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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

NO. 2:20-cv-01070

**DECLARATION OF
ANA MARI CAUCE**

I, Ana Mari Cauce, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the President of the University of Washington, with campuses in Seattle, Tacoma, and Bothell Washington, and a Professor in the University’s Department of Psychology. My educational background includes a bachelor’s degree in English and Psychology from the University of Miami and Ph.D. in psychology from Yale. I have been the President of the University of Washington since June 2015 and previously served as Provost of

DECLARATION OF
ANA MARI CAUCE
CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 the University of Washington from 2011 to 2015. As President, I am the University's chief
2 executive officer.

3 2. I submit this declaration in support of the State of Washington's litigation
4 challenging the Department of Homeland Security and Immigration and Customs Enforcement
5 (ICE) policies announced on July 6, 2020 by "Broadcast Message" and to be published as a
6 Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program
7 (the "Rule").
8

9 3. I have compiled the information set forth below through personal knowledge as
10 well as through University of Washington personnel who have assisted me in gathering this
11 information from our institution. I have also familiarized myself with the Rule in order to
12 understand its immediate impact on the University of Washington.
13

14 **Background on the University of Washington and its International Student**
15 **Population**

16 4. The University of Washington is a state institution of higher education in the
17 State of Washington. In fall 2019, the University of Washington had 42,544 enrolled
18 undergraduate students and 16,847 enrolled graduate and professional students.

19 5. The University of Washington's three campuses offer more than 636 degree
20 options across 312 programs.
21

22 6. The University's 2020 budget is \$8.25 Billion, including \$403 Million in state
23 appropriated funding. The University supports or sustains a total of 100,520 jobs in the State of
24 Washington, and has a total annual economic impact of \$15.7 Billion.
25
26

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1 time, the University began emergency preparations and established several committees to
2 guide its response. During the initial surge, the University also mandated telework for non-
3 critical personnel, prohibited in-person social events and gatherings, and implemented physical
4 distancing and public health procedures in its student housing facilities.

5
6 12. The University announced that it was suspending in-person classes on March 6,
7 2020, effective March 9, 2020, becoming the first American university to do so. This decision
8 resulted from extensive discussions both internally and with public health officials. The
9 University waited as long as possible to make this decision due to concerns for international
10 students, but ultimately determined that given the severity of the pandemic, the decision could
11 wait no longer. One week later, the State of Washington prohibited Universities from
12 conducting in-person classroom instruction and lectures due to the pandemic.

13
14 13. When the University moved to online courses, there was significant concern
15 about the risk to international students and their ability to continue to remain eligible for
16 student visas. When ICE issued the March 13 guidance, there was great relief at the University
17 that it would be able to move forward with offering Spring Quarter online. The University has
18 relied on the March 13 guidance, including the representation that it would be “in effect for the
19 duration of the emergency” in its move to online learning for Spring Quarter, its entirely
20 remote Summer Quarter, and its planning for Autumn Quarter.

21
22 14. Public health considerations have also been critical to the University’s analysis
23 and planning for Autumn Quarter. The University has considered how COVID-19 is spread,
24 the safety of University classrooms, on-campus housing, and other campus facilities. The
25 University has also considered risks to the health and safety of staff and faculty at the
26

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1 University. As a result, the University has required masks on campus, will limit class sizes in
 2 order to maintain six feet of physical distance within classrooms, and has implemented contact-
 3 tracing.

4
 5 15. At present, the University plans to begin classes on September 30 with a hybrid
 6 of remote and in-person learning for Autumn Quarter. The University must operate in
 7 compliance with the State of Washington's four-phase Safe Start plan¹, which constrains the
 8 extent to which the University may offer in-person classes and the State's specific guidelines
 9 for higher education institutions.² On May 29, 2020, the University issued its COVID-19
 10 Prevention Plan and Safe Start Checklist to use as the basis for developing unit-specific plans
 11 for Autumn Quarter, which must be centrally approved. Generally courses over 50 students
 12 will be offered remotely, while those which can safely be offered in-person will be.

