

Visa Issuances, Refusals, and Revocations: Selected Current Legal Considerations

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The Supreme Court has repeatedly recognized that Congress’s plenary power over immigration applies with most force in the admission and exclusion of aliens—persons who are not U.S. citizens or nationals—who seek to enter or remain in the United States. Congress has delegated executive branch agencies specific responsibilities concerning the nation’s immigration laws, including vesting the State Department authority over the issuance, refusal, and revocation of visas for aliens seeking to travel to the United States.

Under Section 1202 of Title 8 of the *U.S. Code*, two categories of visas are issued to individuals applying for admission into the United States: nonimmigrant and immigrant. Nonimmigrant visas allow people to visit the United States temporarily and for a specific purpose; immigrant visas are issued to foreign nationals who intend to live and work in the United States permanently. An individual who applies for either type of visa may be issued or refused the visa before entering the United States. Securing either type of visa serves as evidence of permission to travel to the United States but without a guarantee of admission at a U.S. port of entry. Both immigrant and nonimmigrant visas may potentially be revoked at any time, including after the visa holder travels to the United States. 8 U.S.C. § 1201(i). Further, an individual present in the United States whose nonimmigrant visa is revoked may be deportable. 8 U.S.C. § 1227(a)(1)(B).

Different Administrations have adopted large-scale visa issuance, refusal, revocation, and restriction policies. Recently, the Trump Administration revoked over 100,000 visas, paused diversity immigrant visa issuances, and paused immigrant visa issuances to nationals of 75 countries. The Trump Administration has also set requirements or conditions for certain visas (e.g., requiring visa applicants to post bond or make their social media profiles public). At the same time, the Administration has prioritized certain visa applicants—including for those visiting the United States for the 2026 World Cup, for example—by allowing them to expedite visa appointments. In 2025, the executive branch reportedly revoked or terminated thousands of student visas under a policy known as “Catch and Revoke,” in which the Departments of State and Homeland Security collaborated to monitor thousands of individuals who were allegedly misusing their visas and placed some of these individuals in removal proceedings after revoking their visas. Many of these actions have been the subject of litigation.

This report explores the executive branch’s broad authority and discretion to issue, refuse, and revoke visas and the legal parameters on its use. Specific exercises of this authority, such as the State Department’s recent revocation of thousands of nonimmigrant student visas or pause on the issuance of immigrant visas to nationals of certain countries, have prompted legal challenge. Congress has numerous options if it wishes to address the scope of authority it has delegated to the executive branch regarding visas, including by constraining or expanding the categories of visa-related determinations subject to judicial review or by amending the current framework governing the issuance and revocation of visas.

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Introduction

Through the Immigration and Nationality Act (INA) and other laws, Congress has delegated the State Department with responsibility for the issuance and revocation of visas to foreign persons seeking to travel to the United States. Over the years, presidential Administrations have invoked this authority to adopt different policies regarding the issuance, refusal, or revocation of visas. For example, the State Department during the Reagan Administration refused several visa applications to individuals who were invited by Members of Congress and other U.S. persons to speak at various events in the United States “on issues of public concern.”¹ As another example, the Obama Administration announced in 2016 that it would apply the limited exception available under 8 U.S.C. § 1187(a)(12)—which generally prohibits Visa Waiver Program (VWP) applicants from certain countries from traveling into the United States visa-free if they had visited Sudan, Iran, Syria, or Iraq since March 2011—to VWP dual nationals.²

In the first year of the second Trump Administration, the State Department reportedly revoked over 100,000 visas.³ In December 2025, the State Department also paused all diversity immigrant visa issuances.⁴ On January 14, 2026, the State Department announced that it was pausing “immigrant visa processing from 75 countries whose migrants take welfare from the American people at unacceptable rates.”⁵ The sources for these actions stem at least in part from executive orders that President Trump issued in 2025, including those related to enhanced vetting and screening of “all aliens⁶ seeking admission to the United States” and a policy to “prosecute,

¹ The visa applicants later filed various lawsuits in federal court challenging the refusals. *See* *Abourezk v. Reagan*, 785 F.2d 1043 (D.C. Cir. 1986) (vacating the district court’s holding that the State Department’s actions were within its statutory authority and holding that the district court improperly interpreted the federal statutes in question and mandating that the lower court reexamine “the visa denials in question to insure that the challenged government action is within the statutory and constitutional authority of the State Department.”). The cases eventually reached the Supreme Court, which affirmed the judgment in the lower court by an equally divided Court in a per curiam decision. *Reagan v. Abourezk*, 484 U.S. 1 (1987).

² *See* Press Release, U.S. Dep’t Homeland Sec., DHS Press Office, United States Begins Implementation of Changes to the Visa Waiver Program (Jan. 21, 2016), <https://www.dhs.gov/archive/news/2016/01/21/united-states-begins-implementation-changes-visa-waiver-program> [<https://perma.cc/TYP6-XFW3>]; 8 U.S.C. § 1187(a)(12). Some Members of Congress criticized the Obama Administration for allegedly abusing its “limited waiver authority” and “rewriting the law by blowing wide open a small window of discretion that Congress gave it for law enforcement and national security reasons.” *See* Press Release, Committee on the Judiciary, U.S. House of Representatives, Goodlatte: Obama Administration Abuses Authority in Visa Waiver Law and Jeopardizes National Security (Jan. 21, 2016), <https://judiciary.house.gov/media/press-releases/goodlatte-obama-administration-abuses-authority-in-visa-waiver-law-and> [<https://perma.cc/WP95-5KPC>].

³ Daphne Psalidakis, *Trump Administration Has Revoked over 100,000 Visas, State Department Says*, REUTERS (Jan. 12, 2026), <https://www.reuters.com/legal/government/trump-administration-has-revoked-over-100000-visas-state-department-says-2026-01-12/> [<https://perma.cc/663P-2UDM>].

⁴ *Diversity Visa Issuance Updated Guidance*, U.S. DEP’T OF STATE (Dec. 23, 2025), <https://travel.state.gov/content/travel/en/News/visas-news/diversity-visa-issuance-updated-guidance.html> [<https://perma.cc/6XRY-FBFX>].

⁵ U.S. Dep’t of State (@StateDept), X (Jan. 14, 2026, at 11:40 ET), https://x.com/StateDept/status/2011478657680757214?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E2011478657680757214%7Ctwgr%5E8f41d661b9dbe445c12ac05096220a11b6c67f3e%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.cnbc.com%2F2026%2F01%2F15%2Fus-stops-immigrant-visas-for-75-countries-see-the-full-list.html [<https://perma.cc/EMP7-EZ6W>]; *Immigrant Visa Processing Updates for Nationalities at High Risk of U.S. Public Benefits Usage*, U.S. DEP’T OF STATE (Feb. 2, 2026), <https://travel.state.gov/content/travel/en/News/visas-news/immigrant-visa-processing-updates-for-nationalities-at-high-risk-of-public-benefits-usage.html> [<https://perma.cc/T865-PMSC>].

⁶ “The term ‘alien’ means any person not a citizen or national of the United States.” *See* 8 U.S.C. § 1101(a)(3). Some (continued...)

remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”⁷

Presidential Administrations have generally been able to take these actions because Congress has delegated to the executive branch much of the responsibility for determining who can enter the United States.⁸ Specifically, Congress gave the State Department broad authority over visas, including their issuance, refusal, and revocation.⁹ Nevertheless, this authority is not limitless and courts have generally held that this authority “extends only as far as the statutory authority conferred by Congress and may not transgress constitutional limitations.”¹⁰

This report will explore the executive branch’s authority and discretion regarding the issuance, refusal, and revocation of visas. The report will provide examples of the executive branch’s recent actions adding conditions or requirements for visa issuances, briefly discuss administrative processing and consular nonreviewability, and explain what happens when a visa is revoked outside the United States versus inside the United States. Next, the report will summarize some of the executive branch’s enforcement actions in 2025 toward students, touching on conditions for visa issuances and visa revocations. The report will then briefly identify several considerations for Congress.

The State Department’s Authority over Visas

Aliens lack a constitutional right to enter the United States,¹¹ and pursuant to its broad plenary authority over immigration, Congress has established a comprehensive framework regulating the conditions under which such persons may enter the country.¹² This framework delegates the Secretary of State with broad authority over the issuance of visas to aliens seeking to travel to the

have criticized the statutory term as offensive, but avoiding its use in legal analysis is difficult because the term is woven deeply into the statutory framework. *Compare* Trump v. Hawaii, 585 U.S. 667, 746 n.7 (2018) (Sotomayor, J., dissenting) (“It is important to note . . . that many consider ‘using the term “alien” to refer to other human beings’ to be ‘offensive and demeaning.’ I use the term here only where necessary ‘to be consistent with the statutory language’ that Congress has chosen and ‘to avoid any confusion in replacing a legal term of art with a more appropriate term.” (quoting Flores v. U.S. Citizenship & Immigr. Servs., 718 F.3d 548, 551–52 n.1 (6th Cir. 2013)), *abrogated by*, Sanchez v. Mayorkas, 593 U.S. 409 (2021), *with* Avilez v. Garland, 69 F.4th 525, 541 (9th Cir. 2022) (Bea, J., concurring) (“Federal courts applying federal immigration laws should not invent their own terminology to stand in place of definitions used in the congressional statutes they are tasked with applying.”).

⁷ Exec. Order No. 14161, 90 Fed. Reg. 8451 (Jan. 20, 2025); Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025).

⁸ *See generally* Arizona v. United States, 567 U.S. 387, 396 (2012). The Supreme Court has repeatedly recognized that the federal government exercises “broad, undoubted power over the subject of immigration and the status of aliens.” *Id.* at 394. The Court has interpreted this power to apply with most force in the admission and exclusion of aliens who seek to enter the United States. *See* Zadvydas v. Davis, 533 U.S. 678, 693, 695–96 (2001) (noting that “[t]he distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law” and equating “the political branches’ authority to control entry” with “‘the Nation’s armor’” (quoting Kwong Hai Chew v. Colding, 344 U.S. 590, 602 (1953))). Further, the Court has treated this power as primarily resting with Congress, with executive authority generally deriving from statutory delegations of authority. *See* Galvan v. Press, 347 U.S. 522, 530 (1954).

⁹ *See generally* 8 U.S.C. § 1104(a).

¹⁰ *See* Abourezk v. Reagan, 785 F.2d 1043, 1061 (D.C. Cir. 1986).

¹¹ Landon v. Plasencia, 459 U.S. 21, 32 (1982) (“[A]n alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative.”).

¹² *See* Dep’t of State v. Muñoz, 602 U.S. 899, 903 (2024) (stating that the political branches make visa decisions and that “Congress sets the terms for entry, and the Department of State implements those requirements” at the embassies and consulates abroad).

United States, including the power to revoke such visas at any time.¹³ With certain exceptions, aliens not already legally residing in the United States who wish to come to the country must first obtain a visa from the State Department.¹⁴ They can apply for a nonimmigrant visa—for temporary visits—or an immigrant visa—to permanently reside in the United States—at a U.S. embassy or consulate abroad.¹⁵ Nonimmigrant visa holders include, for example, students, tourists, diplomats, and temporary workers. Immigrant visa holders include, for example, certain classes of permanent workers, family members of U.S. citizens and Lawful Permanent Residents (LPRs), and individuals awarded a visa through the visa diversity program.¹⁶ These immigrant visa holders come to live in the United States permanently and are known as LPRs or green card holders.¹⁷

Generally, visas are issued outside the United States.¹⁸ Individuals granted either type of visa have permission to travel to a U.S. port of entry and seek permission to enter the country (or, legally, to apply for admission).¹⁹ State Department consular officers have authority to issue, refuse, or revoke visas.²⁰ For example, under 8 U.S.C. § 1104(a), consular officers are given the sole authority to review visa applications.²¹ Consular officers also have general statutory authority to issue or refuse a visa under 8 U.S.C. § 1201(g) and more specific authority to issue or refuse a *nonimmigrant* visa under 8 U.S.C. § 1184(b). Under 8 U.S.C. § 1201(i), the Secretary of State or a consular officer may, at any time and in his or her discretion, revoke a previously approved visa, meaning the visa is no longer valid for travel to the United States. In the case of an alien admitted into the United States under a nonimmigrant visa, the visa revocation may render that alien deportable.²² Federal regulations also detail consular officers' general authority to issue nonimmigrant and immigrant visas and to refuse or revoke nonimmigrant and immigrant visas.²³

¹³ See, e.g., 8 U.S.C. § 1201(a), (g), (h), (i).

¹⁴ See CRS Report R45938, *Nonimmigrant and Immigrant Visa Categories: Data Brief*, by Jill H. Wilson (2024). There are some international travelers who may enter the United States without a visa if they meet certain requirements. For example, the Visa Waiver Program (VWP), under 8 U.S.C. § 1187, allows citizens or nationals of participating countries to enter the United States without a visa for up to 90 days if they have a valid Electronic System for Travel Authorization (ESTA) approval. As another example, citizens of Canada and Bermuda do not require U.S. visas for most travel purposes. See 22 C.F.R. § 41.2; CRS Report RL32221, *Visa Waiver Program*, by Abigail F. Kolker (2024). ESTA will be briefly discussed later in this report.

