

Episode 39 – My F-1 Visa Was Revoked! An Update with Kathleen Gasparian

Brian Mitchell: Welcome to Grad-post! I'm your host, Brian S. Mitchell and we're here to talk about life before, during, and after graduate school, and whether an advanced degree is right for you. I'll draw upon my experiences as a graduate dean and research mentor, as well as my network of students, colleagues, and experts to bring you the most complete information on graduate education that I can.

I'm delighted to have back with us today Kathleen Gasparian, an immigration attorney with [Gasparian Spivey Immigration in New Orleans](#). Our listeners will recall that Kathleen gave an outstanding overview of the F-1 visa process back in [Episode 29](#), which by the way is the most streamed episode of Grad-post! Kathleen – thank you for being back with us today!

Kathleen Gasparian: Brian! It's great to be here. I'm excited about getting a chance to talk about maybe some updates and changes in immigration. I keep saying to everybody, it feels like everything has changed, and nothing has changed at the same time. What do I mean by that? Well, for those of you who are not listening to this the day it drops, we're talking in May of 2025. We just had a new President come in in January. So, we're at the end of his first 100 days in office and having a new President is really important in the United States because of how our legal system is set up.

We always talk about that there's three branches of government, and those three branches have different responsibilities. Those three branches kind of check each other - we call it the checks and balances. Well, the President is in charge of the executive branch, which is all the government offices and agencies that do the day-to-day work of our lives, that's like the tax people and the Department of Education. Well, that's also immigration. Immigration is one of the areas where the President has the greatest power to have discretion and to interpret the rules that Congress had set out. Right now, I think people who are in the U.S. already feel like there's been a whole lot of upheaval and changes with immigration. And I think people outside of the U.S. may be seeing news stories about people running into problems entering the U.S., and things like that.

And it's not that our immigration law has changed, but everything has changed as well. And what do I mean? So, Congress makes law. They write the statute. The judges interpret the law, and then the executive branch is setting the policies. They're setting the tone, they're setting the enforcement, and so I would say, if you think about driving a car, and everybody knows that on this particular stretch of road there's usually a cop sitting there to see who's speeding, and there's one cop who gets you if you go 2 miles over, there's one cop who gets you if you're 5 miles over, and there's one cop who you have to be like going super crazy fast for anybody to stop you. Well, this administration, applying the same law, the same rule of the speed trap has said, we want everybody to be a hundred percent compliant. And so we're going to get anybody who's going 2 miles over. We don't have a change in the statute. We don't have new regulations yet, but we definitely have an overarching attitude of enforcement and really being strict with security checks and things like that.

If you are the first time going for an F-1 visa, the rules are still the same as the last podcast which is, you have to show you've been accepted to a school and all of these different things. But we know we're going to have a lot more strict scrutiny. People really paying attention to is there really enough money to pay for school? Are you really going back home after you graduate? I think we can just really expect that there's going to be a lot more looking at the details, not only when you go to the embassy to apply for your visa sticker, but when you're entering the United States and dealing with the immigration officer.

I think you had asked me has anything substantive change? Yes and no! Like, yeah, that's the best answer I can give. I do think people should be really prepared for things to take a lot longer. It's going to be a lot

longer to get into embassies. It's going to be a lot longer to get your visa sticker. You might have longer delays when you're entering the U.S. I think everybody needs to be really, really thoughtful about carrying as many documents as they can that you need to prove. You want to make sure you have the documents to show it because that's all part of the strict scrutiny.

I do think certain fields may have some extra scrutiny. Fields where the work that you're doing has been determined to be of national security importance. You might find some extra scrutiny at the embassy. That could be AI, nuclear stuff. Super hard sciences might run into some extra scrutiny based on just the security issues. Also maybe questions about collaborating with scientists outside of the U.S. If you're working on something that's maybe related to defense - are you also working with or collaborating with scientists in other places? That, I think, could lead to some extra scrutiny at the embassy.

Brian Mitchell: Do you think there will be a change in the number of visas awarded? I looked at the State Department website, and there's only 2 month's worth of data, but it looks very similar to 2024 in terms of number of F-1 visas awarded. Is there any indication that there will be fewer visas awarded?

