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16 Counsel for Plaintiff
17 (*continued on next page*)

18 **UNITED STATES DISTRICT COURT FOR THE**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 STUDENT DOE #1,

21 Plaintiff,

22 v.

23 KRISTI NOEM, in her official
24 capacity as Secretary of Homeland
25 Security; the DEPARTMENT OF
26 HOMELAND SECURITY; and
27 TODD LYONS, in his official
28 capacity as Acting Director of U.S.
Immigration and Customs
Enforcement,

Defendants.

Case No . _____

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INTRODUCTION

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2 1. Plaintiff is a full-time international student in lawful F-1 status, enrolled
3 at a college in California’s Inland Empire. They are one of hundreds, if not more,
4 F-1 students nationwide whose SEVIS record has been abruptly and unlawfully
5 terminated by U.S. Immigration and Customs Enforcement (ICE) last week,
6 effectively stripping them of their ability to remain a student in the United States.
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9 2. The Student and Exchange Visitor Information Systems (SEVIS) is a
10 government database that tracks international students’ compliance with their F-1
11 status. ICE, through the Student and Exchange Visitor Program (SEVP), uses
12 SEVIS to monitor student status. Following the revocation of their visa, SEVP
13 terminated Plaintiff’s SEVIS record and marked Plaintiff as “Otherwise Failing to
14 Maintain Status” with a narrative citing deportability provisions under INA §
15 237(a)(1)(C)(i) [8 U.S.C. § 1227(a)(1)(C)] (failure to maintain status) and INA
16 237(a)(4)(C)(i) [8 U.S.C. § 1227(a)(4)(C)(i)] (foreign policy ground).
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19 3. The termination of a SEVIS record effectively ends F-1 student status.
20 Even when a visa is revoked, however, ICE is not authorized to terminate
21 Plaintiff’s student status. The grounds cited by ICE in the SEVIS termination do
22 not provide legal authority to terminate Plaintiff’s SEVIS record. An F-1 visa
23 controls a student’s entry into the country, not their continued lawful presence once
24 admitted. Plaintiff was in full compliance with the terms of their F-1 status and
25 had not engaged in any conduct that would warrant termination of their status.
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1 4. Rather, DHS’s policy of unlawfully terminating SEVIS records based on
2 visa revocations appears to be designed to coerce students, including Plaintiff, into
3 abandoning their studies and “self-deporting” despite not violating their status. If
4 ICE believes a student is deportable for having a revoked visa, it has the authority
5 to initiate removal proceedings and make its case in court. It cannot, however,
6 misuse SEVIS to circumvent the law, strip students of status, and drive them out of
7 the country without process.
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10 5. Over the past week, visa revocations and SEVIS terminations have
11 shaken campuses across the country and California, including those in the
12 University of California system and Stanford University.¹ On information and
13 belief, this policy appears to be primarily targeting African, Arab, Middle Eastern,
14 Muslim, and Asian students. The SEVIS terminations have taken place against the
15 backdrop of numerous demands being made of universities by the federal
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20 ¹ See Binkley, Collin, Annie Ma, and Makiya Seminera, *Federal officials are*
21 *quietly terminating the legal residency of some international college students*,
22 Associated Press, April 4, 2025, [https://apnews.com/article/college-international-](https://apnews.com/article/college-international-student-f1-visa-ice-trump-7a1d186c06a5fdb2f64506dcf208105a)
23 [student-f1-visa-ice-trump-7a1d186c06a5fdb2f64506dcf208105a](https://apnews.com/article/college-international-student-f1-visa-ice-trump-7a1d186c06a5fdb2f64506dcf208105a); Kaleem, Jaweed,
24 *Trump administration cancels dozens of international student visas at University of*
25 *California, Stanford*, Los Angeles Times, April 5, 2025,
26 [https://www.latimes.com/california/story/2025-04-05/trump-administration-](https://www.latimes.com/california/story/2025-04-05/trump-administration-cancels-international-student-visas-university-of-california-stanford)
27 [cancels-international-student-visas-university-of-california-stanford](https://www.latimes.com/california/story/2025-04-05/trump-administration-cancels-international-student-visas-university-of-california-stanford);
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1 government and threats of cutting off billions of dollars in federal funding. They
2 have created chaos as schools have attempted to understand what is happening and
3 do their best to inform and advise students.

