



# What Do Employers and Educational Institutions Need to Know About Revocation of Student Visas? Answers to Your Biggest Questions

Insights

4.21.25

International students and recent graduates across the country are facing the possibility of the government revoking their F-1 Student status or J-1 Exchange Visitor status, exposing them to the possibility of deportation – and both their educational institutions and employers in certain key industries are faced with many questions. Institutions and employers must urgently assess the risks, understand their responsibilities, and prepare for rapid changes. Below we break down what’s happened, who’s impacted, and what you should do next.

## What’s Happened So Far?

Currently, students in at least 32 states and almost 200 universities have reported the revocation of F-1 status of international students. Reports indicate that over 1,000 students to date have had their F-1 and J-1 status revoked just in the past month alone. **[Ed. Note: Reports are surfacing starting April 24 that ICE has restored the F-1 student status for many international students that had previously found their status revoked. Students should ask their DSOs to confirm whether their SEVIS records have been restored, including their OPT (where applicable), and that the record is accurate. If the record is not accurate, the DSO should request a correction (“data fix”) through the SEVP Response Center (SRC). If the Consulate revoked a student’s F-1 visa stamp, the student will need to reapply for a visa stamp if they have left the U.S. or plan to leave the US.]**

## Who Has Been Impacted?

These revocations impact both international students currently pursuing their degree as well as recent graduates that have secured employment in the United States after graduation.

## Which Visa Status is Under Scrutiny?

- **F-1 Status:** For academic study. Allows limited on-campus employment and off-campus OPT/STEM OPT work authorization. Students typically have a 60-day grace period post-graduation.
- **J-1 Visas:** For cultural or academic exchange. Often includes a two-year foreign residency requirement and fewer work options. J-1 status is more restrictive in terms of long-term stay or employment pathways.

## How is the Administration Carrying Out These Revocations?

The Trump administration is relying on a rarely utilized provision in the 1952 Immigration and National Act that allows the Secretary of State broad discretion to deport non-citizens if their actions are deemed to have “potentially serious adverse foreign policy consequences.”

## What Justification Is Being Given?

This provision has been relied upon to revoke the status of students that have ties to pro-Palestinian activism and other political engagement activities. Federal officials have indicated that social media activity demonstrating advocacy or sympathy for “terrorist activities or supporting a designated foreign terrorist organization” could lead to F-1 status revocation.

However, some students facing this revocation are claiming it is because they have committed minor criminal offenses such as traffic citations and dismissed charges. Historically, such minor offenses have not been deemed sufficient reason to revoke a student’s status. In some cases, the reason for revocation is unclear as students are claiming to have no prior criminal background but are still having their F-1 status revoked.

## What Challenges Do Employers Face?

Employers face challenges as many foreign graduates from US universities seek employment following graduation on their Optional Practical Training (OPT) Employment Authorization or STEM OPT Employment authorization offered specifically for those with advanced education in a Science, Technology, Engineering, or Mathematics fields. These highly trained and skilled individuals are receiving notice their F-1 status has been revoked through their Designated School Official and have no options for a hearing or appeal to reinstate their status.

## Which Industries Are Being Hardest Hit?

- **Tech and Engineering:** Large numbers of F-1 STEM OPT workers support software development, cybersecurity, and AI-related projects.
- **Life Sciences:** Biotech firms, pharma companies, and research hospitals depend on international STEM OPT and J-1 visa holders for critical roles in R&D, clinical trials, and lab-based innovation, making them especially vulnerable to sudden workforce disruptions.
- **Healthcare:** Hospitals and research institutions rely on J-1 visa holders in training and clinical research roles.
- **Higher Education and Research:** Universities and labs employ recent graduates in scientific innovation and grant-funded roles.
- **Finance and Consulting:** High-performers from international MBA and graduate business programs are being pulled from analyst and strategy roles.

These industries rely heavily on international talent pipelines – pipelines now being disrupted by sweeping revocations and administrative uncertainty.

## **What Challenges Are Educational Institutions Facing?**

Universities are grappling with the potential sudden loss of international students, impacting campus life generally and the institution's financial stability. Some students are preemptively leaving the US to avoid potential legal actions, exacerbating the student drain. Beyond that, there has been an increase in administrative burdens for schools, including updates to SEVIS, managing DSO communications, and responding to government inquiries. The recent revocations are creating a lot of confusion on campuses throughout the country.

## **What Legal Developments Have Taken Place?**

- Last week, a federal judge temporarily blocked the administration from canceling a UW-Madison's F-1 Student status. This was the first judicial victory regarding these F-1 revocations.
- This decision was followed by two graduate students at Montana State University also receiving a temporary restraining order from a federal judge to restore their terminated legal status and shield them from deportation efforts.
- On Friday, the US District Court in the Northern District of Georgia issued a temporary restraining order for 133 international students and recent graduates that requires the reinstatement of the student's status and SEVIS authorization retroactive to March 31. The government has until April 22 to comply with this order. All the plaintiffs are F-1 student visa holders actively enrolled in colleges and universities throughout the United States or individuals that have recently graduated from a US University and have obtained lawful OPT work authorization. This decision will allow them to return to their course of study or to continue their employment. We expect further litigation and appeals over this issue.
- However, a unanimous Supreme Court decision from earlier this term authored by Justice Ketanji Brown Jackson held that the Department of Homeland Security (DHS) has broad discretion to revoke visas in certain circumstances. It is unclear how this decision will impact the existing litigation related to student visas.

Regardless of how these initial judicial skirmishes turn out, we can expect this issue to work its way up to federal appeals courts and perhaps even SCOTUS, so an ultimate resolution might take some time to sort itself out.

## **What Should Employers Do?**

For employers, these actions can create uncertainty regarding the stability of their workforce and can impede operations.

- F-1 Students may be **eligible to seek reinstatement** of that status through the Designated School Official or they may need to plan to depart the United States. They should speak with experienced immigration counsel before they leave the US to ensure that they have all their records in order to minimize impact on future travel to the US.
- Should you receive notice that one of your employees has had their F-1 Status terminated, **reach out to your FP immigration counsel** to discuss the best course of action based on the individual's situation.
- You should consider **auditing your workforce** to identify all current employees on F-1 OPT or J-1 programs so you can be in the best position to understand potential ramifications. Don't take proactive action to terminate such workers or you could face discrimination claims.
- **Plan for contingencies.** In some cases, voluntary departure or reassignment to international locations may be the only viable options.

## What Should Schools Do?

Universities and colleges must steer their way through this situation carefully.

- **You can support impacted students** by assigning a point of contact for urgent visa issues and offering legal aid referrals or direct coordination with immigration counsel.
- **Document your communications** by ensuring all DSO communications with SEVP and ICE are logged. And maintain copies of notices issued to students.
- **Review your SEVIS protocols** to confirm that reporting procedures are accurate and compliant. But be prepared for increased scrutiny or audits.

## Conclusion

If you have any questions about these developments or how they may affect your workplace or your school, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on our [Education Team](#) or [Immigration Team](#).

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## Related People





**Jocelyn Campanaro**

Partner

303.218.3667

Email



**Shanon R. Stevenson**

Partner

404.240.5842

Email



**Cynthia J. Yarbrough**

Partner

404.240.5845

Email

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