13
 14 16. The University has carefully developed its plans for Autumn Quarter in order to
 15 balance considerations of safety with the need to ensure that learning is maximized. The
 16 University's Back to School Task Force, with input from academic leadership, administration,
 17 and public health experts, has developed guidance and resources for the campus community
 18 regarding a return to campus for Autumn Quarter. The University's expressed goal for Autumn
 19 Quarter is to provide a "high-quality Husky Experience for every student"³, inside and outside
 20 the classroom, as it prioritizes student, faculty, and staff health, along with student academic
 21 success.
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 25 ¹ <https://coronavirus.wa.gov/what-you-need-know/safe-start>

26 ² [https://www.governor.wa.gov/sites/default/files/2020.06.23%20Campus%20Reopening%20Guide%20F
 INAL.pdf?utm_medium=email&utm_source=govdelivery](https://www.governor.wa.gov/sites/default/files/2020.06.23%20Campus%20Reopening%20Guide%20FINAL.pdf?utm_medium=email&utm_source=govdelivery)

³ <https://www.washington.edu/coronavirus/>

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1 20. In addition, many F-1 visa holders are working on critical COVID-19 work
2 including protein design, research on the cardiovascular impacts of COVID-19, contact tracing,
3 and data analysis and forecasting used to understand and control the spread of COVID-19 until
4 a vaccine is developed.

5
6 21. For example, the University’s Institute for Health Metrics and Evaluation
7 (IHME) has produced COVID-19 forecasts that have been used at many levels of government.
8 The forecasts have been used in local resource allocation decisions within UW Medicine and
9 Washington State, within state government in all states in the US, by the White House, and by
10 multiple ministries of health and offices of planning around the world. IHME has three PhD
11 students on F-1 visas working directly on IHME’s COVID-19 model and contributing critical
12 input on data analysis, interpretation and dissemination. Without their contributions, the team’s
13 ability to produce timely and relevant results would be severely affected. This would have a
14 significant detrimental effect on the ability for all levels of government worldwide to respond
15 to COVID-19.

16
17 22. Although it is impossible to estimate the full economic impact on the University
18 of potential disenrollment, the impact to University revenue would be significant. The
19 University receives an estimated \$185 Million in revenue from students on F visa and OPT
20 authorization, which is 26% of the University’s net operating fee revenue. Significant
21 disenrollment would result in precipitous declines in tuition, housing, and dining hall revenue.

22
23 23. This risk is particularly acute because non-resident undergraduate international
24 students pay tuition at a rate of \$38,166 per year. These revenues allow the University to offer
25 financial aid resources for other students and keep resident undergraduate tuition within the
26

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1 limits permitted by the Washington State Legislature (currently \$11,465). Resident
2 undergraduate tuition rates at the University are set under specific parameters of the
3 Washington State Legislature, and the University is unable to independently change these rates
4 to make up for a loss in undergraduate international tuition revenue. Revenue loss in this
5 tuition category would require expense reductions to the University's core academic budget,
6 which would negatively impact the educational experience for both resident and non-resident
7 students across the University.
8

9 24. Additionally, in Autumn Quarter 2019, 1,101 international students held a
10 Teaching Assistant or Research Assistant position at the University. If those students were
11 unable to obtain student visas to study at the University, this would result in significant
12 disruption to University teaching and research, both through the loss of valuable expertise and
13 significantly increased costs.
14

15 25. Providing more in-person instruction than is currently planned in response to
16 the Rule in order to prevent the loss of international students would undermine the careful
17 planning the University has engaged in and could result in significantly increased operational
18 and instructional costs, particularly given the University's commitment to hygiene and physical
19 distancing to ensure the health of its faculty, staff, students, and the community. The
20 University has already experienced over \$40 million in lost revenue and increased expense due
21 to COVID-19 impacts directly related to its educational and student support enterprises. The
22 University has also experienced a nearly \$400 million loss at UW Medicine, its medical
23 enterprise. The University can ill afford the impact of additional revenue loss as a result of the
24 Broadcast Message's impact on international students.
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3 **Harmful Impact on the University’s Educational Mission**

4 26. The Broadcast Message threatens the ability of talented international students
5 seeking to work and learn at the University by prohibiting those students from obtaining
6 student visas unless they meet unreasonable—and potentially impossible—requirements
7 related to in-person courses. The entire campus community benefits from the diversity that
8 international students bring.

9 27. The University has many international students from countries devastated by the
10 COVID-19 crisis. Students from these countries would face increased risk of infection with
11 COVID-19 as a result of this Rule if they were forced to travel and return home.

12 28. Furthermore, the University’s international students who remained in the United
13 States based on the March 13 guidance, will face significant risks and harm under the
14 Broadcast Message. Returning to their home country could subject those students to the
15 possibility of being drafted into their home country’s armed forces, threats or abuse based on
16 their sexual orientation, lack of adequate healthcare, limited travel options, extraordinary travel
17 costs, and unnecessary exposure to COVID-19.
18

19 **Impact on Health of Students, the University Community, and Public Health**

20 29. The University has many international students from countries devastated by the
21 COVID-19 crisis, including over 4,800 students from China, over 50 students from the UK,
22 over 40 students from Brazil and Turkey, and over 20 students from Italy. Students from these
23 countries would face increased risk of infection with COVID-19 as a result of this Rule if they
24 were forced to travel and return home.
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