4
5 6. Plaintiff does not challenge the revocation of their visa in this action.
6 Rather, Plaintiff brings this action under the Administrative Procedure Act (APA)
7 and the Declaratory Judgment Act to challenge ICE's illegal termination of their
8 SEVIS record.
9

10 JURISDICTION AND VENUE

11 7. This Court has jurisdiction over the present action based on 28 U.S.C. §
12 1331 (federal question), 28 U.S.C. § 1346(b) (federal defendant), and 28 U.S.C. §
13 2201-2 (authority to issue declaratory judgment when jurisdiction already exists).
14

15 8. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)
16 because this is a civil action in which Defendants are employees or officers of the
17 United States, acting in their official capacity; and because Plaintiff resides in the
18 Inland Empire, which is located within the Central District of California, and there
19 is no real property involved in this action.
20
21

22 PARTIES

23 9. Student Doe #1 is an international student who is enrolled in a college in
24 the Inland Empire and resides in the Inland Empire. Student Doe #1 seeks to
25 proceed in this action with a pseudonym due to fear of retaliation by Defendants
26 for asserting their rights through this lawsuit, and of harassment or blacklisting by
27
28

1 third parties.²

2 10. Defendant U.S. Department of Homeland Security (“DHS”) is a cabinet-
3 level department of the Executive Branch of the federal government and is an
4 “agency” within the meaning of 5 U.S.C. § 551(1). DHS includes various
5 component agencies, including U.S. Immigration Customs and Enforcement
6 (“ICE”).
7

8
9 11. Defendant Kristi Noem is the Secretary of Homeland Security and has
10 ultimate authority over DHS. In that capacity and through her agents, Defendant
11 Noem has broad authority over the operation and enforcement of the immigration
12 laws. Defendant Noem is sued in her official capacity.
13

14 12. Defendant Todd Lyons is the Acting Director of ICE and has authority
15 over the operations of ICE. In that capacity and through his agents, Defendant
16 Lyons has broad authority over the operation and enforcement of the immigration
17 laws. Defendant Lyons is sued in his official capacity. ICE is responsible for the
18 termination of Student Doe 1’s SEVIS record.
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21 **LEGAL FRAMEWORK**

22 13. A nonimmigrant visa controls a noncitizen’s admission into the United
23 States, not their continued stay. Congress established a statutory basis for student
24 visas under 8 U.S.C. § 1101(a)(15)(F)(i), requiring that a noncitizen engage in a full
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28 ² Plaintiff will separately file a motion to proceed pseudonymously.

1 course of study to maintain nonimmigrant status. Once admitted in F-1 status, a
2 student is granted permission to remain in the United States for the duration of
3 status (D/S) as long as they continue to meet the requirements established by the
4 regulations governing their visa classification in 8 C.F.R. § 214.2(f), such as
5 maintaining a full course of study and avoiding unauthorized employment.
6

7 14. The SEVIS is a centralized database maintained by the SEVP within ICE
8 used to manage information on nonimmigrant students and exchange visitors and
9 track their compliance with terms of their status. Under 8 C.F.R. § 214.3(g)(2),
10 Designated School Officials (DSOs) must report through SEVIS to SEVP when a
11 student fails to maintain status. SEVIS termination is governed by SEVP policy
12 and regulations. Termination must be based on a student's failure to maintain
13 status.
14

15 15. DHS regulations distinguish between two separate ways a student may
16 fall out of status: (1) a student who "fails to maintain status," and (2) an agency-
17 initiated "termination of status."
18