¹⁵ See CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*, by Jill H. Wilson (2019); CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*, by William A. Kandel (2024). Under regulations, however, the State Department's Deputy Assistant Secretary for Visa Services can issue visas to some nonimmigrants inside the United States. See 22 C.F.R. § 41.111(b).

¹⁶ For a complete list of visa categories, see CRS Report R45938, *Nonimmigrant and Immigrant Visa Categories: Data Brief*, by Jill H. Wilson (2024).

¹⁷ For more information on both of these types of visas, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*, by Jill H. Wilson (2019); CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*, by William A. Kandel (2024).

¹⁸ See 22 C.F.R. §§ 41.111, 42.71.

¹⁹ 8 U.S.C. § 1225(a)(1). There are also a lot of people who change status (for example, from one nonimmigrant status to another) or adjust status (to immigrant) from within the United States, but these processes do not involve visas. For more information on when this could happen, see *infra* shaded box at the end of "Removal Proceedings After Visa Revocations."

²⁰ See 8 U.S.C. § 1201(a), (g), (i).

²¹ See also *Baan Rao Thai Rest. v. Pompeo*, 985 F.3d 1020, 1024 (D.C. Cir. 2021) ("The Congress has partially delegated to the Executive its power to make rules for the admission and exclusion of noncitizens.").

²² 8 U.S.C. § 1227(a)(1)(B).

²³ 8 U.S.C. § 1104 (consular officer's authority); 22 C.F.R. §§ 41.111–113 (issue nonimmigrant visas), 42.71–74 (issue immigrant visas), 41.121–123 (revoke nonimmigrant visas), 42.81–84 (2026) (revoke immigrant visas).

Congress has established by statute various grounds for which a visa applicant may be ineligible to receive a visa and be admitted into the United States.²⁴ Some grounds for visa ineligibility are premised on the existence of an antecedent record, such as an alien's conviction for two or more criminal offenses for which an aggregate sentence of at least five years was imposed.²⁵ Others turn on a consular officer's assessment of the applicant's likelihood to engage in proscribed conduct, such as a determination that an applicant for a nonimmigrant visa intends to come to the United States for purposes not authorized under the visa,²⁶ or that the applicant is "likely at any time to become a public charge,"²⁷ or is "likely to engage after entry in any terrorist activity."²⁸ Still other grounds for inadmissibility and visa ineligibility may be based on a determination of a high-level executive branch official. For example, a visa may generally be refused when the Secretary of State "has reasonable ground to believe" that an applicant's entry "would have potentially serious adverse foreign policy consequences for the United States."²⁹ More broadly, the President may by proclamation suspend or impose restrictions on the entry of "all aliens or any class of aliens as immigrants or nonimmigrants," if he finds that those persons' entry would be "detrimental to the United States."³⁰

Visa Issuances and Refusals

Although the Secretary of State generally oversees the State Department's enforcement and administration of immigration laws, Congress delegated some responsibilities concerning the issuance and refusal of visas to consular officers specifically.³¹ The U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit) observed that this framework gives "consular officers 'exclusive authority to review applications for visas, precluding even the Secretary of State from controlling their determinations.'"³² However, under 6 U.S.C. § 236(c), which is a statute created under the Homeland Security Act of 2002 that was enacted after the D.C. Circuit's observation, "the Secretary of State may direct a consular officer to refuse a visa to an alien if the Secretary [] deems such refusal necessary or advisable in the foreign policy or security interests of the United

²⁴ See, e.g., 8 U.S.C. §§ 1182(a), 1201(g).

²⁵ *Id.* § 1182(a)(2)(B).

²⁶ See, e.g., *id.* § 1184(b) (providing that applicants for most categories of nonimmigrant visas shall be presumed to be seeking to permanently reside in the United States as an immigrant they establish to the satisfaction of the consular officer that they are entitled to a nonimmigrant visa).

²⁷ *Id.* § 1182(a)(4).

²⁸ *Id.* § 1182(3)(B)(ii).

²⁹ *Id.* § 1182(3)(C)(i).

³⁰ *Id.* § 1182(f).

³¹ See 8 U.S.C. § 1104(f) ("The Secretary of State shall be charged with the administration and the enforcement of the provisions of this chapter and all other immigration and nationality laws relating to . . . the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas . . .").

³² See, e.g., *Baan Rao Thai Rest*, 985 F.3d at 1024 (quoting *Saavedra Bruno v. Albright*, 197 F.3d 1153, 1156 (D.C. Cir. 1999)); see also 8 U.S.C. §§ 1104(a), 1201; Jake Stuebner, *Consular Nonreviewability After Department of State v. Muñoz: Requiring Factual and Timely Explanations for Visa Denials*, 124 COLUM. L. REV. 2413, 2428 (2024) ("Despite talk of its demise, the plenary power [over immigration] remains stalwart in at least one aspect of immigration law: consular visa decisionmaking.").

States.”³³ According to at least one court, though, this authority does not limit a consular officer’s ability to generally refuse a visa.³⁴

In terms of obtaining a visa, after submitting all of their required documentation,³⁵ visa applicants are generally interviewed in person by a consular officer who then determines if the applicant is eligible for the visa.³⁶ A visa applicant will typically qualify for a particular visa if he or she is eligible under all U.S. laws for that visa category and the consular officer believes he or she is qualified to receive that visa.³⁷ Consular officers cannot issue nonimmigrant visas to individuals from countries that are state sponsors “of international terrorism unless the State Department determines, in consultation with the Attorney General and the heads of other appropriate” agencies that the visa applicant “does not pose a threat to the safety or national security of the United States.”³⁸ There are two options for an applicant’s visa adjudication: issuance or refusal.³⁹ Each will be discussed in turn.

Visa Issuances

The first possible outcome for a completed visa application is a visa issuance (or grant). Assuming an applicant has satisfied all necessary requirements, the consular officer may issue the applicant the appropriate visa.⁴⁰ The visa, which is generally placed inside a valid passport, will have the applicant’s photo, a period of validity, some biographical information, and details on the type of visa that was issued.⁴¹

The State Department has sometimes invoked various statutory authorities to set additional requirements or conditions before issuing a visa. For example, Secretary of State Rubio in January 2025 invoked 8 U.S.C. § 1253(d), which allows the Secretary to halt the issuance of visas to recalcitrant countries,⁴² to direct “a suspension of visa issuance at the U.S. Embassy Bogota consular section” because Colombian President Petro refused “to accept two repatriation flights

³³ See *Atiffi v. Kerry*, No. No. S-12-3001, 2013 WL 5954818, at *1 n.5 (E.D. Cal. Nov. 6, 2013) (stating that through § 236(c), “the Secretary of State retains the authority to direct the consular office to refuse a visa.”). The report prepared by the House Select Committee on Homeland Security that accompanied an earlier version of the legislation ultimately enacted as the Homeland Security Act described a provision corresponding to the one found in 6 U.S.C. § 236(c) as “similar to the authority currently provided the Secretary of State under section 212(a)(3)(c) of the Immigration and Nationality Act,” 8 U.S.C. § 1182(a)(3)(c), which generally makes inadmissible any alien whom the “Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is inadmissible.” H.R. REPT. NO. 107-609, pt. 1, at 96 (2002).

³⁴ See *Al Khader v. Blinken*, No. 18-cv-1355, 2021 WL 678701, at *4 (N.D. Ill. Feb. 22, 2021).

³⁵ See generally 8 U.S.C. § 1202; 22 C.F.R. §§ 41.101–08 (nonimmigrant visas), 42.61–68 (immigrant visas).

³⁶ See 8 U.S.C. § 1202(h); 22 C.F.R. §§ 41.102, 42.62.

³⁷ See generally 8 U.S.C. § 1201(a).

³⁸ See *id.* § 1735(a).

³⁹ The exception to these two options is visa issuance suspension under 8 U.S.C. § 1253(d) (discontinuing visa issuance for recalcitrant countries).

⁴⁰ See 8 U.S.C. §§ 1101(a)(16), 1101(a)(26), 1201(a).

⁴¹ See generally *id.* § 1201; 22 C.F.R. §§ 41.111–13 (nonimmigrant visas), 42.71–74 (immigrant visas); U.S. DEP’T OF STATE, 9 FOREIGN AFFS. MANUAL (FAM) 403.9 (nonimmigrant visa issuances), 504.10 (immigrant visa issuance).

⁴² 8 U.S.C. § 1253(d) (allowing the Secretary of State to stop issuing visas when “the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country” until the Secretary is notified “that the country has accepted the alien”). To learn about ways in which this statute has been more commonly used, see CRS In Focus IF11025, *Immigration: “Recalcitrant” Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals*, by Jill H. Wilson (2020).

he previously authorized.”⁴³ After President Petro accepted the repatriation flights, the U.S. Embassy in Colombia recommenced the issuance of visas.⁴⁴ In another recent example, the State Department in August 2025 invoked 8 U.S.C. § 1201(g)(3), which provides that a bond may be required of a visa applicant as a condition to receiving a visa,⁴⁵ to institute a year-long visa bond pilot program, wherein certain nonimmigrant visa applicants from countries with high nonimmigrant overstay rates, as a condition of being issued a B1/B2 (tourist) visa, would be required to post a bond of \$5,000, \$10,000, or \$15,000, with some exceptions.⁴⁶

In December 2025, the State Department announced an expanded screening and vetting process for H-1B visa applicants and their dependents,⁴⁷ in which all such applicants had to make their social media profiles public.⁴⁸ The State Department said the initiative was intended to help

⁴³ See Media Note, U.S. Dep’t of State, Off. of the Spokesperson, U.S. Embassy Bogota, Secretary Rubio Authorizes Visa Restrictions on Colombian Government Officials and Their Immediate Family Members (Jan. 26, 2025) <https://co.usembassy.gov/secretary-rubio-authorizes-visa-restrictions-on-colombian-government-officials-and-their-immediate-family-members/> [https://perma.cc/8TV9-YQCJ].

⁴⁴ See generally Statement from the Press Secretary, THE WHITE HOUSE (Jan. 26, 2025), <https://www.whitehouse.gov/briefings-statements/2025/01/statement-from-the-press-secretary/> [https://perma.cc/C2GF-QJJ9] (“The visa sanctions issued by the State Department . . . will remain in effect until the first planeload of Colombian deportees is successfully returned.”); Aaron Pellish et al., *Colombia Backs Down on Accepting Deportees on Military Planes After Trump’s Tariffs Threats*, CNN (Jan. 27, 2025, at 16:14 ET), <https://www.cnn.com/2025/01/26/politics/colombia-tariffs-trump-deportation-flights> [https://perma.cc/CQZ3-AF6W] (“Foreign Minister Luis Gilberto Murillo . . . added that deportation flights had resumed, and the Colombian presidential plane was being prepared to assist in repatriating citizens.”).

⁴⁵ 8 U.S.C. § 1201(g)(3) (allowing consular officers to require an alien to post bond to be issued a B1/B2 tourist visa to ensure that the alien will depart the United States at the expiration of his or her stay); see also Visas: Visa Bond Pilot Program, 90 Fed. Reg. 37378 (Aug. 5, 2025) (to be codified at 22 C.F.R. pt. 41).

⁴⁶ See 22 C.F.R. § 41.11(c) (visa bond pilot program).

⁴⁷ The H-1B visa program allows U.S. employers to hire foreign workers temporarily to work in specialty occupations. For more information on the H-1B program see CRS In Focus IF12912, *The H-1B Visa for Specialty Occupation Workers*, by Jill H. Wilson (2025). In a September 2025 proclamation, the Trump Administration announced that it would impose a \$100,000 fee on new H-1B visa petitions (the fee before the proclamation would range between \$2,000 and \$5,000). Proclamation 10973, 90 Fed. Reg. 46027 (Sept. 19, 2025); CRS Insight IN12617, *New H-1B Fee and Other Recent H-1B Developments*, by Jill H. Wilson and Elizabeth Weber Handwerker (2025). The proclamation has been the subject of litigation, with parties arguing in one case that the proclamation exceeded the president’s authority because even though the president has authority under the INA, he cannot override statute and cannot create new visa conditions using his authority under 8 U.S.C. § 1182(f) (which allows him to “suspend the entry of all aliens or any class of aliens” when he “finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States.”). See, e.g., Amended Complaint at 25, 36, *Chamber of Commerce*, No. 25-cv-03675, 2025 WL 3719234 (D.D.C. Dec. 23, 2025), Dkt. No. 8. The defendants argued there, among other things, that the president had inherent constitutional authority to issue the proclamation under Article II. See Defendants’ Response and Cross- Motion for Summary Judgment at 24, *Chamber of Commerce*, No. 25-cv-03675, 2025 WL 3719234 (D.D.C. Dec. 23, 2025), Dkt. No. 37. The judge did not address this part of the defendants’ claim and the case has since been appealed and remains pending in litigation. See *Chamber of Commerce*, No. 25-cv-03675, 2025 WL 3719234, at *11 n.2 (D.D.C. Dec. 23, 2025); Notice of Appeal, *Chamber of Commerce v. DHS*, No. 25-5473 (D.C. Cir. Dec. 31, 2025). However, in a different case in 2025, a federal district court in Washington, D.C., explained that except in circumstances where the president is exercising his exclusive authority, “neither he nor his delegates are ‘free from the ordinary controls and checks of Congress merely because foreign affairs are at issue,’ and they must abide by the law as Congress has prescribed it.” See *Refugee & Immigr. Ctr. for Educ. & Legal Servs. v. Noem*, 793 F. Supp. 3d 19, 87 (D.D.C. 2025) (quoting *Zivotofsky ex rel. Zivotofsky v. Kerry*, 576 U.S. 1, 21 (2015), *appeal docketed*, No. 25-5243 (D.C. Cir. July 3, 2025).