NO. 2:20-cv-01070

Plaintiff,

**DECLARATION OF
PHILIP J. REID**

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Philip J. Reid, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Vice Provost of Academic and Student Affairs at the University of Washington, with campuses in Seattle, Tacoma, and Bothell, Washington. My educational background includes a Bachelor of Science in Chemistry from the University of Puget Sound, and a Ph.D. in physical chemistry from the University of California, Berkley. I have been employed as the Vice Provost of Academic and Student Affairs since July 2017 and professor

DECLARATION OF
PHILIP J. REID
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1 at the University since 1995. As Vice Provost for Academic and Student Affairs, I oversee the
2 Division of Enrollment Management which includes Admissions, the Registrar, the Office of
3 Student Financial Aid, International Student Services, Enrollment Information Services, and
4 the Veterans Education Benefits Office.

5 2. I submit this declaration in support of the State of Washington’s litigation
6 challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be
7 published as a Temporary Final Rule to amend requirements of the Student and Exchange
8 Visitor Program (the “Rule”).

9 3. I have compiled the information set forth below through personal knowledge as
10 well as through University of Washington personnel who have assisted me in gathering this
11 information from our institution. I have also familiarized myself with the Rule in order to
12 understand its immediate impact on the University of Washington.

13
14 **Background on the University of Washington and its International Student**
15 **Population**

16 4. The University has already learned from its international student population that
17 if the Rule goes into effect, it will have an injurious impact on the University’s international
18 students. For example, one student from China is concerned about the risk of infection if
19 forced to take classes in person. They have no family here to care for them if they get sick. If
20 they return to China, they will face unstable and censored internet access, an inability to access
21 Zoom, Google, and journal article sites. There will be a 15-hour time difference meaning they
22 will have to work at night to synchronize with the Seattle time zone. They will suffer a large
23 financial loss due to the very expensive flight home and having to cancel their lease in Seattle.
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1 If forced to leave, the student is not sure they will could or would return to the United States
2 because they are afraid this could happen again.

3 5. Another student from a county in southern Africa reports similar concerns.
4 First, the internet in their country is expensive and poor quality and they will have trouble
5 downloading documents and submitting and receiving assignments. There is also a 10-hour
6 time difference meaning they will not be able to follow classes in real time. Being outside the
7 United States, the student will lose access to some websites, libraries, and local scientific
8 opportunities. Travel to their country will also be treacherous as civil aviation authorities have
9 suspended international flights to the country. This student made many sacrifices to come
10 study in the United States. If forced to leave under these conditions, this student may not return
11 after the expense and stress of this situation.
12

13 **The University of Washington's Response to COVID-19**

14 6. The University has responded to and continues to monitor the pandemic with
15 guidance from state and county public health officials as well as the University's Institute of
16 Health Metrics and Evaluation. The safety of our students, faculty, staff, and community drive
17 our decision-making.
18

19 7. I co-chair the University's Back-To-School Task Force. The work of the
20 committee is informed by the University's Advisory Committee on Communicable Disease,
21 Environmental Health and Safety Unit, and UW Medicine infectious disease specialists. The
22 task force is constantly reviewing and updating University protocols to protect student, faculty,
23 and staff health in campus spaces including residences, classrooms, labs, and libraries.
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1 8. University chancellors, deans, vice presidents and others that report directly to
2 the University president and provost are using a COVID-19 Prevention Plan and Safe Start
3 Checklist as the basis for developing unit-specific plans.

4 9. The University was in complete disbelief when it received the Broadcast
5 Message. All of the planning that the University had done, including reworking its entire set of
6 course offerings, had been built on the assumption that the University would be in Phase 3 of
7 the State's Safe Start plan and that the March 13 guidance from ICE would remain "in effect
8 through the duration of the emergency."

9
10 10. When the Department of Homeland Security issued the July 6 Broadcast
11 Message, the University already had international students returning and trying to register for
12 courses. This Broadcast Message threw all of the University's planning into complete disarray.
13 Under the Broadcast Message, the University would need to issue completely new I-20s for the
14 over 8,000 international students enrolled at the University.

15 11. This also affects domestic students, who had relied on the University's time
16 schedule and course offerings as modified in reliance on the March 13 guidance. If the July 6
17 Broadcast Message were allowed to take effect and the University began offering courses in-
18 person which are currently scheduled remotely, students who planned to take remote courses
19 would be required to travel to Seattle and secure housing on short notice. This would create
20 unexpected and unnecessary costs to those students, as well as put them at increased risk of
21 contracting COVID-19.