Kathleen Gasparian: We don't have enough data yet. We don't have a large enough data set, I think, to really opine. But I'm going to, anyway! Like, I have some thoughts about this, anyway. I think we are going to see some changes in the demographics of who gets student visas. The pandemic was not that long ago, we saw a huge drop in visa applications after the pandemic and those numbers - they're coming back up, but they're not where they were. We know that people are concerned. Universities are concerned about numbers of applicants dropping because of the current immigration policies. We're not going to really know, I think, about what the numbers look like until we get through the summer. I do think overall, we're going to see a reduction and I think it's going to come from different aspects. Number one. People may not be sure if they want to apply to come to the U.S. right now, and so I think that the demand part is going to maybe be in flux. In terms of how the embassy makes decisions, we had some really great language from the Biden Administration about understanding that it's hard for students to show ties to the home country and things like that. We're kind of expecting that language to disappear. And so with the strict scrutiny, I really do think we're going to have lots of going back to patterns where maybe it's common to get denied for your first F-1 visa, and then have to reapply because you're either getting denied for not having enough financial documents or because the immigration officer needs you to prove even more that you have a plan to go back home.

Those are two things to look at, but I do think one of the other concerns we have as immigration lawyers is there are always rumors flying that there will be travel bans. We do not yet have formal travel bans from this administration. The first time Trump was in office we did. We had formal declarations about limiting travel from certain areas or saying certain countries would not get be able to get non-immigrant meaning F-1 visas. We don't have that yet, but we have indications that it might be coming. There was new article ... information leaked to the New York Times about this idea that there would be red, orange, and yellow countries, right? That the administration had said, these red countries - meaning this category of countries we know - are of high risk security-wise and we're just not going to issue any visas. Orange is like, maybe we're a little worried about you, but we're going to make some exceptions, and then yellow is: if the government of that country gets their act together, everything will be good, but for right now we're not sure about it. And it's a pretty long list. What's concerning about it is a number of countries that we have been seeing growth of students from. Nigeria - well, in general, the African continent. Certain parts of South Asia, are on that list, and so where maybe we were seeing rise of students coming to the U.S., we're not really sure what the administration's either travel bans or political relationships, how hard it's going to be to get visas coming out of those countries.

All hope is not lost, right? I think people need to know that. I think America is still really welcoming and definitely at the graduate level. There's definitely a desire for this administration to attract the best and the brightest. We have executive orders talking about the importance of science, and having the best and the brightest in the U.S. But we are really at a crossroads. We don't know yet what this summer is going to look like in terms of visa issuance. I definitely think it's worth trying. I think it's worth it to have a backup plan. I also think it's a really good idea to really over-document.

Brian Mitchell: Okay, so let's move on to some things that definitely have changed, namely, revocation and reinstatement of F-1 visas for students already studying here in the United States, and, to use your analogy one step further, I think some may feel like it's not for driving 2 miles an hour over the speed limit, it's for driving a red car. What should a student do if their F-1 visa is revoked?

Kathleen Gasparian: Let's again make sure we're talking apples and apples. So the visa, meaning this visa sticker in the passport is the permission to enter the U.S. Once you were here as a student, your [SEVIS](#) record - meaning your record in the big immigration database - plus your I-20, plus your I-94, is what gives you permission to be here, and you know, go to school and things like that. Once you enter the U.S., if the visa sticker is revoked, meaning you get an email from the Department of State that says we're revoking your visa, you may still be in status, right? You may still have a SEVIS record, a valid I-20. You're going to school, and things like that.

We have been seeing visa revocations for years, decades, like not just this administration. Lots of other administrations, too. Where we usually would see them is, if you had an arrest related to alcohol, the Department of State would cancel your visa. If you were from like Iran, and you came in and changed your major, they might cancel your visa. It would depend a lot upon your country of origin, and then actions in the U.S. So, we have a whole bunch of visa revocations from the Department of State in the last 100 days. More than we've probably had in the last couple of years altogether. It also made the news in a way that these things don't normally do that. And what they said was: "Well, if your visa is revoked, you don't have permission to be here." Well, it's kind of true and kind of not true. So really, what happens if your visa gets revoked? Technically, that can be a ground of removal, meaning, if immigration went to the effort of putting you into removal proceedings that could be a charge they bring against you for them to argue why you would be removable from the U.S. But it's not automatic like they come and take you away, right? There's this right to removal proceedings. But it's a section of the law that just like nobody ever brings those charges, because most of the time there hasn't been a status violation. You're still going to school. You're still doing all the things you're supposed to, or they're only bringing that charge when there's something more.