⁴⁸ *Announcement of Expanded Screening and Vetting for H-1B and Dependent H-4 Visa Applicants*, U.S. DEP’T OF STATE (Dec. 3, 2025), <https://travel.state.gov/content/travel/en/News/visas/news/announcement-of-expanded-screening-and-vetting-for-h-1b-and-dependent-h-4-visa-applicants.html> [https://perma.cc/5562-KL93]. This policy was implemented for nonimmigrant visa holders (on F, M, and J visas) in June 2025. See Media Note, U.S. Dep’t of State, Off. of the Spokesperson, *Announcement of Expanded Screening and Vetting for Visa Applicants* (June 18, 2025), (continued...)

identify visa applicants “who pose a threat to U.S. national security or public safety.”⁴⁹ The announcement did not cite a specific legal authority, but federal statute and regulations provide that consular officers may require a visa applicant to submit additional information to establish his or her eligibility to receive a visa.⁵⁰ There is at least one lawsuit challenging some of these policy changes.⁵¹

The Visa Waiver Program and Social Media Vetting

The Visa Waiver Program (VWP) allows nationals of 42 participating countries to travel to the United States for up to 90 days for business or tourism without obtaining a visa.⁵² Foreign nationals seeking to travel to the United States under the VWP must get an approval from the Electronic System for Travel Authorization (ESTA), a web-based system that checks the traveler’s information against relevant law enforcement and security databases, before they can board a plane to the United States.⁵³ On December 10, 2025, the U.S. Department of Homeland Security’s (DHS’s) Customs and Border Protection (CBP) issued a notice in the *Federal Register* that would, among other things, require ESTA applicants to provide their social media account information for the preceding five years.⁵⁴

The statutory authority for the VWP comes from 8 U.S.C. § 1187, which discusses, among other things, the establishment of the program, how program countries are designated, and the duration and termination of that designation.⁵⁵ For a country to qualify under the VWP, it must satisfy multiple conditions, such as offering reciprocal travel privileges to U.S. citizens; maintaining high law enforcement, border control, and counterterrorism standards; and having a visitor visa refusal rate of less than three percent for the previous year.⁵⁶ Despite the benefits, there are also various restrictions for nationals entering the United States through the VWP. For example, they generally cannot extend their stay beyond 90 days and cannot adjust to permanent resident status, unless they fall under certain limited exceptions.⁵⁷ Finally, under the VWP Improvement and Terrorist Travel Prevention Act of 2015, nationals that fall under certain categories must apply for a visa and no longer qualify to travel into the United States under the VWP (despite being from VWP countries).⁵⁸ One example of this

<https://www.state.gov/releases/office-of-the-spokesperson/2025/06/announcement-of-expanded-screening-and-vetting-for-visa-applicants> [https://perma.cc/QBK3-PWGS].

⁴⁹ *Announcement of Expanded Screening and Vetting for H-1B and Dependent H-4 Visa Applicants*, U.S. DEP’T OF STATE (Dec. 3, 2025), <https://travel.state.gov/content/travel/en/News/visas-news/announcement-of-expanded-screening-and-vetting-for-h-1b-and-dependent-h-4-visa-applicants.html> [https://perma.cc/5562-KL93].

⁵⁰ See 22 C.F.R. §§ 41.103(b)(2), 41.105(a)(1) (nonimmigrant visas), 42.63(c), 42.65(a) (immigrant visas).

⁵¹ In *Coalition for Independent Technology Research v. Rubio*, the plaintiff is challenging, among other things, a visa restriction policy Secretary Rubio announced on May 28, 2025, that would “apply to foreign officials and persons who are complicit in censoring Americans” and the expanded vetting and screening process announced in December 2025. Complaint for Declaratory & Injunctive Relief, *Coal. for Indep. Tech. Rsch. v. Rubio*, No. 26-cv-00815 (D.D.C. Mar. 9, 2026), Dkt. No. 1. The plaintiff argues that the State Department’s policies violate the First Amendment by subjecting individuals to visa restrictions based on protected speech and association, the Fifth Amendment because they are vague and invite discriminatory enforcement, and, finally, the Administrative Procedure Act (APA) because they exceed the State Department’s statutory authority and are arbitrary and capricious. See *id.* at 57–59. In defending the policy, the State Department argues, among other things, that the Secretary has “broad authority to make foreign-policy-based determinations that may render a noncitizen ineligible for a visa and inadmissible to the United States” under 8 U.S.C. § 1182(a)(3)(C) and that the policy “targets foreign censorship of American speech, not the study of content moderation.” See Defendants’ Opposition to Plaintiff’s Motion Seeking Interim Relief Pursuant to 5 U.S.C. § 705 at 1, *Coal. for Indep. Tech. Rsch. v. Rubio*, No. 26-cv-00815 (D.D.C. Apr. 23, 2026), Dkt. No. 45.

⁵² For more information, see CRS Report RL32221, *Visa Waiver Program*, by Abigail F. Kolker (2024).

⁵³ See 8 U.S.C. § 1202(b)-(d); 8 C.F.R. § 217.5 (2026).

⁵⁴ Agency Information Collection Activities; Revision; Arrival and Departure Record (Form I-94) and ESTA, 90 Fed. Reg. 57208 (Dec. 10, 2025) (sixty-day notice and request for comments).

⁵⁵ See 8 U.S.C. § 1187; see also 8 C.F.R. § 217.1–7 (accompanying federal regulations).

⁵⁶ See 8 U.S.C. § 1187; *Visa Waiver Program*, U.S. DEP’T OF STATE, <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html> [https://perma.cc/NJP8-TPH5] (last visited Jul. 17, 2026).

⁵⁷ See 8 U.S.C. §§ 1187(a)(1), 1255(c)(4).

⁵⁸ See Pub. L. No. 114-113, Div. O, tit. II §§ 201–10, 129 Stat. 2988–95 (2015).

is nationals from VWP countries who were present in Iraq and Syria since March 1, 2011 (with limited exceptions).⁵⁹

According to CBP, this measure to require ESTA applicants to provide their social media account information will comply with Executive Order 14161's enhancement of vetting and screening of "all aliens seeking admission to the United States."⁶⁰

The 2026 World Cup

Around the same time that the State Department expanded the screening process for H-1B applicants and their dependents, it also "instructed U.S. embassies and consulates around the world to prioritize visa applications from foreigners wishing to visit the United States to . . . attend the 2026 World Cup."⁶¹ Secretary of State Rubio indicated that over 400 additional consular officers were deployed to help expedite the visa application process for persons seeking to attend the World Cup.⁶² Executive policies restricting nationals from designated countries from traveling to the United States likely prevented some persons from attending the World Cup.⁶³ During the second Trump Administration, the State Department has on various occasions fully suspended visa issuances to nationals from certain countries. For example, in June 2025, President Trump issued a proclamation and the State Department fully suspended visa issuances to nationals from 12 countries (with limited exceptions) and partially suspended visa issuances to nationals from 7 countries (with limited exceptions).⁶⁴ The executive branch took more recent action on visa suspensions in December 2025 that resulted in the State Department generally suspending visa issuances to nationals of additional countries.⁶⁵

⁵⁹ For a more detailed review of the VWP, see CRS Report RL32221, *Visa Waiver Program*, by Abigail F. Kolker (2024).

⁶⁰ Agency Information Collection Activities; Revision; Arrival and Departure Record (Form I-94) and Electronic System for Travel Authorization (ESTA), 90 Fed. Reg. 57208, 57210 (Dec. 10, 2025); Exec. Order No. 14161, 90 Fed. Reg. 8451 (Jan. 20, 2025); cf. Vanessa Romo, *What's on Your TikTok Page? U.S. Looks to Scour Tourists' Online Profiles*, NPR (Dec. 12, 2025, at 7:24 ET), <https://www.npr.org/2025/12/11/nx-s1-5641086/tourists-social-media-screening-changes> [<https://perma.cc/NG63-T5YS>] (discussing legal scholar's characterization of the program as similar in some ways to prior practice, in which visa applicants may have been required to disclose their social media use, while identifying uncertainty in how the program's directives would be implemented without more specific guidance regarding, for example, activities that would be considered a threat or harmful to the United States).

⁶¹ Matthew Lee, *U.S. to Prioritize Visa Applications by Investors and Fans Visiting for World Cup, Olympics*, PBS NEWS (Dec. 4, 2025, at 18:34 ET), <https://www.pbs.org/newshour/politics/u-s-to-prioritize-visa-applications-by-investors-and-fans-visiting-for-world-cup-olympics> [<https://perma.cc/MK44-4ALT>].

⁶² See *Transcript of Donald Trump Meets with the White House FIFA Task Force – November 17, 2025*, ROLL CALL (Nov. 17, 2025), <https://rollcall.com/factbase/trump/transcript/donald-trump-remarks-fifa-task-force-white-house-november-17-2025/>.

⁶³ As of the date of this report, the Trump Administration has fully suspended visa issuances to nationals from 19 countries. See CRS Insight IN12631, *Expanded "Travel Ban" to Take Effect January 1, 2026*, by Jill H. Wilson (2025); Proclamation No. 10998, 90 Fed. Reg. 59717 (Dec. 16, 2025), <https://www.politico.com/news/2026/01/17/state-department-secret-playbook-sports-trump-00735496> [<https://perma.cc/9JJF-MRE9>].

⁶⁴ See Proclamation No. 10949, 90 Fed. Reg. 24497 (June 4, 2025); *U.S. Visas News, Suspension of Visa Issuance to Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, U.S. DEP'T OF STATE (June 6, 2025), <https://travel.state.gov/content/travel/en/News/visas-news/suspension-of-visa-issuance-to-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats.html> [<https://perma.cc/6R4W-88AL>]; see also CRS Insight IN12561, *Presidential Proclamation of June 4, 2025, Restricting the Entry of Certain Foreign Nationals*, by Jill H. Wilson, (2025).

⁶⁵ See Proclamation No. 10998, 90 Fed. Reg. 59717 (Dec. 16, 2025); *U.S. Visas News Suspension of Visa Issuance to Foreign Nationals to Protect the Security of the United States*, U.S. DEP'T OF STATE (Dec. 19, 2025), <https://travel.state.gov/content/travel/en/News/visas-news/suspension-of-visa-issuance-to-foreign-nationals-to-protect-> (continued...)

Two countries identified in the June 2025 proclamation had teams that qualified to compete in the 2026 World Cup: Haiti and Iran. Although nationals from those countries were generally prohibited by the proclamation from traveling to the United States, the proclamation made an exception for “any athlete or member of an athletic team, including coaches, persons performing a necessary support role, and immediate relatives, traveling for the World Cup” to enter the United States.⁶⁶ Reportedly, some persons seemingly covered by the exemption, including team support staff and game officials, were denied entry into the United States.⁶⁷ The reasons for these denials may not be a matter of public record and may vary by individual. A person covered by the proclamation’s exception would still need to satisfy other statutory and regulatory requirements necessary for visa eligibility and admission to the United States.⁶⁸

Visa Refusals

The second possible outcome for a completed visa application is a visa refusal (or denial). Generally, a visa refusal is based on one of three statutes: 8 U.S.C. §§ 1182(a), 1184(b), or 1201(g).⁶⁹ These are also known as visa ineligibilities.⁷⁰ Under § 1182(a), a consular officer can refuse a visa if the visa applicant is inadmissible under one of the listed grounds.⁷¹ According to the State Department website, some of the more common grounds of visa refusal under § 1182(a) include a determination by a consular officer that the visa applicant could become a public charge, the visa applicant tried to obtain a visa or “enter the United States by willfully

the-security-of-the-united-states.html [https://perma.cc/YX9A-6KYC]; CRS Insight IN12631, *Expanded “Travel Ban” to Take Effect January 1, 2026*, by Jill H. Wilson (2026).

⁶⁶ Proclamation No. 10949, 90 Fed. Reg. at 24503.

⁶⁷ See, e.g., Omar Faruk, *Somali Soccer Referee Denied Entry to U.S. for World Cup Is Welcomed Home as a Hero*, THE WASHINGTON POST (June 10, 2026), https://www.washingtonpost.com/sports/soccer/2026/06/10/world-cup-referee-somalia-fifa-trump-visa/3af2513e-64a0-11f1-bdd4-805ebb99a693_story.html (stating that even though a Somali World Cup referee was issued a visa a week before the World Cup began, he was denied entry into the United States “over unspecified ‘vetting concerns’” and that “Somalia is one of nearly 40 countries subject to new travel restrictions”); Tariq Panja, *Iran’s Soccer Team Allowed into U.S. for World Cup, But Many Staff Denied*, N.Y. TIMES (June 5, 2026), <https://www.nytimes.com/2026/06/05/world/middleeast/world-cup-iran-football-team-visas-war.html>; Tabby Wilson & Sean Seddon, *Iran Says Staff Blocked from Entering U.S. After Players Given World Cup Visas*, BBC (June 6, 2026), <https://www.bbc.com/news/articles/cy8286nqz87o>.