22
23 12. Additionally, because the University is on a quarter system, it has student
24 orientations which run all the way through August. This means that the University does not
25 even know what courses many international students will register for until those orientations
26

1 have concluded. However, orientation will conclude well past the August 4 deadline for
2 issuing I-20s, and as a result, it would be impossible for the University to make the
3 certification that the student will attend at least one in-person class required under the Rule.

4 **Administrative Burdens and Planning Disruptions**

5 13. In revising its time schedule and determining which courses the University will
6 offer remotely and which courses it will offer in-person, the University embarked on a careful
7 planning process, in which it placed more than 7,000 Autumn Quarter courses in three
8 categories: those with no remote analog, those with over 50 students (which would present no
9 option for in-person instruction), and those which were possible to offer remotely and which
10 could be offered with less than 50 students.

11 14. The University's academic units have spent an extraordinary amount of time
12 over the last several months developing plans for Autumn Quarter, all of which were based on
13 the belief that the March 13 guidance would remain in effect through Autumn Quarter.
14 Academic units have hired instructors specifically for remote or in-person courses. Students
15 have registered for courses based on the course's status as remote or in-person. Moving a
16 course from remote to in-person or adding an in-person section for a course currently offered
17 remotely creates numerous staffing issues related to securing additional or different instructors,
18 as well as concerns for students who relied on the University's planning, based on the March
19 13 guidance.

20 15. If the Broadcast Message takes effect, and the August 4th deadline for making a
21 certification that an international student will not be taking an entirely online course load
22 remains in place, the University will be unable to plan for Autumn Quarter in an effective way.
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1 16. Given current staffing, it is not feasible to re-issue all I-20s for international
2 students. Issuing an I-20 is a complex and labor-intensive process for the University.

3 **Harmful Impact on the University's Educational Mission**

4 17. If it were safe, the University would prefer to be able to offer in-person
5 learning. However, the ability to offer international students the ability to study remotely from
6 the United States confers many significant advantages over requiring those students to return to
7 their home countries. There are many co-curricular activities outside of the classroom that
8 international students can access if they are permitted to take courses remotely in Seattle that
9 they would not be able to access from outside the United States, such as libraries, informal
10 communities of learning, and interactions with professors outside of the classroom.
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21 18. In fact, the University has discovered that for international students who
22 dropped courses recently, one of the most common issues was the ability to connect to remote
23 learning and the lack of support for remote students. These resources are impossible to access
24 outside of the campus community. Implementing the requirements of the Broadcast Message
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would prevent the University from providing these opportunities to its international student population.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of July, 2020



Philip J. Reid
Vice Provost of Academic and Student Affairs
University of Washington

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

NO.

Plaintiff,

**DECLARATION OF
ASIF CHAUDHRY**

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Asif Chaudhry, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Vice President for International Programs at Washington State University (WSU or University), Washington State’s land grant institution and the second largest public research university in the Pacific Northwest. I have held this position since June 2015. Prior to my current role at WSU, I spent my career working for the United States Government as a Senior Foreign Service Officer, holding numerous leadership positions in the Departments of State, Defense, and Agriculture. These positions included Vice President of the Commodity Credit Corporation, Foreign Policy Advisor to the Chief of the United States Navy at the

1 | Pentagon, and U.S. Ambassador to the Republic of Moldova. I have personal knowledge of the
2 | facts set forth in this declaration, and I am competent to testify about them.

3 | 2. As Vice President for International Programs at WSU, I have responsibility for
4 | WSU's international research activities, study abroad programs, international students, and
5 | student and faculty exchanges. I am the chief international relations officer at WSU and am
6 | responsible for the role of International Programs in carrying out WSU's mission of global
7 | engagement, which is "To apply knowledge through local and global engagement that will
8 | improve quality of life and enhance the economy of the state, nation, and world." I also manage
9 | WSU's programs focusing on establishing strategic partnerships with governments and
10 | educational institutions across the globe.

11 | 3. I submit this declaration in support of the State of Washington's litigation
12 | challenging the policies announced on July 6, 2020 by "Broadcast Message" and to be published
13 | as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program
14 | ("SEVP") (the "Rule").

15 | 4. I have compiled the information set forth below through personal knowledge as
16 | well as through University personnel who have assisted me in gathering this information from
17 | WSU. I have also familiarized myself with the Rule in order to understand its immediate impact
18 | on the University.

