be notified of SEVIS terminations, issued from January 20, 2025 to April 25, 2025.
5. Any guidance issued by DOS, DHS, and/or the Department of Justice governing the initiation of removal proceedings or immigration enforcement against student visa holders and other nonimmigrants, issued from January 20, 2025 to date.
6. Any guidance issued by DOS and/or DHS regarding the use of artificial intelligence to search national databases, criminal records, and social media to identify nonimmigrants for visa revocation or to otherwise end status, issued from January 20, 2025 to date.

¹⁷ SEVIS Help Hub, [Maintaining Accurate SEVIS Records](#) (last viewed Apr. 20, 2025); and 8 CFR 214.2(f)(1)(iii).

¹⁸ SEVIS Help Hub, [Terminate a Student](#), (last viewed Apr. 11, 2025).

¹⁹ Kyle Cheney and Josh Gerstein, [Trump administration reverses abrupt terminations of foreign students’ US visa registrations](#), Politico (Apr. 25, 2025).

²⁰ *Id.*

²¹ *See, e.g.*, 5 USC 551 et seq.

7. The total number of student visas (F-1, M-1, or J-1 visas) that have been revoked since January 20, 2025 to date, disaggregated by:
 - a. Student's country of origin;
 - b. Consulate or embassy that issued the visa;
 - c. Visa category/Optional Practical Training (OPT);
 - d. Date of revocation;
 - e. University of study;
 - f. Type of degree or field of study;
 - g. Notice provided;
 - h. Legal basis for revocation;
 - i. Any grace period to allow students to make travel or other arrangements; and
 - j. Whether the student's SEVIS record was also terminated.

8. The total number of SEVIS record terminations that have been issued since January 20, 2025 to April 25, 2025, disaggregated by—
 - a. Student's country of origin;
 - b. Visa category/Optional Practical Training (OPT);
 - c. Date of revocation;
 - d. University of study;
 - e. Type of degree or field of study;
 - f. Whether the termination was initiated by the university or by DHS;
 - g. Basis for termination;
 - h. Notice provided;
 - i. Any grace period to allow students to make travel or other arrangements; and
 - j. Whether the student's visa was revoked.

9. The number of student visa holders on F-1, M-1, J-1 nonimmigrant status issued Form I-862, Notice to Appear, initiating removal proceedings.

Thank you for your prompt attention to this critical matter.

Sincerely,



Richard J. Durbin
United States Senator



Chris Van Hollen
United States Senator



Adam B. Schiff
United States Senator



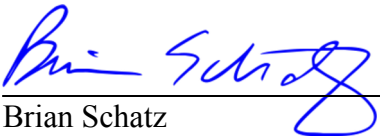
Bernard Sanders
United States Senator



Jack Reed
United States Senator



Christopher A. Coons
United States Senator



Brian Schatz
United States Senator



Catherine Cortez Masto
United States Senator




Tammy Duckworth
United States Senator



Jeanne Shaheen
United States Senator
Ranking Member, Senate
Foreign Relations Committee



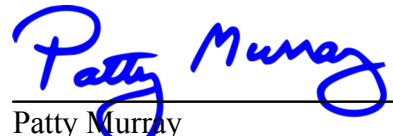
Richard Blumenthal
United States Senator



Alex Padilla
United States Senator



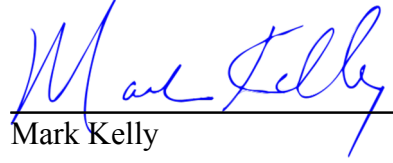
Lisa Blunt Rochester
United States Senator



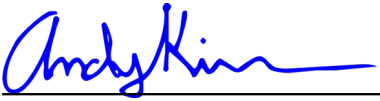
Patty Murray
United States Senator



Tim Kaine
United States Senator



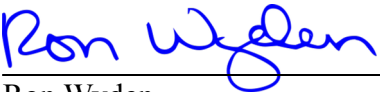
Mark Kelly
United States Senator



Andy Kim
United States Senator



Raphael Warnock
United States Senator



Ron Wyden
United States Senator



Elizabeth Warren
United States Senator



Ruben Gallego
United States Senator



Jacky Rosen
United States Senator



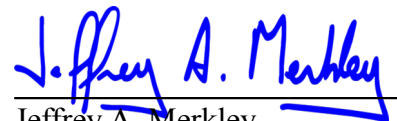
Tina Smith
United States Senator



Martin Heinrich
United States Senator



Sheldon Whitehouse
United States Senator




Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator



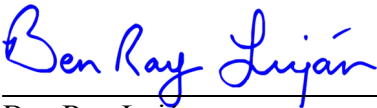
Mark R. Warner
United States Senator



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



Ben Ray Lujan
United States Senator



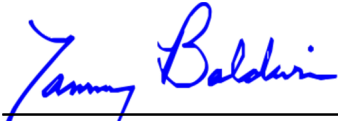
Margaret Wood Hassan
United States Senator



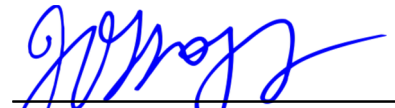
Amy Klobuchar
United States Senator



Michael F. Bennet
United States Senator



Tammy Baldwin
United States Senator



Jon Ossoff
United States Senator