

JOHN DOE 1, JOHN DOE 2, JANE
DOE 3, JANE DOE 4, JANE DOE 5,
JOHN DOE 6, JOHN DOE 7, JANE
DOE 8, JOHN DOE 9

Plaintiffs,

v.

PAM BONDI
Attorney General of the United States

KRISTI NOEM,
Secretary of Homeland Security

TODD LYONS,
Acting Director of U.S. Immigration
and Customs Enforcement

Defendants.

2. Plaintiffs' SEVIS records have been abruptly and unlawfully terminated by U.S.

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Immigration and Customs Enforcement (ICE), stripping them of their ability to remain lawfully as an F-1 visa student holding lawful status in the United States, subjecting them to arrest, detention, and deportation, and forcing them to lose their schooling and their employment.

3. The Student and Exchange Visitor Information Systems (SEVIS) is a government database that tracks international students' compliance with their student status. ICE, through the Student and Exchange Visitor Program (SEVP), uses SEVIS to monitor student status. Following the revocation of their visa, SEVP terminated Plaintiffs' SEVIS records and marked Plaintiffs as "OTHER – Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated" or, "Otherwise Failing to Maintain Status" purportedly with a narrative citing deportability provisions under INA § 237(a)(1)(C)(i) [8 U.S.C. § 1227(a)(1)(C)] (failure to maintain status) and INA 237(a)(4)(C)(i) [8 U.S.C. § 1227(a)(4)(C)(i)] (foreign policy ground).

4. The termination of a SEVIS record effectively ends student status. The "Study in the States" website through the Department of Homeland Security makes multiple claims that when a SEVIS record is terminated, the student must seek reinstatement (which presupposes a failure to maintain status or that the status has been terminated) or depart the United States.² Upon SEVIS termination, the student instantly becomes out of status, losing all employment authorizations and student privileges.³ Plaintiffs were informed that when their SEVIS was terminated, and that they

² "Study in the States, Sevis Help Hub, Terminate a Student," DEPARTMENT OF HOMELAND SECURITY, <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student> (last updated: November 7, 2024) (last accessed April 16, 2025).

³ See "SEVIS Help Hub, Termination Reasons," DEPARTMENT OF HOMELAND SECURITY, <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons> (Last Updated April 9, 2025) (Last Accessed April 16, 2025) (note the lack of guidance on students with criminal convictions or arrests); *see also* USCIS Policy Memo PM-602-1060.1

were no longer in status. At this point, the student must either depart the United States immediately or apply for reinstatement of status through USCIS, a discretionary process generally available only if the violation occurred under circumstances beyond the student's control and the student has been out of status fewer than five months.⁴ Upon information and belief, Defendants have informed multiple schools that they will deny all applications for reinstatement for students in Plaintiffs' situation. Further it is the current USCIS policy to refer all denied applications into immigration removal proceedings. Failure to maintain status also renders the student deportable under 8 U.S.C. § 1227(a)(1)(C)(i), and potentially triggers immigration enforcement actions, including removal proceedings and visa revocation. *See, e.g., Matter of Yazdani*, 17 I&N Dec. 626 (BIA 1981).

5. However, even when a visa is revoked, ICE is not authorized to terminate Plaintiffs' student status. Even if the grounds of 8 U.S.C. § 1227(a)(1)(C) and 8 U.S.C. § 1227(a)(4)(C)(i) were provided, they do not provide legal authority to terminate Plaintiffs' SEVIS records. An F-1 visa controls a student's entry into the country, not their continued lawful presence once admitted. Plaintiffs were in full compliance with the terms of their student status and had not engaged in any conduct that would warrant the termination of their status. Practically speaking, termination of a SEVIS record prevents the student from doing things they *must* do in order to maintain their status, like OPT reporting, requesting transfers, requesting reduced course load for medical emergencies, etc.