19 16. The first category, failure to maintain status, involves circumstances
20 where a student voluntarily or inadvertently falls out of compliance with the F-1
21 visa requirements, for example by failing to maintain a full course of study,
22 engaging in unauthorized employment, or other violations of their status
23 requirements under 8 C.F.R. § 214.2(f). In addition, 8 C.F.R. §§ 214.1(e)–(g)
24 outlines specific circumstances where certain conduct by any nonimmigrant visa
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1 holder, such as engaging in unauthorized employment, providing false information
2 to DHS, or being convicted of a crime of violence with a potential sentence of
3 more than a year, “constitutes a failure to maintain status.”

4
5 17. With the respect to the crime of violence category, 8 C.F.R. § 214.1(g)
6 sets forth that a nonimmigrant’s conviction “for a crime of violence for which a
7 sentence of more than one year imprisonment may be imposed (regardless of
8 whether such sentence is in fact imposed) constitutes a failure to maintain status . .
9 . .” Minor misdemeanor offenses do not meet this threshold for termination based
10 on criminal history.
11

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13 18. The second category, termination of status by DHS, can occur only under
14 the limited circumstances set forth in 8 C.F.R. § 214.1(d), which only permits DHS
15 to terminate status when: (1) a previously granted waiver under INA § 212(d)(3) or
16 (4) [8 U.S.C. § 1182(d)(3) or (4)] is revoked; (2) a private bill to confer lawful
17 permanent residence is introduced in Congress; or (3) DHS publishes a notification
18 in the Federal Register identifying national security, diplomatic, or public safety
19 reasons for termination. DHS cannot otherwise unilaterally terminate
20 nonimmigrant status.³
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24 19. Accordingly, the revocation of a visa does not constitute failure to
25 maintain status and cannot therefore be a basis for SEVIS termination. If a visa is
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27 ³ See *Jie Fang v. Dir. United States Immigr. & Customs Enft*, 935 F.3d 172, 185 n.
28 100 (3d Cir. 2019).

1 revoked prior to the student’s arrival to the United States, then a student may not
2 enter and the SEVIS record is terminated. However, the SEVIS record may not be
3 terminated as a result of a visa revocation after a student has been admitted into the
4 United States, because the student is permitted to continue the authorized course of
5 study.⁴

7 20.ICE’s own guidance confirms that “[v]isa revocation is not, in itself, a
8 cause for termination of the student’s SEVIS record.”⁵ Rather, if the visa is
9 revoked, the student is permitted to pursue their course of study in school, but upon
10 departure, the SEVIS record is terminated and the student must obtain a new visa
11 from a consulate or embassy abroad before returning to the United States.⁶

14 21.While a visa revocation *can* be charged as a ground of deportability in
15 removal proceedings, deportability can be contested in such proceedings.⁷ The
16 immigration judge may also even dismiss removal proceedings where a visa is
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21 _____
22 ⁴ ICE Policy Guidance 1004-04 –Visa Revocations (June 7, 2010), available at
https://www.ice.gov/doclib/sevis/pdf/visa_revocations_1004_04.pdf

23 ⁵ *Id.*

24 ⁶ Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA REVOCATION (Sept. 12,
25 2016), available at <https://www.aila.org/library/dos-guidance-directive-2016-03-on-visa-revocation>.

26
27 ⁷ See 8 USC § 1227(a)(1)(B); 8 U.S.C. § 1201(i) (allowing immigration court
28 review of visa revocation).

1 revoked, so long as a student is able to remain in valid status.⁸ Only when a final
2 removal order entered would status be lost.

