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US visa holders face new uncertainty as 'prudential' revocations spike; anxiety looms large across Indian diaspora

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US immigration enforcement is getting tougher, with a spike in 'prudential' visa revocations, especially over the past several weeks being reported; these revocations are transforming a once-technical measure into a high-stakes risk for students, skilled workers, and their family members.

Rajiv S Khanna, managing attorney at Immigration.com, said his firm has seen a marked rise in revocation notices issued by the US Department of State (DOS), often delivered abruptly by email. The impact is felt most acutely by F-1 students and H-1B workers.

The change in tone is a cause for worry. Earlier notices typically clarified that while the visa stamp was revoked, the individual could continue to stay in the US in valid status and would only

need a new visa if they travelled abroad. "The practical impact was limited and inconvenient, but manageable. If you didn't travel, life went on," said Khanna

According to Khanna, recent notices explicitly state that cases are being reported to Immigration and Customs Enforcement (ICE). "This is a fundamentally different situation and is a potential pathway to removal proceedings," he said.

Given the large presence of Indian students and professionals in the US, anxiety within the diaspora is palpable. The prudential revocations are often justified on broad, vaguely worded grounds, most commonly citing 'driving under influence' (DUI) arrests or other encounters with law enforcement.

Abhinav Tripathi, immigration attorney and founder of Protego Law Group, said the trend reflects a deeper shift in how information is being used. "These revocations are less about a single type of misconduct and more about how information is being re-evaluated," he says. According to Tripathi, older arrests without convictions, prior immigration history, and data resurfacing through expanded inter-agency sharing and social-media review are increasingly triggering action. "Much of the conduct being scrutinised is not new. In many cases, it predates the current visa by years."

Ashwin Sharma, an immigration attorney, frames the change as part of a broader move towards continuous vetting. He notes that while a narrow five-year lookback applies in specific DUI-related consular scenarios, the State Department's visa office continuously monitors millions of records drawn from criminal and intelligence databases that do not expire. "If a derogatory hit surfaces from an older arrest, the department has the authority to revoke the visa regardless of when the incident occurred," said Sharma.

"While the standard DS-160 visa application asks for social media handles and history for the past five years, as does the 'extreme vetting' form (DS-5535). But the latter also asks for travel and employment history going back 15 years. Furthermore, a release issued by DOS in June - Announcement of expanded screening and vetting for visa applicants instructs officers to review an applicant's entire online presence for 'hostility' or 'evasiveness,' which to me suggests the scrutiny is not limited to a fixed timeframe," he explained.

For affected individuals who are in the US, a prudential revocation typically does not cancel lawful status or work authorisation by itself. "From a legal standpoint, this is best understood as a travel and re-entry problem, not an immediate status problem," Tripathi explained.

The real risk is triggered the moment a person leaves the country, as re-entry would require a fresh visa application, which almost inevitably draws heightened scrutiny and typically a bleak chance of approval. "However, with DOS now reporting these cases to ICE, visa holders may face removal proceedings initiated by ICE even while they remain in the US," said Khanna.

Judicial options are virtually non-existent due to the doctrine of consular non-reviewability. Sharma says practical options are limited to requesting post reconsideration or correction in cases that are clearly erroneous; submitting a LegalNet inquiry when there is a strong procedural or legal issue; filing requests under the Freedom of Information Act to understand what is in the records, where possible, and lastly reapplying for a new visa with a strategy built around overcoming the suspected trigger.

Given the trend, Khanna bluntly states: “Even minor issues from years ago can now come back with life-altering consequences for US visa holders.”