⁶⁸ See, e.g., Omar Faruk, *Somali Soccer Referee Denied Entry to U.S. for World Cup Is Welcomed Home as a Hero*, THE WASHINGTON POST (June 10, 2026), https://www.washingtonpost.com/sports/soccer/2026/06/10/world-cup-referee-somalia-fifa-trump-visa/3af2513e-64a0-11f1-bdd4-805ebb99a693_story.html (stating that a World Cup referee was denied entry into the United States “over unspecified ‘vetting concerns’”); Tariq Panja, *Iran’s Soccer Team Allowed into U.S. for World Cup, But Many Staff Denied*, N.Y. TIMES (June 5, 2026), <https://www.nytimes.com/2026/06/05/world/middleeast/world-cup-iran-football-team-visas-war.html>; Tabby Wilson & Sean Seddon, *Iran Says Staff Blocked from Entering U.S. After Players Given World Cup Visas*, BBC (June 6, 2026), <https://www.bbc.com/news/articles/cy8286nqz87o>.

⁶⁹ These statutes are also sometimes referred to by their corresponding sections in the Immigration and Nationality Act (INA): 212(a), 214(g), and 221(g). A visa can also be refused under 8 U.S.C. §§ 1182(e) (former exchange visitors), 1182(f) (presidential proclamations), and 1202(g) (nonimmigrant visa overstays). See U.S. DEPT. OF STATE, 9 FAM 301.4-1 (overview of grounds for refusal). Further, under 6 U.S.C. § 236(c), the Secretary of State can “direct a consular officer to refuse a visa to an alien if [he] deems such refusal necessary or advisable in the foreign policy or security interests of the United States.”

⁷⁰ *Ineligibilities and Waivers: Laws*, U.S. DEPT. OF STATE, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html#visa> (last visited July 20, 2026).

⁷¹ See 8 U.S.C. § 1182(a)(1)–(10) (health-related, criminal, security and related, public charge, not satisfying the labor certification qualifications for certain applicants, illegal entrants and immigration violators, not satisfying documentation requirements for admission, being ineligible for citizenship, aliens who were previously removed or accrued unlawful presence, and aliens who fall under miscellaneous categories like being international child abductors or aliens who unlawfully voted in the United States); see also CRS In Focus IF12662, *Immigration: Grounds of Inadmissibility*, by Abigail F. Kolker and Hillel R. Smith (2024).

misrepresenting material fact or committing fraud,” or the visa applicant was considered to “have been unlawfully present in the United States” at some point in the past.⁷²

Under 8 U.S.C. § 1184(b), a consular officer can also refuse a *nonimmigrant* visa if the officer concludes that the applicant has not demonstrated that he or she plans to leave the United States at the conclusion of the period of visa validity.⁷³ Finally, under 8 U.S.C. § 1201(g), a consular officer can refuse a visa under three circumstances: (1) there is any indication in the application or supplementary documentation submitted that the applicant is inadmissible under § 1182 or is ineligible to receive a visa under any provision of law; (2) the application itself does not comply with the provisions of law or the relevant regulations; or (3) “the consular officer knows or has reason to believe that” the applicant is inadmissible under § 1182 or is ineligible to receive a visa under any provision of law.⁷⁴ Section 1201(g) applies to both immigrant and nonimmigrant visas. If an applicant is refused a visa and is found inadmissible, he or she will be notified of the reason for the denial with a citation to the relevant statute(s).⁷⁵ The State Department’s *Foreign Affairs Manual* (FAM), which is long-standing policy guidance that applies to consular officers, details that denied *immigrant* visa applications have to be sent to a supervisor for review.⁷⁶

Some nonimmigrant and immigrant visa applicants may also qualify for a waiver of inadmissibility.⁷⁷ Applicants whose visas are denied may generally reapply in the future.⁷⁸

Administrative Processing⁷⁹

Sometimes after a visa interview, a visa will not be immediately issued because it is not clear whether the application should be refused or there has been a suspension of visa issuances. In this

⁷² *Visa Denials*, U.S. DEPT. OF STATE, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-denials.html> [<https://perma.cc/5L98-4683>] (last visited July 20, 2026) (INA Section 212(a)(6)(C)(i)-Fraud and Misrepresentation and INA Section 212(a)(6)(B)(i)-Unlawful Presence in the United States). The State Department’s most recently published immigrant and nonimmigrant ineligibilities table for 2024 include, as the top three grounds of refusal under § 1182(a), misrepresentation, having been convicted of or admitting to committing a crime involving moral turpitude, and being unlawfully present in the United States. See 8 U.S.C. § 1182(a)(6)(C)(i), (2)(A)(i)(I), (9)(B)(i)(II); see also U.S. DEPT. OF STATE, REPORT OF THE VISA OFFICE, TABLE XIX IMMIGRANT AND NONIMMIGRANT VISA INELIGIBILITIES (BY GROUNDS FOR REFUSAL UNDER THE IMMIGRATION AND NATIONALITY ACT) FISCAL YEAR 2024, <https://adoption.state.gov/content/dam/visas/Statistics/AnnualReports/FY2024AnnualReport/Table%20XIX.pdf> [<https://perma.cc/V7W7-WB4C>].

⁷³ See 8 U.S.C. § 1184(b) (“Every alien . . . shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to nonimmigrant status.”).

⁷⁴ See *id.* § 1201(g). An applicant whose visa application is considered incomplete and refused under this section will typically be allowed to submit the missing documentation within one year. See U.S. DEP’T OF STATE, 9 FAM 403.10-3(A)(5); 22 C.F.R. § 42.81(b); *Visa Denials*, U.S. DEPT. OF STATE, *supra* note 72 (INA section 212(a)(6)(C)(i)-Fraud and Misrepresentation and INA Section 221(g)-Incomplete Application or Supporting Documentation).

⁷⁵ See U.S. DEP’T OF STATE, 9 FAM 403.10-3(A)(1)(d), 504.11-3(A)(1)(b).

⁷⁶ *Id.* at 504.11-3(A)(2).

⁷⁷ Individuals with refused visas may qualify for a waiver of inadmissibility depending on the visa category that he or she applied under. *Visa Denials*, U.S. DEPT. OF STATE, *supra* note 72 (Waivers of Ineligibility). The consular officer, during the interview, will tell the applicant if he or she may apply for a waiver and will provide instructions for how to do so. See *id.* Importantly, these waivers exist only for individuals who were refused visas under 8 U.S.C. § 1182(a). The waivers can be found under § 1182(d), (g), (h), and (i). See, e.g., U.S. DEP’T OF STATE, 9 FAM 302.2-5(D), 302.2-6(D), 302.2-7(D), 302.3-2(D), 302.4-2(D), 302.9-4(D).

⁷⁸ *Visa Denials*, U.S. DEPT. OF STATE, *supra* note 72.

⁷⁹ Section 1201(g) of Title 8 does not discuss administrative processing explicitly. Rather, this process is found in the FAM, see, e.g., U.S. DEP’T OF STATE, 9 FAM 403.10-3(A)(2)(2), and the State Department website and, as discussed in this section, courts have interpreted the statute as authorizing administrative processing.

situation, the application is placed in administrative processing under 8 U.S.C. § 1201(g).⁸⁰ In the online visa application portal, the applicant will see that his or her application was “refused,” but this will not conclude the process in its entirety.⁸¹ According to the FAM, a consular officer “cannot temporarily refuse, suspend . . . or hold the visa for future action” and has to complete the process promptly.⁸² Therefore, if the consular officer determines that additional information is needed to determine whether the applicant qualifies for a particular visa, the officer will “refuse” the visa application while it goes through administrative processing.⁸³ When a visa application is refused under § 1201(g), the applicant will be informed as to whether additional information must be provided.⁸⁴ Further, processing times will vary based on the applicant’s circumstances.⁸⁵

A visa applicant may be able to file a petition for a writ of mandamus in federal district court to compel adjudication on the visa application when there has been unreasonable delay in its

⁸⁰ Since 2025, there have been at least three separate occasions in which the Trump Administration has issued a “pause” on several categories of visas, including diversity visas (which fall under the immigrant visa category), immigrant visas for individuals from 75 countries, and visitor visas for people from Gaza (which fall under the nonimmigrant visa category). Some of the reasons cited as justification for these actions include the need to “ensure that immigrants from [the 75 countries] do not utilize welfare in the United States or become a public charge,” the need to “ensure that [diversity visa immigrants] do not present a threat to national security or public safety” after a December 2025 shooting at Brown University, and the need to “conduct a full and thorough review of the process and procedures used” to allow Gazans to be admitted to the United States for medical-humanitarian visas. See *Immigrant Visa Processing Updates for Nationalities at High Risk of U.S. Public Benefits Usage*, U.S. DEP’T OF STATE, *supra* note 5; U.S. Dep’t of State (@StateDept), X (Aug. 16, 2025, at 21:59 ET), <https://x.com/StateDept/status/1956717342693458359> [<https://perma.cc/D9SP-BKWA>]. The Trump Administration “paused” issuances of at least some of these visas under § 1201(g) and seems to be placing (or had placed) these applications in administrative processing. See, e.g., Complaint for Vacatur, Declaratory & Injunctive Relief at 29, Catholic Legal Immigration Network, Inc. (CLINIC) v. Rubio, No. 26-cv-00858 (S.D.N.Y. Feb. 2, 2026), Dkt. No. 1 (stating that the State Department instructed consular “officers to categorically refuse and deny the visa § 1201(g) based on the applicants’ nationality alone”); Edward Wong et al., *U.S. Suspends Visas for Palestinian Passport Holders, Officials Say*, N.Y. TIMES (Aug. 31, 2025), <https://www.nytimes.com/2025/08/31/world/middleeast/us-palestinian-visa-suspensions.html> [<https://perma.cc/W2C6-XA72>] (“U.S. consular officers were told to invoke the mechanism—section 221-G of the [INA]—to refuse visitor visas to anyone using a Palestinian passport in applications, at least temporarily.”). As mentioned earlier though, the Secretary of State also has authority to direct consular officers to refuse visas if “necessary or advisable in the foreign policy or security interests of the United States.” See 6 U.S.C. § 236(c).

⁸¹ See *Giliana v. Blinken*, 596 F. Supp. 3d 13, 18 (D.D.C. 2022) (“There is nothing unusual about this practice, but it means that the initial ‘refusal’ is not the end of the process.”); see also *Mobayen v. Blinken*, 780 F. Supp. 3d 969, 982 (C.D. Cal. 2025) (“[T]he U.S. Department of State’s public website strongly suggests that even the Department does not view a Section 221(g) refusal for administrative processing to be a final adjudication.”); *Nikjooy v. Rubio*, 804 F. Supp. 3d 76, 82 (D.D.C. 2025) (“The court’s conclusion that placement in administrative processing under Section 221(g) is not a final determination is underscored by language on the Department of State’s website, of which the court takes judicial notice.”).

⁸² See U.S. DEP’T OF STATE, 9 FAM 504.9-2, 403.7-3; cf. *Nikjooy*, 804 F. Supp. 3d at 82 (stating that the FAM used to say that cases in administrative processing were ones in which the final determination was deferred, but even with the new, amended language, administrative processing is still “a non-final disposition that may or may not be changed by an applicant’s supplementation of her application”); *Aramnahad v. Rubio*, No. 24-cv-1817-MAU, 2025 WL 973483, at *7 (D.D.C. Mar. 31, 2025) (explaining that “FAM does not carry the force of law” because it was not issued “pursuant to any notice-and-comment rulemaking or independent congressional authority”).

⁸³ See *Giliana*, 596 F. Supp. 3d at 18.

⁸⁴ *Administrative Processing Information*, U.S. DEP’T OF STATE, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/administrative-processing-information.html> [<https://perma.cc/PGU9-64JG>] (last visited July 20, 2026); cf. 22 C.F.R. §§ 41.121(c) (“If the ground(s) of ineligibility upon which the visa was refused cannot be overcome by the presentation of evidence, the refusal must be reviewed without delay; that is, on the day of the refusal or as soon as it is administratively possible.”).

⁸⁵ See generally U.S. DEP’T OF STATE, 9 FAM 306.2-2(A)(a)(2).

processing.⁸⁶ There is some disagreement among courts as to whether a visa applicant can bring such a claim because under the doctrine of consular nonreviewability (discussed later in this report) applicants generally cannot challenge consular officers' final visa decisions in federal court. The issue in these cases is whether a visa application that has been "refused" under these conditions and is in administrative processing is considered a final disposition of a visa application.⁸⁷ Some courts have held that when a visa application is refused under 8 U.S.C. § 1201(g) and is in administrative processing, a final decision has been made in the application.⁸⁸ Most reviewing courts, however, have held that visa applications in administrative processing are not considered final and are not barred from judicial review.⁸⁹

Administrative processing has been the subject of recent litigation.⁹⁰ On February 2, 2026, a group of plaintiffs sued Secretary of State Rubio over a January 2026 immigrant visa pause⁹¹ for individuals from 75 countries.⁹² On January 14, 2026, the State Department announced that it would undergo "a full review of all screening and vetting policies to ensure that immigrants from high-risk countries do not unlawfully utilize welfare in the United States or become a public charge"⁹³ and, effective January 21, 2026, would pause all immigrant visa issuances for nationals from 75 countries.⁹⁴ According to the plaintiffs' complaint, the State Department sent a cable to

⁸⁶ Under 28 U.S.C. § 1361, a federal district court may compel "any agency . . . to perform a duty owed to the plaintiff" by issuing a writ of mandamus. Applicants have also sought to compel the State Department to make a decision in federal court under 5 U.S.C. § 706(1) of the Administrative Procedure Act (APA). In the D.C. Circuit, for example, when an applicant brings a challenge under both the Mandamus Act and the APA, the claims merge because the standards are virtually the same. *See Vietnam Veterans of Am. v. Shinseki*, 599 F.3d 654, 659 n.6 (D.C. Cir. 2010).