6. In some, but not all cases, the Department of State (DOS) has "revoked" the student visa. A revocation of a visa does not impact the person's status. Rather, DHS's act of unlawfully terminating SEVIS records based on visa revocations appears to be designed to coerce students,

⁴ 8 C.F.R. § 214.2(f)(16); USCIS Policy Manual, Vol. 2, Pt. F, Ch. 4 and Ch. 8.

including each Plaintiff, into abandoning their studies and “self-deporting” despite not violating their status. To that end, ICE has engaged in highly publicized arrests of students who presented no flight risk or danger, whisking them away from their campuses to faraway detention centers without warning based on their exercise of First Amendment rights.⁵

7. If ICE believes a student is deportable for having a revoked visa, it has the authority to initiate removal proceedings and make its case in court. However, it cannot misuse SEVIS to circumvent the law, strip students of status, and drive them out of the country without process.

8. Over the past two weeks, visa revocations and SEVIS terminations have shaken campuses across the country and Utah, including those in the Utah university system: Salt Lake Community College, Snow College, University of Utah, Utah State University, Utah Valley University, Weber State University, Southern Utah University, Utah Tech, Ensign College, and Brigham Young University.⁶⁷ This policy targets students from all over the world. The SEVIS terminations have taken place against the backdrop of numerous demands being made of

⁵ “These Are the Students Targeted by Trump’s Immigration Enforcement Over Campus Activism,” TIME (April 1, 2025) <https://time.com/7272060/international-students-targeted-trump-ice-detention-deport-campus-palestinian-activism/> (last accessed April 16, 2025) (An unnamed student at Minnesota State University, Mankato was arrested and detained.; Rumeysa Ozturk was arrested in Boston near Tufts University where she attended as an F-1 visa student for her PhD studies; ICE attempted to arrest Yunseo Chung, a Columbia University Student; Badar Khan Suri, a J-1 visa holder studying at Georgetown was detained by ICE; Ranjani Srinivasan, a Ph.D. student at Columbia University was told by the school her visa was revoked but that she remained in legal status (because her SEVIS hadn’t been terminated) and ICE agents attempted to arrest her without a warrant – she fled to Canada;

⁶ See Binkley, Collin, Annie Ma, and Makiya Seminera, *Federal officials are quietly terminating the legal residency of some international college students*, Associated Press, April 4, 2025, <https://apnews.com/article/college-international-student-f1-visa-ice-trump-7a1d186c06a5fdb2f64506dcf208105a>.

⁷ See Tavss, Jeff, *Dozens of Utah university students have visas revoked by Trump administration*, Fox 13 Salt Lake City, April 9, 2025, <https://www.fox13now.com/news/local-news/dozens-of-utah-university-students-have-visas-revoked-by-trump-administration>.

universities by the federal government and threats of cutting off billions of dollars in federal funding. ICE has created chaos as schools have attempted to understand what is happening and do their best to inform and advise students.

9. At the most elemental level, the United States Constitution requires notice and a meaningful opportunity to be heard. *See Choeum v. I.N.S.*, 129 F.3d 29, 38 (1st Cr. 1997) (“At the core of [a noncitizen’s] . . . due process rights is the right to notice and the nature of the charges and meaningful opportunity to be heard.”); *Matthews v. Eldridge*, 424 U.S. 319, 322 (1976). Plaintiffs were afforded no such process.

10. Plaintiffs *do not* challenge the *revocation* of their F-1 visas at this time, even though said revocations appear to have been taken in bad faith. Rather, Plaintiffs bring this action under the Administrative Procedure Act (APA), the Fifth Amendment to the U.S. Constitution, and the Declaratory Judgment Act to challenge ICE’s illegal termination of their SEVIS record and seek a Temporary Restraining Order (and expedited Preliminary Injunction) reinstating their SEVIS registration, restoring their student status and Forms I-20 to allow them to resume their studies, and allowing Plaintiffs on Optional Practical Training (“OPT”) or Curricular Practical Training (“CPT”) to resume working under their terms of their lawful student (F-1) status.