19 | 5. WSU was founded in 1890 as Washington's original land-grant university. WSU
20 | is chartered by the state of Washington, and is governed by the Board of Regents, whose
21 | members are appointed by the governor, which provides direction to the WSU President. The
22 | Washington state legislature also approves annual operating and capital budgets for WSU,
23 | including state funding for WSU. For the fiscal year 2020-21, the state legislature appropriated
24 | over \$277 million dollars to WSU. Due to COVID-19 budget reductions, the state informed
25 | WSU that this amount will be reduced by at least \$7M.
26 |

1 6. WSU serves citizens and students throughout the State of Washington, with
2 educational sites in Pullman, Spokane, Tri-Cities, Vancouver, Everett, Bremerton, and through
3 its online Global Campus, as well as over 500 study abroad programs in over 48 countries. WSU
4 serves 31,607 students and employs over 7000 employees system-wide. Following the IPEDS
5 definition for total enrollment (which excludes students in Education Abroad), WSU has 52.6%
6 female students and 27.7% minority students (defined per IPEDS as including Asian Americans,
7 Black or African Americans, American Indian or Alaskan Native, Hispanics of any race, Native
8 Hawaiian or Pacific Islander, or Two or More Races) enrolled system-wide; 35.6% of students
9 are the first in their families to attend college. WSU's main campus is in Pullman, Washington,
10 where it serves 20,976 students (30% multicultural) representing 48 states and 106 countries.
11 WSU offers 98 undergraduate majors, 78 master's degree programs, 65 doctoral degree
12 programs, and 3 professional degree programs in medicine, pharmacy, and veterinary medicine.
13 WSU has 11 colleges, advancing knowledge in hundreds of disciplines.

14 7. WSU currently has 1869 enrolled students who have F-1 visas. WSU has zero
15 enrolled students who have M-1 visas. These students represent more than 100 countries. Of
16 these students, approximately 70% of them are currently in the United States.

17 8. In addition to the 1869 currently enrolled F-1 visa students, WSU has 681 newly
18 admitted international undergraduate students expected to attend WSU in the Fall 2020 semester
19 who will require F-1 or M-1 visas. Of these students, only 206 are currently in the United States
20 and 475 are currently living outside the United States and require a visa to enter the country for
21 study. These students will contribute up to \$6 million in tuition, fees, housing and dining for
22 the university if they are able to get to the United States. Another 172 international graduate
23 students plan to start their degree at WSU under an F-1 visa this fall if they are able to travel to
24 Washington.

25 9. In response to the COVID-19 outbreak in Washington at the beginning of the
26 year, WSU stood up its Incident Command System (ICS) in late February, when Washington

1 Governor Jay Inslee declared a state of emergency on February 29, 2020. The ICS leadership
2 was supported by an Executive Policy Group (EPG) that served a coordinating role, and also
3 functioned as an emergency policy-setting group in support of the ICS commander and WSU
4 President Kirk Schulz. Since that time, WSU has streamlined the ICS structure and the EPG
5 function has been placed into the full President's Cabinet (Vice Presidents and campus
6 Chancellors). Various task groups have been charged with planning the COVID-19 response
7 within the various functional elements of the university, for example, dining, residential life,
8 classroom instruction.

9 10. As the EPG monitored the progression of COVID-19 in early March, it became
10 apparent that the rise of the pandemic meant that WSU should minimize students returning to
11 the Pullman campus after spring break, which was the week of March 16, 2020. WSU made the
12 decision to shift to distance instruction (online instruction) the week before spring break so that
13 when students left campus, they knew they were strongly discouraged from returning and that
14 all of their courses would finish the last six weeks of instruction and week of final examinations
15 via distance learning approaches. WSU immediately started preparation for the switch to
16 distance instruction when classes resumed on March 23. This gave us two full week for that
17 preparation. During that time professional staff and educators in WSU's Office of Academic
18 Outreach and Innovation (AOI) offered over 60 training sessions, seven days a week, and into
19 evening hours, that were attended by over 700 faculty. Although not flawless, the shift worked
20 well, according to both student and faculty assessment surveys, and performance of students
21 with respect to academic progress, course withdrawals, grades, and other indicators being on par
22 with the Spring Semester 2019.

23 11. Consistent with our strategy around spring break, for their health and safety, most
24 students did not return to Pullman. WSU has complied with all World Health Organization,
25 Center for Disease Control, and State of Washington proclamations and planning guidance with
26 respect to basic campus operations, student housing and dining, instruction, and all other campus

1 activities. Telework has been the norm where possible. All recruiting and new student
2 orientation programs have gone online. To more broadly promote student success and retain
3 them in progress toward their education, WSU liberalized its academic regulations to permit
4 more course withdrawals and more use, if desired by a student, of pass/fail grading, with the
5 deadline extended beyond when grades were due. There was increased use of pass/fail grading,
6 but no more use of course or semester withdrawal. All indicators (surveys, academic
7 regulations) are that the switch to distance education had little material impact on student
8 educational achievement. In a survey the Office of International Programs released, 80% of
9 WSU international students indicated they had a positive experience learning online and
10 expected to continue to do so until such time as we are no longer in an emergency.

