

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Plaintiff,

v.

DEPARTMENT OF HOMELAND SECURITY,
et al.,

Defendants.

Case No. 1:25-cv-11472

MOTION FOR A TEMPORARY RESTRAINING ORDER

This suit challenges the government’s unlawful revocation of Plaintiff President and Fellows of Harvard College’s (“Harvard”) longstanding certification to host international students under the Student and Exchange Visitor Program (“SEVP”).

On May 22, 2025, the Department of Homeland Security (“DHS”) sent Harvard a letter entitled “Harvard’s Student and Exchange Visitor Program Decertification” (the “Revocation Notice”) stating that, “effective immediately, Harvard University’s Student and Exchange Visitor Program certification **is revoked.**”¹ The Revocation Notice summarily asserts that, as a result of Harvard’s “refusal to comply with multiple requests to provide [DHS] pertinent information while perpetuating an unsafe campus environment that is hostile to Jewish students, promotes pro-Hamas sympathies, and employs racist ‘diversity, equity, and inclusion’ policies, [Harvard] ha[s] lost [the]

¹ Letter from Kristi Noem, U.S. Dep’t of Homeland Sec., to Maureen Martin, Harvard Univ., *Harvard’s Student and Exchange Visitor Program Decertification* (May 22, 2025) (the “Revocation Notice”) (Compl., Ex. 25).

privilege” of hosting international students. *Id.*

The revocation is retaliation, discriminates based on viewpoint, and imposes unconstitutional conditions, all in violation of the First Amendment; it is contrary to law and is arbitrary and capricious, in violation of the Administrative Procedure Act; and its summary nature contravened Plaintiff’s right to procedural due process, in violation of the Fifth Amendment. If not enjoined, the revocation will result in immediate, irreversible, and ongoing harm to Plaintiff and its students. Effective immediately, Harvard’s more than 7,000 F-1 and J-1 visa holders had their academic careers put on hold and at risk. Their ability to remain lawfully in the United States (along with their more than 300 dependents) is in immediate jeopardy. Effective immediately, Harvard can no longer sponsor F-1 and J-1 visa students for its upcoming summer and fall terms, despite having admitted thousands. And effective immediately, countless academic programs, research laboratories, clinics, and courses supported by Harvard’s F-1 and J-1 visa students have been thrown into disarray. Immediate relief is necessary.

Harvard thus respectfully moves the Court, pursuant to Fed. R. Civ. P. 65(b), to enter a temporary restraining order against Defendants DHS, Kristi Noem, Immigrations and Customs Enforcement, Todd Lyons, Department of Justice, Pamela Bondi, SEVP, Jim Hicks, Department of State, and Marco Rubio (collectively, “Defendants”), (A) enjoining Defendants, their agents, and anyone acting in concert or participation with Defendants from implementing, instituting, maintaining, or giving force or effect to the revocation of Plaintiff’s SEVP certification, including the certification of Plaintiff’s F-1 international student visa program and designation of Plaintiff’s J-1 exchange visitor program; and (B) enjoining Defendants, their agents, and anyone acting in concert or participation with Defendants from giving any force or effect to DHS’s May 22, 2025

Revocation Notice.

As set forth in the accompanying memorandum, Harvard has established a strong likelihood of success on the merits of its claims; that it will suffer irreparable harm absent relief; and that the balance of equities and the public interest weigh strongly in favor of a temporary restraining order.

Dated: May 23, 2025

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Respectfully submitted,

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**Pro Hac Vice Applications Forthcoming*

CERTIFICATE OF SERVICE

Counsel for Plaintiff certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiff hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

Dated: May 23, 2025

/s/ Steven P. Lehotsky
Steven P. Lehotsky

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(a) and Federal Rule of Civil Procedure 65, counsel for Plaintiff certify that they have contacted the following individuals at the U.S. Department of Justice by electronic mail to provide notice of this motion:

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As of the time of filing, Defendants have not responded.

Dated: May 23, 2025

/s/ Steven P. Lehotsky
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