11. If DHS wishes to terminate student status under the SEVIS system after (or independent of) revocation of a F-1 visa, DHS must comply with 8 C.F.R. § 241.1(d). *See Jie Fang v. Director U.S. Immigration & Customs Enforcement*, 935 F.3d 172, 185 n.103 (3d Cir. 2019). DHS has not done so here.

JURISDICTION AND VENUE

12. This Court has jurisdiction over the present action based on 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346(b) (federal defendant), and 28 U.S.C. § 2201-2 (authority to issue

declaratory judgment when jurisdiction already exists).

13. Venue is proper with this Court pursuant to 28 U.S.C. § 1391(e) because this is a civil action in which Defendants are employees or officers of the United States, acting in their official capacity; and because Plaintiffs all currently reside in counties located within the District of Utah, and there is no real property involved in this action.

PARTIES

14. John Doe 1 is an international student [REDACTED]

[REDACTED]. John Doe 1 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants for asserting his rights through this lawsuit, and of harassment or blacklisting by third parties.⁸

15. John Doe 2 is an international student who is [REDACTED]nd

[REDACTED]. John Doe 2 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

16. Jane Doe 3 is an international student who is [REDACTED]-

[REDACTED]. Jane Doe 3 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

17. Jane Doe 4 is an international student who is [REDACTED]e

[REDACTED] Jane Doe 4 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

⁸ Plaintiffs have jointly filed a motion to proceed pseudonymously concurrent with the motion for temporary restraining order and preliminary injunction.

18. Jane Doe 5 is an international student who is [REDACTED] - [REDACTED]. Jane Doe 5 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

19. John Doe 6 is an international student [REDACTED] [REDACTED]. John Doe 6 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

20. John Doe 7 is an international student [REDACTED] [REDACTED]. John Doe 7 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

21. Jane Doe 8 [REDACTED] [REDACTED]. Jane Doe 8 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

22. John Doe 9 is an international student [REDACTED] [REDACTED]. John Doe 9 seeks to proceed in this action with a pseudonym due to fear of retaliation by Defendants.

23. Defendant Pam Bondi is the Secretary of the Attorney General of the United States and represents the United States in legal matters generally and gives advice and opinions to the President and to the heads of the executive departments of the Government when so requested.

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

25. Defendant Todd Lyons is the Acting Director of ICE and has authority over the

operations of ICE. In that capacity and through his agents, Defendant Lyons has broad authority over the operation and enforcement of the immigration laws. Defendant Lyons is sued in his official capacity. ICE is responsible for the termination of Plaintiffs' SEVIS records.

LEGAL FRAMEWORK

26. A nonimmigrant visa controls a noncitizen's *admission* into the United States, *not* their continued stay. Congress established a statutory basis for student visas under 8 U.S.C. § 1101(a)(15)(F)(i), requiring that a noncitizen engage in a full course of study to maintain nonimmigrant status.⁹ Once admitted in student status through the F-1 visa, a student is granted permission to remain in the United States for the duration of status (D/S) as long as they continue to meet the requirements established by the regulations governing their visa classification in 8 C.F.R. § 214.2(f), such as maintaining a full course of study and avoiding unauthorized employment. Students who complete that course of study are entitled to apply for Optional Practical Training ("OPT")¹⁰, which, if approved, allows them to remain for an additional year (and in cases of STEM degrees up to three years) working in their field of study. Some degree programs also allow active students to work in their field of study during their course of study under Curricular Practical Training ("CPT").

27. SEVIS is a centralized database maintained by the SEVP within ICE used to manage information on nonimmigrant students and exchange visitors and track their compliance with terms of their status. Under 8 C.F.R. § 214.3(g)(2), Designated School Officials (DSOs) must report through SEVIS to SEVP when a student fails to maintain status. SEVIS termination is governed by SEVP policy and regulations. Termination of SEVIS registration can only be done

⁹ See also 8 C.F.R. § 214.2(f)(5)(i) ("The student is considered to be maintaining status of the student is making normal progress toward completing a course of study.").