The Department of State can and does revoke visas all the time. That revocation is not as worrying as what happens if your SEVIS record is terminated and then this one is even more murky. We did actually see the people at universities who sign the I-20s - the DSOs - they have times when they are required to terminate students in SEVIS, right? You stop going to class, they're going to terminate you. A terminated SEVIS record means absolutely, you are out of status, and if you were out of status, that means you can be subject to deportation from the United States. Now, what happened recently is, instead of people at universities terminating the records, ICE went in and terminated a bunch of records. Why? Well, a lot of them were connected to having a criminal arrest. Just being arrested, though, isn't usually enough to make you deportable or enough to make you out of status. What happened then is there was a bunch of lawsuits, and so then, people got put back into status. So, this is a time when the administration is - and they're very upfront about this trying to say, "we have all of this power. We can do all of these things," or "This is how we think we should be able to do immigration." It's the checks and balances of our system are pulling it back and pulling it into place. So, there's a lot happening really fast. But on the whole, the rule is: maintain your status. If you're maintaining your status, you're going to class, you're pursuing your degree, you're

paying your bill, you're only working as authorized, you should not be running into issues like a terminated record.

Brian Mitchell: Let's then talk about the unusual case, then, of a record being terminated. What should a student do? Should they self deport at that point? Should they wait? What's your advice?

Kathleen Gasparian: If you end up with a terminated record for some reason you need to talk to a really good immigration attorney, because the answer is often - when a student has a violation of status, when you fail to maintain status and we have a terminated record - sometimes we can fix it. Sometimes we can fix it in connection with the person at the university, the DSO. Sometimes we have to make a filing with immigration called a Reinstatement Application. Sometimes we want to send you out and bring you back in, but usually if you have a terminated record, or you know, you may have ways of staying in the U.S. if that's what you want to do separate from your F-1 status. For some people, it may just be the answer is to get on a plane and go. But you want to make sure you're talking about with your counsel before you do that, because also, if you do have a criminal arrest or a criminal issue, leaving the country might cause problems in that criminal context. So, you want to make sure ... you know, it's worth the time and the money to make sure you're doing the right thing. And this is especially true like, in your last year of school - you're close to graduating - you know you want to be thinking about what's the best option to have you OPT, or, you know, be able to work in the U.S. afterwards, or come back to the U.S. 10 years from now.

Brian Mitchell: Right. So, I'm glad you mentioned OPT. Maybe we can talk about that some other time, because there are rumors flying around that that may be discontinued as well. But back to in the case where a status is terminated, you know, in talking with some other graduate deans, I know that they are trying to be very accommodating in these cases that there are ways for students to finish the semester remotely, and in some cases even finish their degree remotely. So, I just want to interject here that if you're a student in that situation, certainly do as Kathleen has advised here and seek counsel, but also talk with your program about ways of completing either your term or your degree remotely, if you should be in that case. So, institutions are also advising some of their international students to limit travel abroad this summer. What are some of the risks involved for those on F-1 visas, maybe traveling out of the country this summer?

Kathleen Gasparian: Well, I mean, like we talked about. So, having a visa stamp does not guarantee you get to enter the U.S. So, entering the U.S. is a privilege, not a right unless you're a U.S. citizen. And so the officer at the border gets to make their own assessment about F-1 status, or if you have to go to an embassy right, and you have to renew your visa. There's no guarantee you're going to get a new visa stamp. So, everybody's really concerned because there have been a lot of stories in the news of people being refused entry. This is something that my office has been really tracking. We've been really interested in it, and I think almost all of them connect to a criminal issue. The criminal issue may also be connected to political speech, which is a different issue, right? Like, I was at a protest I got arrested, but that still makes it a criminal arrest and a criminal issue. Or there's maybe an issue of were you really coming in to be a tourist, or were you really coming in to work, right? Did you have a brain that matches the sticker in your passport? The guys at the border have been refusing people entry for a really long time. They've been refusing it based on what's on your social media. They've been looking at electronic devices for a long time. What's different right now is a couple of things. One, just the news is really interested in it and so the stories are getting covered. And, like I said, it's really, definitely a time of strict scrutiny. Everybody is making sure that everything is right. Every "i" is dotted, every "t" is crossed, and especially if you were from a country that is on those red/orange lists. And like I say, the African continent. You know, areas of unrest. Areas where maybe the U.S. doesn't have the best diplomatic relations. There may be a risk that while you were out of the U.S., that there is a travel ban that comes down. We know that there's really strong rumors that are in the works. And so that would be my first concern, right? Are you from a country where there might not be