⁸⁷ *See Gundas v. Blinken*, No. 24-1064, 2024 WL 5056375, at *5 (D.D.C. Dec. 10, 2024) (stating that "there has been debate 'as to whether the doctrine'" of consular nonreviewability applies in cases that seek to compel the State Department to take action in visa applications that are in administrative processing) (quoting Defendant's Second Motion to Dismiss & Memorandum in Support at 14, *Gundas*, 2024 WL 5056375 (D.D.C. Dec. 10, 2024), Dkt. No. 11); *cf. Giliana*, 596 F. Supp. 3d at 18 (stating that consular nonreviewability does not apply in visa determinations that are not final and that sometimes when a visa application is refused, the refusal itself is not final because the application could be subject to administrative processing).

⁸⁸ *See, e.g., Khan v. U.S. Dep't of State*, 722 F. Supp. 3d 92, 97–98 (D. Conn. 2024); *Saleh v. Holder*, 84 F. Supp. 3d 135, 139 (E.D.N.Y. 2014); *Karimova v. Abate*, No. 23-5178, 2024 WL 3517852, at *2 (D.C. Cir. July 24, 2024) (*per curiam*).

⁸⁹ *See, e.g., Ghannad-Rezaie v. Laitinen*, 757 F. Supp. 3d 148, 153 (D. Mass. 2024); *Hassan v. Dillard*, 758 F. Supp. 3d 973, 983 (D. Minn. 2024); *Sharifi v. Blinken*, 731 F. Supp. 3d 433, 438 (E.D.N.Y. 2024); *Ebrahimi v. Blinken*, 732 F. Supp. 3d 894, 907 (N.D. Ill. 2024); *Al-Gharawy v. DHS*, 617 F. Supp. 3d 1, 12 (D.D.C. 2022); *Vulupala v. Barr*, 438 F. Supp. 3d 93, 99 (D.D.C. 2020); *Patel v. Reno*, 134 F.3d 929, 931–32 (9th Cir. 1997); *Mehrpooya v. Allen*, No. 24-2340 (LLA), 2025 WL 2549279, at *3–6 (D.D.C. Sept. 4, 2025).

⁹⁰ In addition, there is at least one other lawsuit challenging the immigrant visa pause. *See Order on Motion for Preliminary Injunction* (Doc. No. 22) & *Motion to Dismiss* (Doc. No. 18), *Ullah v. LaFave*, No. 1:25-cv-12804 (D. Mass. June 2, 2026), Dkt. No. 28 (ordering the State Department to lift the immigrant visa pause for the plaintiff, an individual whose visa application was placed into administrative processing and whose case was subsequently deemed ineligible because of the immigrant visa pause).

⁹¹ The complaint refers to three separate agency actions the State Department took relating the immigrant visa pause: the issuance of the State Department Blanket Visa Ban, the Blanket Visa Ban Cable, and the Consular Processing Cable. For purposes of this report, they will collectively be referred to as the "visa pause."

⁹² Complaint for Vacatur, Declaratory & Injunctive Relief, *CLINIC v. Rubio*, No. 26-cv-00858 (S.D.N.Y. Feb. 3, 2026), Dkt. No. 12 [hereinafter *Visa Pause Complaint*].

⁹³ Under 8 U.S.C. § 1182(a)(4), an alien, unless he or she falls under certain exceptions, who "is likely at any time to become a public charge is inadmissible." To make this determination, a consular officer can take into account the alien's education, health, financial status and assets, age, family status, and certain affidavits of supports. *See id.* § 1182(a)(4)(B).

⁹⁴ *Immigrant Visa Processing Updates for Nationalities at High Risk of Public Benefits Usage*, U.S. DEP'T OF STATE, *supra* note 5. Some Members of Congress also expressed concern with the policy and requested, among other things, (continued...)

all consular officers in November 2025 that added new substantive elements to the public charge evaluation.⁹⁵ Then, after the January 14, 2026, announcement regarding the visa pause, according to the plaintiffs, the State Department issued another cable that mandated consular officers to refuse immigrant visas from the 75 countries indefinitely and to “deny the visa under 8 U.S.C. § 1201(g) based on applicants’ nationality alone” without exception.⁹⁶

The plaintiffs argue that the visa pause violates the INA, the Administrative Procedure Act (APA), and the Constitution because, through this action, the State Department is attempting to rewrite federal laws relating to visa issuance and public charge.⁹⁷ The plaintiffs argue, among other things, that federal immigration law does not give the State Department authority “to refuse visas indefinitely for broad categorical reasons.”⁹⁸ The plaintiffs also argue that the visa pause exceeds the State Department’s authority under federal immigration law, attempts to address an issue “on which Congress has already spoken,” and violates separation of powers under the Constitution.⁹⁹ The plaintiffs and defendants filed cross motions for summary judgment in March 2026.¹⁰⁰ In addition to the arguments presented in their complaint, the plaintiffs reiterate that the INA requires consular officers to make individualized determinations when adjudicating visas and that the defendants have violated the INA by imposing “a categorical nationality-based ban.”¹⁰¹ They therefore argue that the defendants’ actions violate the APA as being contrary to law, contravening regulations, and promulgated without the required notice-and-comment procedures.¹⁰²

The defendants argue, among other things, that the plaintiffs’ APA-related claims fail because the visa pause does not preclude case-by-case consular determinations; that the visa pause was not

that the State Department and DHS explain its legal justification. Letter from Ritchie Torres, Gregory W. Meeks, Yvette D. Clarke, and Grace Meng, Members of Congress, to Marco Rubio, Sec. of U.S. Dep’t of State, and Kristi Noem, Sec. of DHS (Jan. 27, 2026), https://capac.house.gov/sites/evo-subsites/congressionalasianpacificamericancaucus.house.gov/files/evo-media-document/2026.01.27-torres-clarke-letter-to-state-on-indefinite-pause-on-all-immigrant-visas-version-8_0.pdf [<https://perma.cc/4XUR-3F69>].

⁹⁵ See Visa Pause Complaint, *supra* note 92, at 25. According to the plaintiffs, these new substantive elements include (1) a mandate that consular officers also consider any form of public assistance an immigrant visa applicant has ever received in the United States or in any other country; (2) an authorization for consular officers to evaluate the credibility of the immigrant visa applicant’s financial sponsor and whether he or she has also ever received public assistance; and (3) a direction for consular officers to consider additional factors like the immigrant visa applicant’s English-language proficiency. See *id.* at 25–26.

⁹⁶ See *id.* at 28–29. On February 2, 2026, the State Department updated its January 14, 2026, announcement to include two exceptions to the visa pause: dual nationals (who are “exempt”) and children who are being adopted by U.S. citizens (who “can qualify for an exception”). *Immigrant Visa Processing Updates for Nationalities at High Risk of Public Benefits Usage*, U.S. DEP’T OF STATE, *supra* note 5.

⁹⁷ See Visa Pause Complaint, *supra* note 92.

⁹⁸ See *id.* at 31. They also argue that the visa pause “radically transforms the public charge evaluation by adding new, substantive elements” and the categorical visa pause erases required individualized evaluation of immigrant visa applications. See *id.* at 25, 41.

⁹⁹ See *id.* at 61–63.

¹⁰⁰ Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment, CLINIC v. Rubio, No. 26-cv-00858 (S.D.N.Y. Mar. 10, 2026), Dkt. No. 49; Memorandum of Law in Support of Defendants’ Motion for Partial Summary Judgment and in Opposition to Plaintiffs’ Motion for Partial Summary Judgment, CLINIC v. Rubio, No. 26-cv-00858 (S.D.N.Y. Mar. 26, 2026), Dkt. No. 61.

¹⁰¹ See Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment, *supra* note 100 at 1; see *id.* at 3 (stating that a consular officer, when making these individualized determinations, “may refuse an application for an immigrant visa only if the officer concludes that the applicant is ineligible under one or more of the grounds listed in the INA” under § 1201(g)).

¹⁰² See *id.* at 9–22. Of note, the plaintiffs clarify that its lawsuit is not asking to “second-guess any individual consular officer’s merits determination” and instead challenges the State Department categorical national ban as a whole. See *id.* at 9.

final agency action under the APA; that consular nonreviewability precludes review of the plaintiffs' claims that are derivative of any concrete consular officer decisions; that there is no conflict with federal law and no alteration to the existing statutory scheme; and that the visa pause is a "pause" and not a categorical ban and "does not itself issue or refuse any visa."¹⁰³ The case remains pending.

Judicial Review: Consular Nonreviewability

A consular officer's decision to refuse (or deny) a visa application is usually a final decision. There is no federal statute that expressly states whether visa decisions are subject to judicial review. Under the judicial doctrine of consular nonreviewability,¹⁰⁴ however, individuals who are located outside the United States generally cannot challenge consular officers' decisions regarding their visa applications in federal court. In *Knauff v. Shaughnessy*, the Supreme Court explained that "an alien who seeks admission to this country may not do so under any claim of right" and, consequently, "it is not within the province of any court, unless expressly authorized by law, to review the determination of the political branch of the Government to exclude a given alien." Finding no applicable law authorizing judicial review, the Court agreed that the individual could not challenge the government's decision to exclude her.¹⁰⁵ In *Kleindienst v. Mandel*, the Court recognized an exception to consular nonreviewability permitting limited review when a U.S. citizen asserts that a visa refusal affects his or her First Amendment rights unless the refusal was based on "a facially legitimate and bona fide reason."¹⁰⁶

After *Mandel*, the Supreme Court addressed several cases in which consular determinations were challenged based on U.S. citizens' constitutional assertions. In *Kerry v. Din*, the Court in a 5-4 decision rejected a challenge from a U.S. citizen that the federal government deprived her of her constitutional right to live with her husband in the United States when it allegedly denied her husband's visa without a sufficient explanation.¹⁰⁷ However, the Justices comprising the majority split on the reasoning. Writing for a three-Justice plurality, Justice Scalia determined that the U.S. citizen had no protected fundamental liberty interest under the Due Process Clause and that there was accordingly no basis for reviewing the consular officer's denial of the visa.¹⁰⁸ In a concurring opinion joined by Justice Alito, Justice Kennedy assumed a constitutional right existed, but concluded that the U.S. citizen received an adequate explanation under the *Mandel* standard.¹⁰⁹ He noted that the federal statute in question required the consular officer to find factual predicates before refusing the visa and, absent the visa applicant being able to show a consular officer's bad faith, according to *Mandel*, the Court should not look beyond the factual details the consular officer relied on, based on the statute, to refuse the visa.¹¹⁰

¹⁰³ See Memorandum of Law in Support of Defendants' Motion for Partial Summary Judgment and in Opposition to Plaintiffs' Motion for Partial Summary Judgment, *supra* note 100 at 4, 6–17. Separately, the defendants also argue that the individual plaintiffs lack standing because their alleged injuries are not redressable and that the organizations lack organizational and associational standing. See *id.* at 24–27.

¹⁰⁴ This doctrine is also sometimes referred to as consular absolutism.

¹⁰⁵ See *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543–44 (1950), *superseded by statute*, Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-28, 110 Stat. 3009-546, *as recognized in* *DHS v. Thuraissigiam*, 591 U.S. 103 (2020); see also *Shaughnessy v. Mezei*, 345 U.S. 206, 212 (1953).

¹⁰⁶ See *Kleindienst v. Mandel*, 408 U.S. 753, 770 (1972).

¹⁰⁷ *Kerry v. Din*, 576 U.S. 86 (2015).

¹⁰⁸ *Id.* at 101.

¹⁰⁹ *Id.* at 105 (Kennedy, J., concurring).

¹¹⁰ *Id.*; see also *Trump v. Hawaii*, 585 U.S. 667, 702–05 (2018).