¹⁰ 8 C.F.R. § 214.2(f)(10)

on one of the outlined grounds, one of which is a student's failure to maintain status.

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

29. The first category, failure to maintain status, involves circumstances where a student voluntarily or inadvertently falls out of compliance with the F-1 visa requirements, for example by failing to maintain a full course of study, engaging in unauthorized employment, or other violations of their status requirements under 8 C.F.R. § 214.2(f). In addition, 8 C.F.R. §§ 214.1(e)–(g) outlines specific circumstances where certain conduct by any nonimmigrant visa holder, such as engaging in unauthorized employment, providing false information to DHS, or being convicted of a crime of violence with a potential sentence of more than a year, "constitutes a failure to maintain status." No Plaintiff in this action falls within any of these subsections.

30. With the respect to the crime of violence category, 8 C.F.R. § 214.1(g) sets forth that a nonimmigrant's conviction "for a crime of violence for which a sentence of more than one year imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status" Many misdemeanor offenses do not meet this threshold for termination based on criminal history. No Plaintiff falls under this subsection.

31. The second category, termination of status by DHS, can occur only under the limited circumstances set forth in 8 C.F.R. § 214.1(d), which only permits DHS to terminate status when: (1) a previously granted waiver under INA § 212(d)(3) or (4) [8 U.S.C. § 1182(d)(3) or (4)] is revoked; (2) a private bill to confer lawful permanent residence is introduced in Congress; or (3) DHS publishes a notification in the Federal Register identifying national security, diplomatic, or public safety reasons for termination. DHS cannot otherwise unilaterally terminate nonimmigrant

status. See *Jie Fang v. Dir. United States Immigr. & Customs Enft*, 935 F.3d 172, 185 n. 100 (3d Cir. 2019) (“And it is easy to see why the students desire review – DHS appears to have terminated their F-1 visas without the statutory authority to do so . . . the ability to terminate an F-1 visa is limited by § 214.1(d).”). An arrest or a traffic citation is not a basis for termination of SEVIS per DHS’s own regulations.¹¹ And, DHS has not published a Federal Register notification related to any of the students whose SEVIS registration it has terminated. No Plaintiff is covered by any of these termination subsections.

32. Accordingly, the revocation of a visa does not constitute failure to maintain status and cannot therefore be a basis for SEVIS termination. If a visa is revoked prior to the student’s arrival to the United States, then a student may be denied entry into the United States, and the SEVIS record is terminated. However, the SEVIS record may not be terminated because of a visa revocation after a student has been admitted into the United States, absent the aforementioned grounds, because the student is permitted to continue the authorized course of study.¹²

33. ICE’s own guidance confirms that “[v]isa revocation is not, in itself, a cause for termination of the student’s SEVIS record.”¹³ Rather, if the visa is revoked, the student is permitted to pursue their course of study in school, but upon departure, the SEVIS record is terminated and the student must obtain a new visa from a consulate or embassy abroad before

¹¹ U.S. Department of Homeland Security, Study in the States – SEVIS Help Hub. “Termination Reasons” (December 3, 2024), available at <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons>.

¹² SEVP Policy Guidance 1004-04 –Visa Revocations (June 7, 2010), available at https://www.ice.gov/doclib/sevis/pdf/visa_revocations_1004_04.pdf

¹³ *Id.* at *3.

returning to the United States.¹⁴

34. While a visa revocation *can* be charged as a ground of deportability in removal proceedings, deportability can be contested in such proceedings.¹⁵ The immigration judge may also even dismiss removal proceedings where a visa is revoked, so long as a student is able to remain in valid status.¹⁶ Only when a final removal order is entered would student status be lost. None of these Plaintiffs have been placed in removal proceedings. Further, where here the Defendants have ended Plaintiffs' status, there would be no recourse in immigration court.