11 12. To monitor the COVID-19 pandemic and in preparation for the fall semester,
12 WSU government relations staff are constantly engaged with the Governor's Office and relevant
13 department secretaries (e.g., Health, Agriculture, Commerce), King County Public Health,
14 Whitman County Public Health, Challenge Seattle (a high-level public-private partnership), and
15 other relevant authorities. In addition, the Washington Higher Education Council of Presidents
16 and its various working groups coordinate and share information regularly. Fall planning is in
17 the hands of the relevant senior administrators, often supported by task-specific working groups.

18 13. In addition to the interactions described above in paragraph 12, WSU Pullman
19 personnel meet regularly with local planning authorities (e.g., city government, Whitman County
20 Public Health, the Palouse Physician Pandemic Taskforce) to coordinate activities. The WSU
21 Public Health Emergency Taskforce is a major channel of communication to Whitman County
22 Public Health, as is WSU's Office of Environmental Health and Safety. As a multi-campus
23 system, similar local coordination is carried out in the communities of other WSU campuses. In
24 eastern Washington, WSU is engaging jointly with Whitman County Public Health and the
25 Spokane County Health District to coordinate planning. In addition, each member of WSU
26 Executive Leadership connects regularly with their peers at other institutions of higher education

1 to share expertise and best practices – for example, monthly conference calls of the PAC-12
2 conference provosts, and similarly for the presidents and others. In addition, normal academic
3 connections with national organizations like the Association of Public and Land Grant
4 Universities provide sharing of information, plans, guidance, and best practices.

5 14. Public health of the University community and the communities surrounding
6 WSU’s campuses is of the utmost concern to the University. This is especially true in Pullman,
7 where WSU’s student population represents over half of the city’s total population. An outbreak
8 of COVID-19 on the level of community spread as is currently being seen elsewhere in the
9 country (and recently at several fraternity houses at the University of Washington) could have
10 disastrous effects on Pullman’s rural medical infrastructure—only twenty-five hospital beds are
11 available at the Pullman hospital.

12 15. In preparation for fall semester, the team in the Office of the Provost has worked
13 with the colleges and academic program leadership (Deans, Associate Deans, Department
14 Chairs) to prepare for fall teaching in a mix of face-to-face and distance courses as dictated by
15 safety considerations and inventory of lecture halls, teaching labs, and equipment needed to
16 support education. WSU intends a hybrid of face-to-face and distance instruction. Decisions on
17 which classes will be face-to-face is ongoing, with consideration being given to class size (no
18 class larger than 50 will be face-to-face), prioritizing classes that benefit more from face-to-face
19 (e.g. labs, studio, and discussion), and faculty safety and availability. At this time, the University
20 is finalizing room scheduling with the goal that students will know by August 1 which classes
21 will be face-to-face and which will be distance. Seating capacities in classrooms have been
22 reduced to keep physical distancing of at least 6 feet; disinfection protocols are in place for
23 changeover between classes; traffic patterns in buildings will be controlled to facilitate
24 circulation, entry, and egress with minimal close interactions; and facial coverings are required
25 for all instructional staff and students in classrooms.

1 16. As a research-intensive institution, not only is research a major mission element,
2 research education and training for both graduate students and undergraduate students is a key
3 strategic goal. In conjunction with the planning noted in paragraph 15, WSU is developing a
4 safe-return to research plan to guide ramping up research activities after an initial slow-down.
5 The return plan will incorporate guidance about lab safety as necessary to add in biosecurity with
6 respect to COVID-19, as well as maintaining the ability to work remotely when possible. Safely
7 engaging students in research is a critical part of WSU's educational mission.

8 17. Before instruction begins next month, WSU must finalize its comprehensive
9 biosecurity plan for the Pullman campus, and the other campuses. Major common elements are
10 in place (e.g. disinfection protocols, attestation, and temperature checks). Others are in advanced
11 stages of planning (e.g. quarantine facilities in Pullman on campus and in the community and a
12 contact-tracing program). The final piece of an overall plan is the selection and implementation
13 of an active surveillance program (and one option is to select not having such a plan). A team
14 of faculty experts has advised leadership of their simulation results (and assumptions) that
15 suggest a variety of options. It remains to select an option then put in place the logistics to collect
16 samples on a daily basis around campus and the community. WSU Pullman has on-campus
17 testing capacity well in excess of the needs of an active surveillance program.

