

JUNE 12, 2025

NEA WEEKLY LEGAL RUNDOWN

From the Office of the General Counsel

Recent Executive Actions Impacting Education

Issuing Travel Ban for 12 Countries

On June 4th, the Trump Administration issued a [proclamation](#) banning citizens from [12 countries](#) from entering the U.S. and imposing heightened visa restrictions for [seven more](#). Though less extensive than the ban proposed in [March](#), this ban covers [more than double](#) the number of countries than the 2017 ban. The restrictions do not affect students already in the U.S. or with approved visas, but with student visa interviews having been [put on pause](#) for weeks, many admitted students may be barred from attending this fall. Trump justified the ban by citing “deficient” vetting in the affected countries and accusing them of exploiting the U.S. visa system.



Legally Speaking

Trump's 2017 travel ban was amended twice after being challenged and found to be unlawful in the courts, and it eventually exempted nonimmigrant visas (including student and exchange visas). While the President has some latitude to restrict or revoke visas, he cannot do so in ways that violates the Constitution or federal immigration laws. There are already [multiple lawsuits](#) arguing that the Administration's previous visa revocations violated [due process](#), and the travel ban may be subject to challenge on similar grounds.

Attempting to Ban International Students from Harvard University

On June 4th, the Trump Administration issued a [proclamation](#) banning all international students, researchers, and other “exchange visitors” from Harvard University. The following day, a Massachusetts district court judge issued a [temporary restraining order](#) blocking the directive and extending the [current restraining order](#) issued last month that prevents the Department of Homeland Security from revoking Harvard's Student Exchange and Visitor Program (SEVP) certification.



Legally Speaking...

Trump's proclamation, unlike his attempt to revoke Harvard's SEVP certification, does not have an immediate impact on international students who are already enrolled at the University. Instead, it targets those who have not yet obtained visas—although it does direct the State Department to assess whether existing students' visas ought to be revoked. Harvard [amended](#) a previous lawsuit (challenging the SEVP decertification attempt) to include a challenge to the proclamation, the hearing for which will be held on June 16th. NEA has created a [model open letter](#) for members and affiliates to urge universities to defend free speech and support immigrant students and staff.

Terminating Higher Ed Data System Training

On June 6th, the Trump Administration [ended](#) a contract with the Association of Institutional Research, which trained college officials on reporting data to the Integrated Postsecondary Education Data System (IPEDS)—a key higher education database managed by the National Center for Education Statistics. Proper survey completion and database navigation are essential for institutions and researchers to use this data effectively. This move follows a wave of contract cancellations in [February](#) that cut nearly \$900 million from the Institute of Education Sciences.



Legally Speaking...

The completion of all IPEDS surveys, in a timely and accurate manner, is mandatory for all institutions that participate in or are applicants for participation in federal student aid programs authorized by Title IV of the Higher Education Act (HEA) of 1965. It is unclear whether colleges and universities will be able to fulfil these legal obligations without proper training and technical support.

Rolling Out Expanded Student Visa Vetting at Harvard University

On May 30th, the Department of State [instructed](#) U.S. consulates and embassies to immediately begin screening the social media profiles of Harvard student visa applicants for antisemitic content as part of a pilot program that could expand to other universities nationwide. Consular officers are directed to perform thorough online screenings for all nonimmigrant visa seekers traveling to Harvard, including students, faculty, researchers, staff, and guest speakers. While the cable specifically identifies antisemitism and antisemitic viewpoints as the focus for consular officers, the guidelines do not clarify which expressions would be deemed inadmissible. The State Department had already increased social media screening requirements in [March](#) for students who had participated in pro-Palestinian campus protests in 2024.



Legally Speaking...

The first Trump Administration imposed heightened scrutiny of visa applicants, including social media screening, which continued during the Biden Administration. There have been several legal challenges to the government's ongoing attacks on student visa holders, including to the [termination](#) of student visa holders' records and to the government's ideological [deportation policy](#). Any enhanced social media vetting that impacts visa holders currently in the U.S. or with ties to the U.S. could be subject to First Amendment challenges.

Litigation Updates

Challenges to the Dismantling of ED Continue

Several lawsuits continue to challenge the Trump Administration's efforts to dismantle the Department of Education (ED). On June 6th, the federal government filed an [emergency stay motion](#), asking the U.S. Supreme Court to stay a preliminary injunction issued by a Massachusetts federal judge blocking the Administration's efforts to close the agency (including its plan to lay off nearly half of ED's staff). The motion follows a decision by the First Circuit [rejecting](#) the government's request to stay the injunction pending appeal. The government has yet to reinstate laid-off employees as directed by the Massachusetts court, although it [halted its plans](#) to terminate them on June 9th.

Meanwhile, on June 3rd, a D.C. district court judge [denied](#) a preliminary injunction filed by four education research groups that would force ED to reinstate laid-off staff and canceled contracts at the Institute of Education Sciences (IES). The judge found the plaintiffs were not likely to succeed on their claims that the Administration's slashing of IES contracts and staff was arbitrary and violated statutory mandates. However, because the preliminary injunction in the Massachusetts case also applies to IES and requires the government to restore its staff and contracts, the D.C. ruling will have little practical effect—unless the U.S. Supreme Court grants the government's emergency stay motion. A similar request for temporary restoration of IES functions in a third case was [denied](#) yesterday by a federal court in Maryland, even though the court recognized that the cuts appeared to be preventing IES from fulfilling its statutory obligations.

Judge Restores AmeriCorps Funding in 24 States

On June 5th, a Maryland district judge [ordered](#) the Trump Administration to reinstate funding for AmeriCorps programs across 24 states and Washington, D.C., following a lawsuit challenging April's defunding of the agency. The judge found the states likely to succeed in arguing that the AmeriCorps's funds could not legally be terminated without a required notice-and-comment process. However, the ruling did not restore any agency staff positions.

Judge Temporarily Halts Job Corps Shutdown

On June 4th, a New York district judge granted a [temporary restraining order](#) preventing the Trump Administration from shutting down the Job Corps program—a 60-year-old federally funded initiative providing career training, housing, and support to over 25,000 youth aged 16 to 24. The Department of Labor (DOL) issued a “phased pause” on [May 29th](#) at 99 contractor-run Job Corps centers nationwide. Contractors filed suit on June 3rd, alleging the DOL lacks authority to close the centers and that doing so violates federal law. A hearing is scheduled for June 17th.