

U.S. NEWS

Student who earned Ph.D. while DHS tried to deport her over minor traffic violation is granted injunction

An Indian international student in South Dakota, whose sole infraction was a failure-to-yield traffic violation, had sued the Trump administration over her visa and status revocations.



— South Dakota School of Mines & Technology in 2014. Patti McConville / Alamy file

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By Kimmy Yam

An international student in South Dakota, who earned two degrees amid her fight against the

Trump administration's attempt to deport her, has been granted injunction.

Priya Saxena, who's from India, received a doctorate in chemical and biological engineering and a master's in chemical engineering from South Dakota School of Mines & Technology this past weekend. Just over a month ago, Saxena had been notified that her visa and status in the country had been revoked.

Saxena's attorney, Jim Leach, told NBC News that her sole infraction was for a failure-to-yield to an emergency vehicle from four years ago, which he described as "the lowest possible traffic offense."

Saxena, who sued the Trump administration, was granted a temporary restraining order until the end of this week, allowing her to collect her degrees. And on Thursday morning, she was granted a preliminary injunction that keeps the government from attempting to detain or deport her.

"The rule of law saved an innocent person from unlawful action by this administration," Leach said. "Dr. Saxena is exactly the kind of person we should want in this country."

"The government sent these letters, no matter what the conviction was, even for a traffic conviction," Leach said of Saxena's visa and status revocations. "I've had more traffic convictions since then than she has."

The Department of Homeland Security did not immediately respond to NBC News' request for comment.

Saxena had been in the country on a student visa that wasn't set to expire until 2027. But on April 7, she received an email from the U.S. Embassy in New Delhi, notifying her that her visa had been revoked, according to court documents.

She was later told by a school official that her record had been terminated in the Student and Exchange Visitor Information System (SEVIS), which maintains information about nonimmigrant students and exchange visitors.

While Saxena received the traffic infraction in 2021, she paid a fine and, upon applying for her most recent visa, disclosed the information to the government, the court documents said.

"The government reissued her visa and then comes back three and a half years later and says, 'Oh, wait a minute. Get out of the country now,'" Leach said. "It just makes no sense."

Because of her loss of status, her school at the time also notified her that she would not be able to receive her Ph.D. degree, which she had been working toward since 2020, as scheduled this year, court documents said.

While the Trump administration said last month that it would be restoring international students' legal statuses until Immigration and Customs Enforcement crafts a new framework for terminations, Leach said Saxena's status was not impacted as ICE had to abide by the judge's orders in her case. However the judge granted the temporary restraining order last month, extending the timeframe so she could complete her studies.

Saxena's graduation coincided with a separate, highly controversial graduation that weekend. DHS Secretary Kristi Noem received an honorary degree at Dakota State University. Protesters gathered at the school to criticize the treatment of international students and the administration's hard-line immigration policies.

"You have this woman from India who earned a Ph.D. degree in chemical and biological engineering, which obviously takes an incredible amount of work and brains," Leach said. "Then you have Kristi Noem receiving an honorary degree for something. And she dodges the protesters while she's there ... It was something out of a really far-out novel."

DHS last month revealed in a court hearing in Washington that it used 10 to 20 employees to run the names of 1.3 million foreign-born students through the National Crime Information Center, an FBI-run computerized index that includes criminal history information.

The process, overseen by DHS acting executive director Robert Hammer, populated 6,400 hits, Andre Watson, assistant director of DHS said. And from there, many students experienced terminations of their records in SEVIS.

Names were also sent to the State Department, and roughly 3,000 students had their visas revoked, Watson said during the hearing.

The development has drawn criticism from immigration attorneys and legal advocates, who point out that the National Crime Information Center may not have the most up-to-date information. The index relies on cities, counties, states and other sources to voluntarily report their data.

Kathleen Bush-Joseph, an attorney and policy analyst with the U.S. Immigration Policy Program at the nonpartisan Migration Policy Institute previously mentioned that the database doesn't always have the final dispositions of cases. And others have mentioned that this is perhaps why students who've had cases dismissed or were not convicted have experienced a

loss of status.

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