Most recently, in 2024, the Supreme Court again addressed consular nonreviewability in *Department of State v. Muñoz*.¹¹¹ There, a U.S. citizen filed a petition with DHS's U.S. Citizenship and Immigration Services (USCIS) "to classify her husband as an immediate relative."¹¹² When USCIS granted the petition, her husband, because he had entered the United States unlawfully, was required to depart the United States and continue the rest of the immigrant visa application process in El Salvador. After his visa interviews, a consular officer in El Salvador refused the visa application, citing a ground of inadmissibility under § 1182 and providing no further information. The U.S. citizen spouse sought judicial review in federal district court, arguing that the State Department violated her "constitutional liberty interest in her husband's visa application" and her right to live with him in the United States.¹¹³ The case was appealed to the Supreme Court, where the majority held that the U.S. citizen spouse had not shown that her husband's refused visa application implicated a constitutionally protected liberty interest under the Due Process Clause to warrant judicial review under *Mandel*.¹¹⁴ Endorsing the position taken by the three-Justice plurality in *Din*, the Court held that a U.S. "citizen does not have a fundamental liberty interest in her noncitizen spouse being admitted to the country."¹¹⁵

Under this Supreme Court precedent, it is understood that there are currently two exceptions to the doctrine: "(1) when judicial review is expressly authorized by statute, or (2) if a noncitizen's exclusion burdens an American citizen's constitutional rights."¹¹⁶ Further, under this precedent, even where a constitutional right has been identified, the consular officer need only show that he or she had a bona fide and facially legitimate reason in refusing the visa.¹¹⁷

Visa Revocations

In addition to issuing and refusing visas, the executive branch also has wide latitude and discretion to revoke visas.¹¹⁸ Under 8 U.S.C. § 1201(i), a consular officer or the Secretary of State may revoke an alien's nonimmigrant or immigrant visa at any time.¹¹⁹ However, the FAM

¹¹¹ *Dep't of State v. Muñoz*, 602 U.S. 899 (2024).

¹¹² *Id.* at 904.

¹¹³ *Id.* at 905–06.

¹¹⁴ *Id.* at 909.

¹¹⁵ *Id.*; see also *id.* at 919 ("[P]rocedural due process is an odd vehicle for [the U.S. citizen's] argument, and *Mandel* does not support it. . . . *Mandel* does not hold that a citizen's independent constitutional right . . . gives [her] a procedural due process right to a 'facially legitimate and bona fide reason' for why someone else's visa was denied."). For a more in-depth discussion of this case, see CRS Legal Sidebar LSB11245, *Supreme Court Rules That There Is No Constitutional Right to Having an Alien Spouse Admitted to the United States*, by Hillel R. Smith (2024).

¹¹⁶ *Pietersen v. U.S. Dep't of State*, 138 F.4th 552, 556 (D.C. Cir. 2025).

¹¹⁷ See *id.*

¹¹⁸ See *Shaik v. Noem*, 801 F. Supp. 3d 825, 835 (D. Minn. 2025) ("The Court agrees that an explicit injunction barring Defendants from revoking a visa . . . would likely be inappropriate due to Congress's express deference to the Secretary of State for visa revocations."), *appeal filed*, No. 25-2981 (8th Cir. Oct. 7, 2025); see also Matthew Lee, *Trump Administration Is Reviewing All 55 Million Foreigners with US Visas for Any Violations*, ASSOCIATED PRESS (Aug. 21, 2025), <https://apnews.com/article/trump-visas-deportations-068ad6cd5724e7248577f17592327ca4> [<https://perma.cc/X54V-MGEQ>] (stating that, according to the State Department, anyone with a visa is subject to continuous vetting and if there is any indication that an individual with a visa is ineligible to be in the United States, the visa will be revoked and he or she could be subject to deportation).

¹¹⁹ As an example, on April 5, 2025, the State Department issued a press release stating that "effective immediately, the United States Department of State is taking actions to revoke all visas held by South Sudanese passport holders and prevent further issuance to prevent entry into the United States by South Sudanese passport holders" because South Sudan failed to "accept the return of its citizens in a timely manner" after the United States sought to remove them. See (continued...)

prohibits consular officers from revoking nonimmigrant visas when an alien is already inside or en route to the United States (unless the revocation is “based on driving under the influence”), or immigrant visas once the alien has been admitted into the United States.¹²⁰ Immigration officers within DHS are also authorized to revoke visas in certain circumstances, including when an alien arriving at a port of entry appears to be inadmissible or when an alien on a nonimmigrant visa later obtains an immigrant visa or becomes an LPR.¹²¹ Federal statute provides that there is no judicial review of the decision to revoke a visa unless the alien is in removal proceedings and the revocation “provides the sole ground for removal.”¹²²

Visa Revocations at a U.S. Port of Entry

At a U.S. port of entry, an arriving alien is considered an applicant for admission into the United States.¹²³ If the alien has a nonimmigrant visa, a CBP officer at the port of entry has wide regulatory authority to revoke his or her visa if the officer determines the alien is no longer eligible to enter the United States with it, under the authority listed earlier, and once revoked, the alien may not use that visa to enter the United States.¹²⁴ If the alien has a nonimmigrant or immigrant visa, the CBP officer has broad discretion during the inspection and admission process to determine whether the alien has satisfied the requirements to be admitted into the United States, and, in the case of an alien with an immigrant visa, as an LPR.¹²⁵ An alien who has had his or her visa revoked at a port of entry, and who has been determined by an immigration officer to not satisfy the requirements for admission, may be placed in expedited removal proceedings and barred from entry into the United States unless he or she “indicates either an intention to apply for asylum . . . or a fear of persecution.”¹²⁶

Visa Revocations Inside the United States

Individuals who have had their nonimmigrant visas revoked by the State Department are not immediately subject to removal. Instead, removal proceedings must be initiated against them by DHS, which may culminate in the alien being ordered removed from the United States.¹²⁷ Aliens whom the government seeks to remove on the basis of a nonimmigrant visa revocation are placed

Press Release, U.S. Dep’t of State, Off. of the Spokesperson, Defending America’s Security Through Visa and Travel Restrictions on South Sudan (Apr. 5, 2025), <https://www.state.gov/defending-americas-security-through-visa-and-travel-restrictions-on-south-sudan> [<https://perma.cc/USD7-KX59>].

¹²⁰ Importantly, the FAM does not prohibit the State Department itself from revoking visas once an alien is inside the United States. See U.S. DEP’T OF STATE, 9 FAM 403.11-5; see *id.* at 403.11-3(B)(U), 504.12-3(A)(U). Other than the driving under the influence exception, visa revocations for persons in the interior of the United States “may only be done by the [State] Department’s Visa Office of Screening, Analysis, and Coordination.” See *id.* at 403.11-3(B)(U).

¹²¹ See 22 C.F.R. § 41.122(e) (revocation of nonimmigrant visa by immigration officer).

¹²² 8 U.S.C. §§ 1201(i) (revocation of visas or documents), 1227(a)(1)(B) (present in violation of the law).

¹²³ *Id.* § 1225(a)(1) (aliens treated as applicants for admission).

¹²⁴ 22 C.F.R. § 41.122(e) (revocation of visa by immigration officer). See Class Complaint for Declaratory and Injunctive Relief at 14, *Pasula v. DHS*, No. 25-cv-00156 (D.N.H. Apr. 18, 2025), Dkt. No. 1.

¹²⁵ 22 C.F.R. § 235.1(f)(1)(i) (alien applicants for admission).

¹²⁶ 8 U.S.C. § 1225(b)(1)(A)(i) (inspection of applicants for admission). For more information on the expedited removal process, see CRS In Focus IF11357, *Expedited Removal of Aliens: An Introduction*, by Hillel R. Smith (2022).

¹²⁷ See generally *Stan. Daily Publ’g Corp. v. Rubio*, 820 F. Supp. 3d 974, 980 (N.D. Cal. 2026) (“While the Secretary of State has the discretion to revoke visas and render noncitizens deportable, the Secretary of Homeland Security has the practical role of carrying out that authority.”).

in administrative removal proceedings before an immigration court.¹²⁸ If they are not placed in removal proceedings, they will be classified as aliens without status and *may* be subject to removal.¹²⁹ These proceedings are typically initiated by DHS's Immigration and Customs Enforcement (ICE).¹³⁰

Can the Executive Branch “Revoke” Lawful Permanent Resident Status?

In general, a person whose immigrant petition was reviewed and approved and is then admitted at a U.S. port of entry on an immigrant visa is granted Lawful Permanent Resident (LPR) status.¹³¹ There are some individuals (typically nonimmigrant visa holders) who are already present in the United States and who may qualify for LPR status, through a process called adjustment of status, without having to return to their home countries to apply for an immigrant visa.¹³² These individuals typically apply for LPR status by completing two forms: an immigrant petition and an adjustment of status application (depending on the individual's eligibility or visa availability, these forms are filed separately or concurrently).¹³³ These individuals then generally obtain LPR status on the date that U.S. Citizenship and Immigration Services (USCIS) grants the adjustment of status application.¹³⁴ Importantly, under 8 U.S.C. § 1155, the Secretary of the Department of Homeland Security (DHS) “may, at any time, for what he deems to be a good and sufficient cause,” revoke the approval of an immigrant petition.¹³⁵ Such revocations are not subject to judicial review.¹³⁶ Individuals with revoked immigrant petitions can appeal the decision to USCIS (although the petitioner and not the beneficiary would need to file the appeal) and ultimately may be placed in removal proceedings if they have no other basis for legal status in the United States.¹³⁷

Individuals who are already LPRs (either after adjusting their status while in the United States or after being admitted into the United States at a port of entry with an approved immigrant petition and immigrant visa) generally cannot lose that status (or have that status be “revoked”) unless they are first placed in removal proceedings and, at the conclusion of those proceedings, an immigration judge determines whether they are deportable and may be removed from the United States.¹³⁸ There is an exception under 8 U.S.C. § 1256(a) in which an LPR can have his or her status rescinded within the first five years of status if DHS determines that the LPR “was not in fact eligible for such adjustment of status.”

Removal Proceedings After Visa Revocations

Removal proceedings normally commence when ICE files a Notice to Appear (NTA) with an immigration court.¹³⁹ An NTA includes the factual allegations and charges against an individual

¹²⁸ See 8 U.S.C. § 1229a (formal removal proceedings); see also CRS In Focus IF11536, *Formal Removal Proceedings: An Introduction*, by Hillel R. Smith (2021).

¹²⁹ See *Stan. Daily Publ'g Corp.*, 820 F. Supp. 3d at 980 (“After revoking a visa, the Government may place the noncitizen into removal proceedings.”).

¹³⁰ See 8 C.F.R. § 239.1 (listing the various immigration officers that have authority to issue a Notice to Appear, which is described in the next section of this report, to initiate removal proceedings); Immigration and Customs Enforcement (ICE), *About Us: Who We Are*, DHS (Mar. 7, 2025), <https://www.ice.gov/about-ice> [<https://perma.cc/G7JR-UZX8>].

¹³¹ 8 U.S.C. § 1101(1)(20) (defining “lawfully admitted for permanent residence”).

¹³² See *id.* § 1255(1) (adjustment of status); ICE, *Adjustment of Status*, DHS (July 8, 2025), <https://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-of-status> [<https://perma.cc/SUG4-3FNU>].

¹³³ 8 C.F.R. §§ 204.1–13 (immigrant visa petitions), 245.2 (application), 245.2(a)(2)(i)(C) (filing a visa petition and an adjustment application concurrently).

¹³⁴ *Id.* § 245.2(a)(5) (application decision).

¹³⁵ *Id.* § 205.2 (revocation on notice).

¹³⁶ *Bouarfa v. Mayorkas*, 604 U.S. 6 (2024).

¹³⁷ 8 C.F.R. § 205.2 (appeals); ICE, *Questions and Answers: Appeals and Motions*, DHS (Apr. 14, 2024), <https://www.uscis.gov/forms/all-forms/questions-and-answers-appeals-and-motions> [<https://perma.cc/V58N-5H3B>].

¹³⁸ 8 U.S.C. § 1229a.

¹³⁹ *Id.* § 1229; DHS, *SAMPLE NOTICE TO APPEAR, FORM I-862* (June 2022), [https://portal.ice.gov/pdf/I-862NTA\(English\)version6.2022.pdf](https://portal.ice.gov/pdf/I-862NTA(English)version6.2022.pdf) [<https://perma.cc/ZQ3H-CT66>].

the government seeks to remove.¹⁴⁰ During removal proceedings, individuals are afforded certain constitutional and statutory protections, including the ability to be represented by an attorney (at their own expense) and to present their arguments as to why they are not removable.¹⁴¹ At the conclusion of the proceedings, the immigration judge may make several determinations, including whether the individual is removable from the United States or eligible for any forms of relief or protection.¹⁴²

Importantly, it is possible that an alien could potentially be removable on multiple grounds, but the government might choose to charge the alien with only some of those grounds. If an alien in a nonimmigrant status has his or her visa revoked because of fraud or misuse under 8 U.S.C. § 1201(g), and is also potentially removable on foreign policy or security-related grounds, it may be easier to pursue removal based on the visa revocation than to adjudicate whether the alien's activities and associations support removal on foreign policy grounds. Under 8 U.S.C. § 1227(a)(4)(C), an alien who was admitted to the United States—whether as an immigrant or as a nonimmigrant—may be subject to removal from the United States if the Secretary of State has reasonable grounds to believe that the alien's "presence or activities . . . would have potentially adverse foreign policy consequences for the United States." There are statutory limits to the use of this authority when "the alien's past, current, or expected beliefs, statements, or associations, if . . . lawful within the United States," are the basis for that determination.¹⁴³ In such cases, the Secretary must "personally determine" that a "compelling United States foreign policy interest" is compromised and report that determination to Congress.¹⁴⁴

Enforcement Actions Regarding Student Visas

In early 2025, some media outlets reported that Secretary of State Rubio revoked several individuals' student visas after he determined they were removable from the United States on foreign policy grounds.¹⁴⁵ In August 2025, it was reported that more than 6,000 foreign students

¹⁴⁰ 8 U.S.C. § 1229(a)(1).