3 22. A student who has not violated their F-1 status, even if their visa is
4 revoked, cannot have a SEVIS record terminated based on INA § 237(a)(1)(C)(i)
5 [8 U.S.C. § 1227(a)(1)(C)(i)] (failure to maintain status), INA §237(a)(4)(C)(i) [8
6 U.S.C. § 1227(a)(4)(C)(i)] (foreign policy grounds), or any deportability ground
7 for that matter.
8

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10 23. The immigration courts have no ability to review the SEVIS termination
11 here because the process is collateral to removal.⁹ There is also no administrative
12 appeal of a denial to reinstate F-1 status. The termination of a SEVIS record
13 constitutes final agency action for purposes of APA review.¹⁰
14

15 FACTUAL ALLEGATIONS

16
17 24. Plaintiff Student Doe #1 is an international student attending college in
18 the Inland Empire. They are from a predominantly Muslim country.

19 25. Plaintiff is a student athlete and does not drink alcohol or use illicit drugs.
20 They are focused on their studies and their sport. They have not engaged in any
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⁸ 8 C.F.R. § 1003.18(d)(ii)(B).

25 ⁹ See *Nakka v. United States Citizenship & Immigr. Servs.*, 111 F.4th 995, 1007 (9th
26 Cir. 2024); *Jie Fang v. Dir. United States Immigr. & Customs Enf't*, 935 F.3d 172,
27 183 (3d Cir. 2019).

28 ¹⁰ See *Fang*, 935 F.3d at 185.

1 significant political activity.

2 26.Plaintiff first came to study in the United States on a student visa when
3 they were a minor. Their last student visa was issued around five years ago.

4 27.Plaintiff was issued a Form I-20 to enroll in college and they have been
5 engaged in a full course of study.

6 28.On or about April 1, 2025, Plaintiff received notice from their college
7 that their student visa was revoked and that their SEVIS status was terminated.
8

9 29.The codes given for the termination were:

- 10 • INA 237(a)(1)(C)(i) – Failure to maintain status
- 11 • INA 237(a)(4)(C)(i) – Foreign policy grounds

12 30.Plaintiff was informed that the school itself did not terminate their SEVIS
13 status.
14

15 31.Plaintiff is unaware of the factual basis for the termination of their SEVIS
16 status.
17

18 32.Plaintiff’s only criminal history is a minor misdemeanor non-alcohol
19 related driving conviction. The conviction is not for a crime of violence, nor did it
20 carry a potential sentence of more than one year.
21

22 33.Plaintiff is highly valued by their college, which desires for them to
23 continue to be enrolled in school. However, Plaintiff’s ability to do so is in
24 jeopardy due to the termination of their SEVIS record and status.
25

26 34.Since they received notice of their SEVIS termination, Plaintiff has been
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1 experiencing high levels of stress and anxiety. They are unsure of what will happen
2 to them. They also fear being labeled a national security or foreign policy threat if
3 they seek to return to the United States in the future, or if they seek to travel to
4 another country, because of the labels attached to their SEVIS termination.
5

6 35. The SEVIS terminations have created havoc and uncertainty for schools
7 as well. Upon information and belief, Plaintiff's college was not given any
8 advanced warning or further explanation for the termination of Plaintiff's SEVIS
9 status. Schools are scrambling to respond to these unprecedented actions and
10 determine whether and how they can help their international students.¹¹
11

12 36. Intervention by the Court is necessary to remedy Defendants' illegal
13 conduct.
14

15 **CAUSES OF ACTION**

16 **FIRST CAUSE OF ACTION**

17 **Administrative Procedure Act**
18 *(Unauthorized SEVIS Termination)*
19

20 37. Plaintiff incorporates the allegations in the paragraphs above as though
21 fully set forth here.
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26 ¹¹ See Liam Knox, *How Trump is Wreaking Havoc on the Student Visa System*,
27 Inside Higher Ed, April 5, 2024,
28 <https://www.insidehighered.com/news/global/international-students-us/2025/04/03/how-trump-wreaking-havoc-student-visa-system>.

1 38. Under § 706(a) of the APA, final agency action can be set aside if it is
2 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
3 law . . . in excess of statutory jurisdiction, authority, or limitations, or short of
4 statutory right; . . . [or] without observance of procedure required by law.” 5
6 U.S.C. § 706(2)(A), (C)-(D).