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

36. The immigration courts do not have the ability to review the SEVIS termination here because the process is collateral to removal. See *Nakka v. United States Citizenship & Immigr. Servs.*, 111 F.4th 995, 1007 (9th Cir. 2024); *Jie Fang v. Dir. United States Immigr. & Customs Enft.*, 935 F.3d 172, 183 (3d Cir. 2019). There is also no administrative appeal of a denial to reinstate student status. The termination of a SEVIS record constitutes final agency action for purposes of APA review. See *Fang*, 935 F.3d at 185.

¹⁴ Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA REVOCATION (Sept. 12, 2016), available at <https://www.aila.org/library/dos-guidance-directive-2016-03-on-visa-revocation>. (“ . . . the revocation of their visa does not override the . . . status granted by Customs and Border Protection (“CBP”) at the time of their entry or their ability to stay in the United States (except in extremely rare instances).”).

¹⁵ See 8 USC § 1227(a)(1)(B); 8 U.S.C. § 1201(i) (allowing immigration court review of visa revocation).

¹⁶ 8 C.F.R. § 1003.18(d)(ii)(B).

FACTUAL ALLEGATIONS

1. John Doe 1, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. John Doe 2, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED],

¹⁷ U.S. Department of State, “Visa Bulletin for May 2025,” <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2025/visa-bulletin-for-may-2025.html> (shows current Final Action Date for an immigrant visa for the spouse of a Permanent Resident from China is January 01, 2022).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Jane Doe 3, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

4. Jane Doe 4, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Jane Doe 5, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. John Doe 6, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. John Doe 7, [REDACTED]

[REDACTED]

[REDACTED]

8. Jane Doe 8, [REDACTED]

[REDACTED]

9. John Doe 9, [REDACTED]

[REDACTED]

[REDACTED]

10. Plaintiffs have been experiencing high levels of stress and anxiety following their SEVIS terminations. They are unsure of what will happen to them. They also fear being labeled a national security or foreign policy threat if they seek to return to the United States in the future, or if they seek to travel to another country, because of the labels attached to their SEVIS terminations.

11. Plaintiffs' SEVIS terminations have put Plaintiffs' education, research, and career trajectories at risk. These terminations also put Plaintiffs at risk of immediate detention and deportation – an outcome other students have already faced.¹⁸

12. The SEVIS terminations have created havoc and uncertainty for schools as well. Schools are scrambling to respond to these unprecedented actions and determine whether and how they can help their international students.¹⁹

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

CAUSES OF ACTION

FIRST CAUSE OF ACTION **Administrative Procedure Act** *(Unauthorized SEVIS Termination)*

14. Plaintiffs incorporate the allegations in the paragraphs above as though fully set forth here.

15. Under § 706(a) of the APA, final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law . . . in excess of

¹⁸ See, e.g., *Ozturk v. Trump*, No. 25-cv-10695-DJC, 2025 U.S. Dist. LEXIS 64831 (D. Mass. Apr. 4, 2025).

¹⁹ See Liam Knox, *How Trump is Wreaking Havoc on the Student Visa System*, Inside Higher Ed, April 5, 2024, <https://www.insidehighered.com/news/global/international-students-us/2025/04/03/how-trump-wreaking-havoc-student-visa-system>.

statutory jurisdiction, authority, or limitations, or short of statutory right; . . . [or] without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (C)-(D).

16. Defendants have no statutory or regulatory authority to terminate Plaintiffs’ SEVIS records or status based simply on revocation of a visa. Additionally, nothing in any of the Plaintiffs’ criminal history or other history provides a lawful basis for termination.

17. Therefore, Defendant’s termination of Plaintiffs’ SEVIS status is not in accordance with law, in excess of statutory authority, and without observance of procedure required by law.

SECOND CAUSE OF ACTION
Fifth Amendment
(Procedural Due Process)

18. Plaintiffs incorporate the allegations in the paragraphs above as though fully set forth here.

19. The United States Constitution requires notice and a meaningful opportunity to be heard. *See Choeum*, 129 F.3d 29, 38 (1st Cir. 1997) (“At the core of [a noncitizen’s] . . . due process rights is the right to notice and the nature of the charges and a meaningful opportunity to be heard.”).

20. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of property interests protected under the Due Process Clause of the Fifth Amendment. *See generally, Fuentes v. Shevin*, 407 U.S. 67 (1972) (ruling that the government can only deprive a person of their property interest where adequate procedural safeguards have been implemented).

21. Once a student is lawfully admitted to the United States in F-1 status and complies with the regulatory requirements of that status, the continued registration of that student in SEVIS is governed by specific and mandatory regulations. Because these regulations impose mandatory

constraints on agency action and because SEVIS registration is necessary for a student to remain enrolled as an international student, Plaintiffs have a constitutionally protected property interest in their SEVIS registration and lawful status. *See ASSE Int'l, Inc. v. Kerry*, 803 F.3d 1059 (9th Cir. 2015)(recognizing protected property interest in participating in exchange visitor program); *Brown v. Holder*, 763 F.3d 1141, 1148 (9th Cir. 2014) (recognizing protected property interest in nondiscretionary application for naturalization).

22. Defendants terminated Plaintiffs' SEVIS record based on improper grounds without prior notice and without providing Plaintiffs with an opportunity to respond. The failure to provide notice of the facts that formed the basis for the SEVIS termination is a violation of due process under the Fifth Amendment.

THIRD CAUSE OF ACTION
Administrative Procedure Act
(Procedural Due Process)

23. Plaintiffs incorporate the allegations in the paragraphs above as though fully set forth here.

24. Under § 706(a) of the APA, final agency action can be set aside if it is “contrary to a constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(B).

25. Defendants terminated Plaintiffs' SEVIS record based on improper grounds without prior notice and without providing Plaintiffs with an opportunity to respond. The failure to provide notice of the facts that formed the basis for the SEVIS termination is a violation of due process under the Fifth Amendment.

26. Accordingly, Defendants' action is contrary to a constitutional right and the agency action should be set aside.

FOURTH CAUSE OF ACTION
Administrative Procedure Act
(Arbitrary and Capricious SEVIS Termination)

27. Plaintiffs incorporate the allegations in the paragraphs above as though fully set forth here.

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

29. In terminating Plaintiffs’ SEVIS status, Defendants failed to articulate the facts that formed a basis for their decision to terminate Plaintiffs’ SEVIS status in violation of the APA.

30. Moreover, Defendants clearly did not consider any facts relevant to Plaintiffs’ individual circumstances nor did they provide any explanation, let alone any rational connection between the facts found and the decisions made, justifying the terminations.

31. Defendants’ failure to consider any relevant facts specific to Plaintiffs before mechanically terminating their SEVIS registrations renders Defendants’ action arbitrary and capricious and in violation of the APA.

32. Defendants’ action is therefore arbitrary and capricious.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Declare that the termination of Plaintiffs’ SEVIS registration and termination of their nonimmigrant student status was unlawful;
- (3) Vacate and set aside DHS’s termination of Plaintiffs’ SEVIS registration

and termination of their nonimmigrant student status;

- (4) Order that Defendants restore Plaintiffs' SEVIS registration, and nonimmigrant student status, as well as any OPT or CPT;
- (5) Award costs and reasonable attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(b); and
- (6) Grant such further relief as the Court deems just and proper.

Dated: April 18, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Phillip C. Kuck, hereby certify that on April 18, 2025, I filed the foregoing unredacted paper copy with the Clerk of Court at the United States District Court for the District of Utah in Salt Lake City, Utah and that I filed a redacted publicly available copy of the foregoing document using the CM/ECF system. Service has been made of all documents required to be served by Fed.R.Civ.P. 5(a) and DUCivR 5-3 in a manner authorized by Fed.R.Civ.P. 5(b) and (c) and DUCivR 5-3. I hereby certify that I have mailed a redacted hard copy of the document above pursuant to Fed.R.Civ.P. 4 via first-class mail to:

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Respectfully submitted,

/s/ Phillip C. Kuck