¹⁴¹ Libr. of Cong., *Removal of Aliens Who Have Entered the United States*, CONSTITUTION ANNOTATED, https://constitution.congress.gov/browse/essay/amdt5-6-2-3/ALDE_00013726/ (last visited July 20, 2026).
8 U.S.C. § 1229a(b)(4) (alien's rights in proceeding).

¹⁴² See CRS In Focus IF11536, *Formal Removal Proceedings: An Introduction*, by Hillel R. Smith (2021).

¹⁴³ For an alien to be removable under § 1227(a)(4)(C), the Secretary of State must have reasonable ground to believe that the alien's activities "would have potentially serious adverse foreign policy consequences."
8 U.S.C. § 1227(a)(4)(C). This section, however, includes exceptions identical to the ones specified in the inadmissibility immigration statute.

¹⁴⁴ *Id.* § 1182(a)(3)(C)(iii)-(iv).

¹⁴⁵ See, e.g., Edward Wong, *Rubio Says He Has Revoked 300 or More Visas in Trump's Deportation Push*, N.Y. TIMES (Mar. 28, 2025), <https://www.nytimes.com/2025/03/28/us/politics/rubio-immigration-students-ozturk-chung-khalil.html> [<https://perma.cc/6JSA-FDXS>]; Danielle Wallace & Bill Melugin, *White House: Rubio Reserves the Right to Revoke Green Card or Visa of Anti-Israel Activist Mahmoud Khalil*, FOX NEWS (Mar. 11, 2025), <https://www.foxnews.com/politics/white-house-rubio-reserves-right-revoke-green-card-visa-anti-israel-activist-mahmoud-khalil> [<https://perma.cc/CWE7-9LV8>]; Daniella Silva et al., *Trump Takes Aim at Foreign-Born College Students, with 300 Visas Revoked*, NBC NEWS (Mar. 27, 2025), <https://www.nbcnews.com/news/us-news/trump-administration-takes-aim-immigrant-students-rcna198346> [<https://perma.cc/VFL6-EA2J>].

had had their statuses terminated or visas revoked.¹⁴⁶ As of December 2025, that number had reportedly increased to over 8,000.¹⁴⁷

According to court documents, in late February or early March 2025, Secretary of State Rubio issued a cable called “Catch and Revoke” to implement Executive Order 14161.¹⁴⁸ The cable instructed consular officers to “use the whole-of-government law enforcement systems to vigilantly monitor the activities of aliens—whether they are in the United States or not.”¹⁴⁹ The cable also instructed that if an alien is caught misusing his or her visa, a consular “officer should generally revoke it” pursuant to the authority conferred under 8 U.S.C. § 1201(i).¹⁵⁰

Court documents describe the “Catch and Revoke” policy as involving communication between DHS and the State Department to identify persons whose visas could be revoked for fraud or misuse under 8 U.S.C. § 1201(i) or whose presence in the United States was likely to be determined by the Secretary of State to pose “serious adverse foreign policy consequences” for the United States that made them deportable. According to court documents, DHS would conduct investigations and issue a “Report of Analysis” (which was used to identify potential violations of immigration law) for a particular individual and present it to another division within DHS; then, if appropriate, DHS would send a letter to the State Department to determine whether the specific case concerned warranted visa revocation or whether the Secretary of State had “reasonable ground to believe” the individual was deportable under § 1227(a)(4)(C) (for LPRs).¹⁵¹ If the State Department recommended either action, it would inform DHS of the alien’s “change in status” and DHS could then arrest and initiate removal proceedings against the alien.¹⁵² Many cases

¹⁴⁶ Diana Stancy, *Rubio’s State Department Yanks More Than 6K Student Visas Due to Assault, Burglary, Support for Terrorism*, FOX NEWS (Aug. 18, 2025, at 9:59 ET), <https://www.foxnews.com/politics/rubios-state-department-yanks-more-than-6k-student-visas-due-assault-burglary-support-terrorism> [<https://perma.cc/YG24-5BVH>].

¹⁴⁷ See Jennifer Hansler, *Trump Administration Has Revoked 85,000 Visas Since January, State Department Official Says*, CNN (Dec. 8, 2025, at 20:30 ET), <https://www.cnn.com/2025/12/08/politics/visa-revocations-state-department> [<https://perma.cc/SB5J-E9K9>].

¹⁴⁸ As a reminder, Executive Order 14161, among other things, enhanced vetting and screening of “all aliens seeking admission to the United States.” Exec. Order No. 14161, 90 Fed. Reg. 8451 (Jan. 20, 2025).

¹⁴⁹ *Am. Ass’n of Univ. Professors v. Rubio*, 802 F. Supp. 3d 120, 137 (D. Mass. 2025) (quoting Diplomatic Cable from Marco Rubio, Sec., U.S. Dep’t of State, Catch and Revoke: National Security Through Timely Processing of Visa Systems Messages (Feb. 28, 2025), 25 State 17178, at 1). See also *Sultan v. Trump*, No. 25-cv-1121, 2025 WL 1207071, at *2 (D.D.C. Apr. 24, 2025) (quoting Plaintiffs’ Complaint for Declaratory and Injunctive Relief ¶ 132, *Sultan*, No. 25-cv-1121, 2025 WL 1207071 (D.D.C. Apr. 24, 2025), and describing the program as “an artificial intelligence effort to ‘cancel the visas of foreign nationals who appear to support Hamas or other designated terror groups’”); see also Mark Caputo, *Scoop: State Dept. to Use AI to Revoke Visas of Foreign Students Who Appear “Pro-Hamas,”* AXIOS (Mar. 6, 2025), <https://www.axios.com/2025/03/06/state-department-ai-revoke-foreign-student-visas-hamas> [<https://perma.cc/PB6M-7J74>].

¹⁵⁰ See *Am. Ass’n of Univ. Professors*, 802 F. Supp. 3d at 137.

¹⁵¹ See *id.* at 134.

¹⁵² See *id.* See also, e.g., *Suri v. Trump*, 785 F. Supp. 3d 128, 134 (E.D. Va. 2025) (“The arresting officers also told Dr. Khan Suri that his []student visa[] had been revoked, that he was being arrested because of social media, and that he would be deported to his country that day.”); *Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 890–91 (D. Minn. 2025) (revoked student visa); *Doe 1 v. Bondi*, 785 F. Supp. 3d 1268, 1276 (N.D. Ga. 2025) (some revoked student visas); *Sultan v. Trump*, 2025 WL 1207071, at *2 (D.D.C. Apr. 24, 2025) (revoked student visa); see also *Stan. Daily Publ’g Corp. v. Rubio*, 820 F. Supp. 3d 974, 982 (N.D. Cal. 2026) (“Since March 2025, the Government has continued to revoke visas, arrest, detain, and attempt deportation of lawfully present noncitizens based on their expression related to Israel and Palestine.”). In the first three weeks after “Catch and Revoke” was implemented, reportedly the State Department revoked over 300 visas. See Marina Dunbar, *U.S. Government Has Revoked More Than 600 Student Visas, Data Shows*, THE GUARDIAN (Apr. 10, 2025, at 13:00 ET), <https://www.theguardian.com/us-news/2025/apr/10/how-many-student-visas-revoked> [<https://perma.cc/D48N-ZBC5>].

involved LPRs and nonimmigrants.¹⁵³ The individuals in these cases either had a visa revoked or were deemed deportable aliens under § 1227(a)(4)(C) and were placed in removal proceedings.¹⁵⁴

For example, in one case in 2025, the State Department revoked a Turkish graduate student's nonimmigrant visa after ICE and DHS assessed that she was involved in associations that could undermine U.S. foreign policy.¹⁵⁵ The graduate student had coauthored an op-ed in a student newspaper that criticized, among other things, the university's "dismissal of several resolutions passed by the student senate that demanded the University acknowledge the existence of an ongoing genocide in Palestine."¹⁵⁶ She was arrested and served with an NTA that cited § 1227(a)(1)(B) as the grounds for her removal because she was an alien whose nonimmigrant visa was revoked.¹⁵⁷ A letter that was addressed to her that same day cited § 1227(a)(4)(C) "as a possible basis for" also terminating her Student and Exchange Visitor Information System (SEVIS) record (which, as explained later in this report, terminates student status but does not place an individual in removal proceedings).¹⁵⁸ While in custody, she filed a habeas petition in federal district court arguing "that the government's actions ha[d] violated her First Amendment right to free speech and association" and "that her arrest and detention were intended to be, and actually [were], punitive in violation of her Fifth Amendment due process rights."¹⁵⁹ Later, a federal judge determined her SEVIS record had to be reinstated,¹⁶⁰ and then an immigration judge terminated her removal proceedings on the grounds that DHS had not met its burden in proving she was removable.¹⁶¹

¹⁵³ See, e.g., Sara Cline & Kate Brumback, *Columbia University Activist Mahmoud Khalil Can Be Deported, Immigration Judge Rules*, ASSOCIATED PRESS (Apr. 11, 2025), <https://apnews.com/article/mahmoud-khalil-columbia-protester-ruling-deport-fd9e80583af3109d7de0a5264e79ea61> [<https://perma.cc/U4RV-E8AV>]; Chloe Atkins, *Judge Orders Detained Tufts Student Rumeysa Öztürk to Be Transferred Back to Vermont*, NBC NEWS (Apr. 18, 2025, at 20:18 ET), <https://www.nbcnews.com/news/us-news/tufts-student-rumeysa-ozturk-rcna201954> [<https://perma.cc/3V69-KT73>]; Anna Betts, *Palestinian Student Mohsen Mahdawi Returns to Columbia University: 'They Have Failed to Silence Me'*, THE GUARDIAN (Sept. 2, 2025, at 16:33 ET), <https://www.theguardian.com/us-news/2025/sep/02/mohsen-mahdawi-columbia-university-palestinian> [<https://perma.cc/332W-B9XV>]; Anders Hagstrom et al., *Columbia Student Activist Interviewed by FBI for Allegedly Saying 'I Like to Kill Jews': Court Docs*, FOX NEWS (May 2, 2025, at 10:32 ET), <https://www.foxnews.com/politics/columbia-student-activist-interviewed-fbi-allegedly-saying-i-like-kill-jews-court-docs> [<https://perma.cc/U3S9-DF58>].

¹⁵⁴ See *Khalil v. President, United States*, 164 F.4th 259, 266 (3d Cir. 2026) (per curiam); *Mahdawi v. Trump*, 136 F.4th 443, 447 (2d Cir. 2025); *Öztürk v. Trump*, 779 F. Supp. 3d 462, 473 (D. Vt. 2025).

¹⁵⁵ *Öztürk v. Trump*, 779 F. Supp. 3d 462, 471 (D. Vt. 2025).

¹⁵⁶ *Id.* at 470.

¹⁵⁷ See *id.* at 473.

¹⁵⁸ See *id.*

¹⁵⁹ Opinion and Order at 14, *Öztürk v. Trump*, No. 25-cv-00374 (D. Vt. May 16, 2025), Dkt. No. 140.

¹⁶⁰ Memorandum and Order at 16–19, *Öztürk v. Hyde*, No. 25-cv-12334 (D. Mass. Dec. 8, 2025), Dkt. No. 185 (ordering reinstatement because, among other things, she was likely to succeed in her claim that when DHS terminated her Student and Exchange Visitor Information System [SEVIS] record it did so in violation of the APA because its actions were arbitrary and capricious and it failed to offer any "explanation for the shifting justifications it provided for termination of the SEVIS record."). The graduate student had contended that when ICE terminated her SEVIS record it did not do so in accordance with the law "and was arbitrary and capricious," and the court agreed based, in part, on ICE's continuous change in policy and SEVIS termination justifications. *Id.*

¹⁶¹ See Zach Schonfeld, *Immigration Judge Rejects Trump Administration Bid to Deport Pro-Palestinian Tufts Student*, THE HILL (Feb. 10, 2026, at 9:12 ET), <https://thehill.com/regulation/court-battles/5731054-tufts-student-immigration-victory/> [<https://perma.cc/XFG6-DE5L>]; Letter from Monica H. Allard, ACLU Found. Vt. to Catherine O'Hagan Wolfe, Clerk of the Court, U.S. Court of Appeals for the Second Circuit, <https://live-awp-vermont.panththeon.site.io/app/uploads/2026/02/2026-02-09-Petitioner-28j-Letter-Regarding-IJ-Decision.pdf> [<https://perma.cc/3DXY-NAP9>]; see also 8 C.F.R. § 1003.18(d) (terminating removal proceedings). The immigration judge's order and any accompanying opinion explaining why the nonimmigrant was not shown to be removable is not (continued...)