7 39. Defendants have no statutory or regulatory authority to terminate
8 Plaintiff’s SEVIS record or status based simply on revocation of a visa.
9
10 Additionally, nothing in Plaintiff’s criminal history or other history provides a
11 basis for termination.

12 40. Therefore, Defendant’s termination of Plaintiff’s SEVIS status is not in
13 accordance with law, in excess of statutory authority, and without observance of
14 procedure required by law.
15

16
17 **SECOND CAUSE OF ACTION**

18 **Fifth Amendment**
19 *(Procedural Due Process)*

20 41. Plaintiff incorporates the allegations in the paragraphs above as though
21 fully set forth here.

22 42. Procedural due process requires that the government be constrained
23 before it acts in a way that deprives individuals of property interests protected
24 under the Due Process Clause of the Fifth Amendment.
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1 43. Once a student is lawfully admitted to the United States in F-1 status and
2 complies with the regulatory requirements of that status, the continued registration
3 of that student in SEVIS is governed by specific and mandatory regulations.

4 Because these regulations impose mandatory constraints on agency action and
5 because SEVIS registration is necessary for a student to remain enrolled as an
6 international student, Plaintiff has a constitutionally protected property interest in
7 their SEVIS registration. *See ASSE Int'l, Inc. v. Kerry*, 803 F.3d 1059 (9th Cir.
8 2015)(recognizing protected property interest in participating in exchange visitor
9 program); *Brown v. Holder*, 763 F.3d 1141, 1148 (9th Cir. 2014) (recognizing
10 protected property interest in nondiscretionary application for naturalization).
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14 44. Defendants terminated Plaintiff's SEVIS record based on improper
15 grounds without prior notice and without providing Plaintiff an opportunity to
16 respond. The failure to provide notice of the facts that formed the basis for the
17 SEVIS termination is a violation of due process under the Fifth Amendment.
18

19 **THIRD CAUSE OF ACTION**

20 **Administrative Procedure Act**
21 *(Procedural Due Process)*
22

23 45. Plaintiff incorporates the allegations in the paragraphs above as though
24 fully set forth here.
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1 46. Under § 706(a) of the APA, final agency action can be set aside if it is
2 “contrary to a constitutional right, power, privilege, or immunity.” 5 U.S.C. §
3 706(2)(B).

4
5 47. Defendants terminated Plaintiff’s SEVIS record based on improper
6 grounds without prior notice and without providing Plaintiff an opportunity to
7 respond. The failure to provide notice of the facts that formed the basis for the
8 SEVIS termination is a violation of due process under the Fifth Amendment.

9
10 48. Accordingly, Defendants’ action is contrary to a constitutional right.

11 **FOURTH CAUSE OF ACTION**

12
13 **Administrative Procedure Act**
14 *(Arbitrary and Capricious SEVIS Termination)*

15 49. Plaintiff incorporates the allegations in the paragraphs above as though
16 fully set forth here.

17 50. Under § 706(a) of the APA, final agency action can be set aside if it is
18 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
19 law,” including if it fails to make a rational connection between the facts found and
20 the decision made. 5 U.S.C. § 706(2)(A).

21
22
23 51. Defendants failed to articulate the facts that formed a basis for their
24 decision to terminate Plaintiff’s SEVIS status in violation of the APA, let alone any
25 rational connection between the facts found and the decision made.

26
27 52. Defendants’ action is therefore arbitrary and capricious.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Declare that the termination of Plaintiff’s SEVIS status was unlawful;
- (3) Vacate and set aside DHS’s termination of Plaintiff’s SEVIS status;
- (4) Order that Defendants restore Plaintiff’s SEVIS record and status;
- (5) Award costs and reasonable attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(b); and
- (6) Grant such further relief as the Court deems just and proper.

Dated: April 5, 2025

Respectfully Submitted,

/s/ Stacy Tolchin

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