18 18. WSU has not altered the start date for instruction for the Fall Semester 2020,
19 which is August 24, 2020, but did move up the move-in period for incoming freshman to begin
20 August 3, 2020. WSU will have a regular length (17 weeks) academic semester, which includes
21 a week-long break at Thanksgiving, two weeks of instruction after Thanksgiving, and a week of
22 final examinations. When Thanksgiving break begins after week 13 of instruction, students will
23 be asked to leave the Pullman community/campus and not return (those students who must stay
24 in Pullman because they have no other, or no safe, place to go, such as international students,
25 will be allowed to stay). The final two weeks of instruction and final examinations after
26 Thanksgiving will be all by distance, and there will be no face-to-face instruction during this

1 period. This is done to minimize the time we must attempt to control COVID-19 spread,
2 minimize travel throughout the state, and to avoid the start of the heart of influenza “season” to
3 take pressure off campus and community health-care resources. No decisions have been made
4 about potentially altered semester structure for Spring Semester 2021. Under the Rule, all of
5 WSU’s F-1 international students will be forced to leave the country after Thanksgiving break,
6 cutting off their ability to finish the semester just weeks from its completion.

7 19. The announcement of the Rule had an immediate and ongoing effect on the
8 University and its students. At the time the Rule was announced, the Department of International
9 Student and Scholar Services within the Office of International Programs immediately received
10 hundreds of e-mails and phone calls from faculty, staff, and students across the WSU system and
11 from abroad. The general sentiment was shock, fear, outrage and extreme anxiety. A number of
12 students called in tears on Zoom meetings and we had parents reach out to us asking if they
13 should plan to get their students on an international flight back home, if it was even possible. On
14 July 8, 2020, WSU held an impromptu town hall for its international students and announced it
15 two hours prior. With only two hours’ notice, 300+ attended the town hall on the Rule, listing
16 over 100+ questions and directly expressing their anxiety and concern regarding the Rule. Our
17 advising team fielded more than 500 e-mails within the first 24 hours of the Rule being released,
18 with each adviser receiving 100-200 e-mails from students per day since.

19 20. As a result of the Rule, WSU will be forced spend significant administrative
20 resources. There is significant complexity and challenge to implement a system to monitor live
21 versus remote instruction, to re-issue I-20s (is a minimum of 1900), and to-re-evaluate
22 instructional modality to comply with the Rule; to do all of this within less than six weeks is a
23 nearly impossible task. The Rule requires our Primary Designated School Official to do
24 additional reporting and work within the 10-day required update period of change and that is an
25 extremely short window in which to report changes necessary to ensure the health and safety of
26 WSU should there be a need to transition to distance delivery. Thus, WSU anticipates an

1 immediate need to allow our designated school officials overtime and to hire staff to support the
2 international community in response to the Rule. WSU anticipates the cost of doing so to be
3 between \$15,000 and \$20,000.

4 21. The Rule will require all of WSU's F-1 students to depart the United States with
5 only three weeks left in the semester. This will have untold consequences on students who
6 choose to stay enrolled at WSU for the fall semester. A more likely scenario however, is that F-
7 1 students will choose not to enroll in the fall with the knowledge that they will be forced to
8 either leave the United States or fall out of compliance with their visa status at the end of the fall
9 semester. Per an internal survey, International Programs estimates that a minimum of 25% of
10 WSU's enrolled international students plan to leave the University as a direct result of the Rule.
11 A loss of a substantial number of international students, either prior to or during the semester,
12 would be extremely damaging to WSU.

13 22. The absence of international students on the WSU campus would be a tremendous
14 detriment; the internationalization goal for the university would be severely compromised, as
15 well as the opportunities to provide programming that prepare domestic students for their roles
16 as future global citizens. A decrease or lack of international diversity deprives our domestic
17 students of the exposure of internationalization and the related opportunities of peace and
18 understanding, which are so critical in today's global and interconnected world. The
19 International Programs-International Center (IC) is a perfect example of the direct impact this
20 would have. In just the past year, the IC provided cultural programming for over 2000 students
21 and community members; it reached over 5,000 people in the area through social media and
22 newsletters, provided nearly 500 hours of academic support to both domestic and international
23 students, and worked with more than 20 community partners, including the public schools,
24 Rotary Club and retirement centers. This work is in large part the result of the efforts of the
25 international students who manage the IC. In the same way, the International Students' Council
26 (the ISC) is a high-functioning Registered Student Organization that falls under the umbrella of

1 the Associated Students of Washington State University (ASWSU). The ISC is responsible for
2 developing and facilitating International Education Week(s) each year, advocating for
3 international student concerns such as health insurance, career opportunities, and immigration
4 issues. The cabinet also provides support for the 19 international RSOs that comprise the
5 membership of the ISC as they plan events and activities. The cabinet develops orientations,
6 retreats, and a multitude of cultural activities each semester to bring students and the community
7 together to share cultures, and to promote understanding tolerance and acceptance. These
8 organizations would not exist without the presence of international students.