In connection with this initiative, when the State Department was revoking student visas in 2025, ICE also terminated thousands of nonimmigrant students' SEVIS records.¹⁶² The federal government uses the database SEVIS to monitor and track students before and after entering the United States.¹⁶³ There is a difference between student visa revocations—which can trigger placement in removal proceedings, as mentioned earlier—and termination of a SEVIS record—which is unreviewable in immigration court.¹⁶⁴ If a student's visa is revoked and the student is in the United States, the revocation itself generally does not automatically terminate the student's nonimmigrant status under SEVIS.¹⁶⁵ If the student departs the United States, he or she will likely not be allowed to reenter due to the visa revocation and will need to apply for a new visa abroad; if the student has remained in the United States, the student *can* but will not automatically be placed in removal proceedings as a result of the visa revocation.¹⁶⁶ This will depend on whether ICE chooses to commence removal proceedings against the student.¹⁶⁷ If a student's SEVIS record is terminated and he or she has not applied for reinstatement, ICE can investigate to confirm the student has departed the United States, along with any dependents, and the student cannot reenter the country with a terminated SEVIS record.¹⁶⁸ On May 1, 2025, Members of Congress sent Secretary of State Rubio and then-Secretary of DHS Noem a letter requesting specific information on reports of student visa revocations, including the criteria the agencies

publicly available. However, at least one other court in a similar case has explained that, under the First Amendment, when there is a causal connection between DHS's retaliatory motive and an individual's arrest and detention, DHS has to "show that it would have made the same decision even without the protected speech." *See Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 892–94 (D. Minn. 2025). Even when DHS argues that an individual's "retaliation claim is precluded by" a facially valid arrest basis, like a visa revocation, this "does not preclude inquiry into retaliatory motive," especially when "there is evidence that the revocation was driven by political speech and followed by a detention unsupported by any individualized showing of danger to the public or flight risk." *Id.*

¹⁶² *See* Class Complaint for Declaratory and Injunctive Relief at 2, *Pasula v. DHS*, No. 25-cv-00156 (D.N.H. Apr. 18, 2025); *see also* Memorandum and Order at 6, *Öztürk v. Hyde*, No. 25-cv-12334 (D. Mass. Dec. 8, 2025), Dkt. No. 185 (stating that in April 2025, "ICE issued a 'broadcast message' to [Student and Exchange Visitor Program] (SEVP) personnel that included immediately effective visa revocation as a reason for SEVP to terminate a student's SEVIS record.").

¹⁶³ *See* CRS Infographic IG10039, *Foreign Students: Screening and Monitoring*, by Jill H. Wilson (2023).

¹⁶⁴ *See* Memorandum and Order at 12, *Öztürk v. Hyde*, No. 25-cv-12334 (D. Mass. Dec. 8, 2025), Dkt. No. 185 ("Indeed, other courts have observed that because neither immigration judges nor the [Board of Immigration Appeals] have authority to review SEVIS terminations or reinstatement requests, there is no mechanism to review the propriety of the original termination." (internal quotation marks omitted)); *Study in the States, Student Visa vs. Student Status: What Is the Difference?*, DHS (Jan. 27, 2016), <https://studyinthestates.dhs.gov/2016/01/student-visa-vs-student-status-what-difference> [<https://perma.cc/K9SQ-HJUG>]; *Jie Fang v. Dir. ICE*, 935 F.3d 172, 183–84 (3d Cir. 2019).

¹⁶⁵ *See Doe 1 v. Bondi*, 785 F. Supp. 3d 1268, 1275 (N.D. Ga. 2025) ("[T]he revocation of an F-1 visa does not constitute failure to maintain status pursuant to the relevant regulations and does not provide a basis to terminate F-1 student status under the SEVIS registration system."); *see also* *Sultan v. Trump*, 2025 WL 1207071, at *3 (D.D.C. Apr. 24, 2025) ("While visa revocation does not necessarily terminate a noncitizen's status in the United States, the reason for the revocation could lead DHS to review the student's record and determine that the individual is out of status."). *But see* Memorandum and Order at 6, *Öztürk v. Hyde*, No. 25-cv-12334 (D. Mass. Dec. 8, 2025), Dkt. No. 185 (stating that in April 2025, "ICE issued a 'broadcast message' to [Student and Exchange Visitor Program] (SEVP) personnel that included immediately effective visa revocation as a reason for SEVP to terminate a student's SEVIS record.").

¹⁶⁶ *See Doe 1*, 785 F. Supp. 3d at 1275–76 ("[I]f the visa is revoked, the student is permitted to continue to pursue their course of study in school, but upon departure from the United States, the SEVIS record is terminated, and the student must obtain a new visa from a consulate or embassy abroad before returning."); *see also* *Stan. Daily Publ'g Corp. v. Rubio*, 820 F. Supp. 3d 974, 980 (N.D. Cal. 2026) ("After revoking a visa, the Government may place the noncitizen into removal proceedings.").

¹⁶⁷ *See Stan. Daily Publ'g Corp.*, 820 F. Supp. 3d at 980 ("While the Secretary of State has the discretion to revoke visas and render noncitizens deportable, the Secretary of Homeland Security has the practical role of carrying out that authority.").

¹⁶⁸ *See Doe 1*, 785 F. Supp. 3d at 1281–82; *Sultan v. Trump*, 2025 WL 1207071, at *3.

used to terminate status in SEVIS and whether students and their schools were being notified when their student visas were revoked.¹⁶⁹

The State Department's termination of SEVIS records prompted dozens of lawsuits that culminated with the Trump Administration restoring the students' records in late April 2025.¹⁷⁰ The lawsuits did not challenge or necessarily allege that the student visas were revoked; instead, the students were challenging the termination of their nonimmigrant student status in SEVIS.¹⁷¹ The Trump Administration clarified that it was not reversing "course on a single visa revocation" and that what it did was "restore SEVIS access for people who had not had their visa revoked."¹⁷²

Since these actions, the State Department announced several other policies¹⁷³ concerning the screening and vetting of student and exchange visitor applications. For example, on May 28, 2025, the State Department announced a new policy "to aggressively revoke visas for Chinese students" and to "revise visa criteria to enhance scrutiny of all future visa applications from" China and Hong Kong.¹⁷⁴ More broadly, on June 18, 2025, the State Department announced new guidance for expanded screening and vetting of student and exchange visitor visa applicants to protect "our nation and our citizens by upholding the highest standards of national security and public safety through our visa process" and is now requiring student and exchange visitor visa applicants to "adjust the privacy settings on all of their social media profiles to 'public.'"¹⁷⁵ Finally, on August 28, 2025, DHS published a proposed rule to end duration of status for certain student visa holders.¹⁷⁶ This means that instead of being able to remain in the United States "for the period of time that they are complying with the terms of their and conditions of their

¹⁶⁹ Letter from Pramila Jayapal, Ranking Member Subcomm. on Immigr. Integrity, Sec., and Enf't, to Marco Rubio, Sec., U.S. Dep't of State, and Kirsti Noem, Sec., DHS (May 1, 2025), https://jayapal.house.gov/wp-content/uploads/2025/05/Letter_Student_Visa_Revocations_05_01_2025_142sigs.pdf [<https://perma.cc/T47G-FHFJ>].

¹⁷⁰ See, e.g., Complaint for Declaratory and Injunctive Relief at 9, *K.O.D. v. Noem*, No. 25-CV-00391 (D.N.M. Apr. 22, 2025); Complaint for Declaratory and Injunctive Relief, *Doe No. 1 v. Noem*, No. 25-CV-02998 (D.N.J. Apr. 22, 2025); Class Complaint for Declaratory and Injunctive Relief, *Pasula v. DHS*, No. 25-cv-00156 (D.N.H. Apr. 18, 2025); Defendants' Supplemental Notice of Suggestion of Mootness at 2, *Student Doe No. 1 v. Noem*, No. 25-CV-00847 (C.D. Cal. Apr. 25, 2025). See also Adrian Florido, *Government Says—For Now—It Will Restore International Students' Status*, NPR (Apr. 25, 2025, at 5:56 ET), <https://www.npr.org/2025/04/25/nx-s1-5377610/government-says-for-now-it-will-restore-international-students-status>. In at least some of these cases, the students' SEVIS records were terminated after they had been arrested for various traffic and other minor violations. See, e.g., Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction at 7–9, *Pasula v. DHS*, No. 25-cv-00156 (D.N.H. May 1, 2025); Memorandum of Law in Opposition to Plaintiffs' Motion for a Temporary Restraining Order at 6–10, *Doe No. 1 v. Noem*, No. 25-CV-02998 (D.N.J. Apr. 24, 2025).

¹⁷¹ See Complaint for Declaratory and Injunctive Relief at 3, *K.O.D.*, No. 25-CV-00391 (D.N.M. Apr. 22, 2025); Class Complaint for Declaratory and Injunctive Relief at 7, *Pasula v. DHS*, No. 25-cv-00156 (D.N.H. Apr. 18, 2025); Complaint for Declaratory and Injunctive Relief at 24, *Doe No. 1*, No. 25-CV-02998 (D.N.J. Apr. 22, 2025).

¹⁷² Zach Montague & Hamed Aleaziz, *U.S. Restores Legal Status for Many International Students, But Warns of Removals to Come*, N.Y. TIMES (Apr. 25, 2025), <https://www.nytimes.com/2025/04/25/us/politics/trump-student-visa-cancellations.html> [<https://perma.cc/3J8L-JWFU>].

¹⁷³ The policies listed in this paragraph are non-exhaustive.

¹⁷⁴ See Emily Feng, *Rubio's Move to Revoke Chinese Students' Visas Sparks Condemnation*, NPR (May 29, 2025, at 17:54 ET), <https://www.npr.org/2025/05/29/nx-s1-5414341/china-student-visas-rubio> [<https://perma.cc/J9FG-LUW5>]; Sara Cook (@saraecook), X (May 28, 2025, at 18:59 ET), <https://x.com/saraecook/status/1927862214758699496> [<https://perma.cc/HXT7-AUMF>].

¹⁷⁵ Press Release, U.S. Dep't of State, Off. of the Spokesperson, Announcement of Expanded Screening and Vetting for Visa Applicants (June 18, 2025), <https://www.state.gov/releases/office-of-the-spokesperson/2025/06/announcement-of-expanded-screening-and-vetting-for-visa-applicants/> [<https://perma.cc/3BJS-C3XH>].

¹⁷⁶ Establishing a Fixed Time Period of Admission and Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, 90 Fed. Reg. 42070 (Aug. 28, 2025) (to be codified at 8 C.F.R. pts. 214, 248, and 274a.12).

nonimmigrant classification,” students and exchange visitors (and their dependents) on F or J visas would be admitted for a fixed period of time, not to exceed four years.¹⁷⁷

Considerations for Congress

Congress has options if it wishes to address the scope of the authority it has delegated to the executive branch to issue, refuse, and revoke visas. As discussed earlier, there are few existing avenues for judicial review of visa decisions, and there is no uniform appeals process for visa refusals within the State Department other than supervisory review (and in some cases, an advisory opinion).¹⁷⁸ In the 100th and 114th Congresses, legislation was introduced that would have permitted judicial review of visa denials in some cases and would have established a “Board of Visa Appeals” to, among other things, review consular officers’ discretionary decisions regarding certain immigrant visa applications.¹⁷⁹ Further, Congress could amend the State Department’s existing authority to revoke visas under 8 U.S.C. § 1201(i) such as by adding a temporal limit (the statute currently says a visa can be revoked “at any time”) or limiting the situations in which a consular officer or the Secretary of State may revoke a visa (the statute currently says “in his discretion”) such as by adding a requirement that certain findings must first be made before revoking a visa.

Congress may also, potentially, establish new visa restrictions or require the revocation of visas for certain individuals. For example, the PAUSE Act of 2025 in the 119th Congress would pause all visa issuances until federal immigration law provides, among other things, that nonimmigrants may not adjust status, “Islamist[s]” and “known or suspected terrorist[s]” may not be given any lawful status under immigration law, and citizenship at birth is allowed only to children who are born in the United States and have at least one parent who is an LPR or U.S. citizen.¹⁸⁰ The UPRISERS Act introduced in the 118th Congress and reintroduced in the 119th Congress would revoke the visas of certain students who were convicted of assaulting a police officer or an offense relating to rioting.¹⁸¹ The No Visas for Anti-Semitic Students Act, originally introduced in the 118th Congress and reintroduced in the 119th Congress, would revoke the visas of students who engage in anti-Semitic conduct.¹⁸² Finally, the Mandatory Removal Proceedings Act in the 118th Congress was reintroduced in the 119th Congress, which would require the DHS Secretary to immediately begin removal proceedings for aliens whose visas were revoked on security-related grounds.¹⁸³ In addition to proposals regarding the issuance or revocation of visas, Congress could consider adding penalties to visa holders who violate the terms of their stay.¹⁸⁴

¹⁷⁷ *See id.*

¹⁷⁸ *See* U.S. DEP’T OF STATE, 9 FAM 403.12 (nonimmigrant visa adjudication review), 504.11 (immigrant visa refusals).

¹⁷⁹ *See* H.R. 1119, 100th Cong. (1987); H.R. 52, 114th Cong. (2015).

¹⁸⁰ H.R. 6225, 119th Cong. (2025). The Supreme Court subsequently ruled in *Trump v. Barbara*, No. 25-365, 2026 WL 1870543 (U.S. June 30, 2026), that children born in the United States to alien parents who are unlawfully or temporarily present in the country are citizens at birth under the Fourteenth Amendment.

¹⁸¹ H.R. 8903, 118th Cong. (2024); H.R. 2273, 119th Cong. (2025).

¹⁸² H.R. 7232, 118th Cong. (2024). H.R. 2866, 119th Cong. (2025).

¹⁸³ H.R. 6971, 118th Cong. (2024). S. 486, 119th Cong. (2025).

¹⁸⁴ For more information on penalties and other policy approaches to addressing visa overstay, see CRS Report R47848, *Nonimmigrant Overstays: Overview and Policy Issues*, coordinated by Jill H. Wilson (2023).

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