travel at all? There is a lot of discretion, for you know, visa issuance and entry in the U.S. And so I think anybody who's ever had a failure to maintain status, anybody who's had any contact with law enforcement, anybody who's maybe doesn't have a really strong GPA, right? Like you might want to make sure it's a good idea to travel. Talk to an immigration attorney. Talk to your international office.

We are at the very beginning of this administration. We're like I said a hundred days in where this is a marathon, not a sprint. So we have a lot to go. We also know that, like the policies are being discussed at the very upper levels, and they haven't made it down to every single officer yet. And so they're coming. And so maybe, if, like, you're really close to graduating, maybe you don't need to travel this summer. Maybe you wait until the fall when we have better data to better predict what this administration is looking for.

Brian Mitchell: Just a final thought on travel. Are there any similar risks for those traveling within the United States on an F-1 visa?

Kathleen Gasparian: So, that's actually a really good question. So, individuals who are in the U.S. as non-immigrant F-1s have an obligation to have their documents on them. And so if you're traveling outside of your city like, let's say you're going to school here in New Orleans, you want to go to New York for the weekend. You need to have all your documents with you. Is anybody going to ask to see them? Probably not. But you need to have them with you. We don't have internal checkpoints like a lot of other countries do. I was in Egypt in the fall, and I swear every three miles we had to show our passports. But what we do have is along the southern border, which is really long. And so that could be San Diego. That could be summer break places along the coast of, you know, Texas. Basically, along the southern border, we do have internal checkpoints. And so in those scenarios, you could absolutely be requested to show your documents and prove that you have status in the U.S. In this climate, it is a really good idea, like I said, if you're traveling outside, you want to make sure you're in compliance with the law, and that you have your documents with you. You're not going through immigration inspections at like airports or things like that.

Brian Mitchell: So, this has all been really very helpful. Any final thoughts or things that you're keeping an eye on with respect to immigration policy for international students?

Kathleen Gasparian: Well, I mean, obviously, yeah, you talked about OPT. That's something we definitely watch around here. The good news is, there was a whole bunch of lawsuits about OPT under the Obama administration, so we know that in order to really change the rules about OPT, we know there's going to have to be all sorts of regulatory process. The regulatory process is when the agency makes publications and they have to have reasonings and roll out changes, and we'd have lots and lots of warnings about it. I don't think OPT will go away, and I definitely don't think it will go away for STEM fields. It's just relied on too much by too many industries. But I think we could see changes. I think we may also see changes in how H1Bs work or things like that.

I am also really perpetually hopeful, and I know I'm an optimist, but one of the great things is with all of this talk about immigration, we never know. It could mean that we get a change in actual statutes, right? The statute we work with for immigration has been around since 1996. Most countries update their immigration laws a lot more often than that. But it could be just that like it's becoming part of the national dialogue in a way that I mean, I don't like the enforcement attitude. I think anybody who knows me knows that. But I do like that people are thinking about immigration in a way that they haven't before. I do also think since 9/11, like students are always the highest level of scrutiny because they can. But the advantage of that is also that there is a security in that scrutiny, right? You don't really have to worry like as long as you're maintaining your status, there really isn't anything to worry about. That said, we always make extra plans. We document. We keep up with our things. So, that's it.

Brian Mitchell: Great. Well, thank you so much for joining me again today, Kathleen. And thank you to our audience. All of the links referenced in this podcast are available on the podcast website at gradpost.com, that's GRAD dash POST. There you'll find additional information and resources to help you plan your adventure for an advanced degree. Remember, every degree counts.

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