9 23. If international students from other countries fear coming to the United States due
10 to major disruptions in their education or living situation (see paragraph 19), it will take many
11 years to recover from that sense of fear. Without students traveling and experiencing exchange
12 opportunities, there will be a gap in peer-to-peer marketing and it will take years to rebuild those
13 connections. Exchange students, both coming and going for the U.S., are essentially
14 ambassadors for their country, helping build rapport and setting the groundwork for future
15 interactions and connections between the two countries. This groundwork often becomes the
16 foothold Washington businesses need to expand into or create connections in foreign
17 countries. Thus, cultural exchange is highly important for both countries and for the state of
18 Washington and its businesses. Without incoming students, WSU cannot send outgoing students
19 under its exchange agreements, thus limiting current and future domestic student opportunities
20 and risking the termination of exchange agreements with other institutions. This represents a
21 major loss in the good will gained over decades of student exchange and facilitating international
22 student interest along with the opportunities it grants for increased cultural competency growth
23 for students on both sides of the exchange.

24 24. As stated in paragraph 21, the Rule is certain to have a detrimental effect on
25 WSU's retention of international students. WSU's retention for international students is
26 currently upwards of 80%. This retention and the international student population, contribute to

1 WSU's overall institutional ranking. Any decrease in international enrollment and, as a result,
2 retention, and change to overall student academic performance, brought up by international
3 students, would directly decrease WSU's rankings.

4 25. Many international students enter the University through direct entry for these
5 activities but some also start with English as a Second Language at the WSU CEA-accredited
6 program taught by the Intensive American Language Center faculty. Due to the Rule, if WSU is
7 not able to offer Academic English/ESL and pathways programs "live," WSU will loss all of
8 those students immediately. In spring 2020, that was a total of nearly 200 students. This would
9 cause the Academic English and pathways programs to potentially close entirely, thus shutting
10 off that funnel of students into the University and causing significant loss of future enrollment
11 and revenue as 98% of those students matriculate into the WSU system as degree-seeking
12 international students after completion of Academic English or pathways.

13 26. The negative effects of the Rule reach beyond the University. F-1 immigration
14 status comes with the ability to seek practical training with United State employers. Practical
15 training both in its curricular practical training (CPT) and/or optional practical training (OPT)
16 form is in high-demand in a state such as Washington that houses such companies as Amazon,
17 Boeing, Starbucks, Microsoft, and a multitude of others that frequently host such students. The
18 state of Washington will likely lose out on this vital human resource if the Rule is allowed to go
19 into effect.

20 27. In addition to the qualitative harm to the University and Washington State, the
21 Rule will have a severe financial impact on the University and the communities in which it is
22 physically present. WSU projects a total net revenue from international tuition and fees for
23 AY20-21 to be \$17.8 million. Since international students pay full-freight non-resident tuition,
24 the financial impact of losing any international students is magnified. On the Pullman campus,
25 University Recreation estimates that these students will contribute \$565 thousand in fees for the
26

1 upcoming while House and Dinning estimates it would lose \$13.3 million dollars if no
2 international students came this next academic year.

3 28. There is potential that entire programs could shut down at the graduate level that
4 heavily rely on international enrollments. WSU anticipates 7-12 graduate level programs that
5 rely heavily on international enrollment could close as a result of the Rule. These program in
6 key areas critical to the mission of the University include Physics, Astronomy, Chemistry,
7 Electrical Engineering, Computer Science, Applied Economics, Math, Statistics, and Biology.

8 29. In addition to potentially closing programs or courses, there is the potential for a
9 direct impact to teaching due to the loss of international graduate teaching assistants.
10 International teaching assistants make up a sizable portion of instructors for undergraduate level
11 courses. The chart below, organized by course subject, summarizes the number of international
12 teaching assistants teaching WSU undergraduate courses. Currently, there are 348 international
13 teaching assistants contributing invaluable instruction to undergraduate level students. At this
14 late date, it would be impossible for the University to replace all the instructional hours these
15 TAs provide, meaning programs may not be able to be sustained. The Carson College, for
16 instance, estimates it would not be able to teach at least six courses this fall without its
17 international students, thus disrupting the entire educational experience to its students (domestic
18 and international).

19 **International Teaching Assistants, Spring 2020**

20 Accounting	3
21 AFS	1
22 AMDT	2
23 Animal Science	2
24 Anthropology	6
25 Architecture	1
26 Astronomy	4
Business Administration	4
Biology	12
Civil Engineering	5
Chemical Engineering	3

1	Chemistry	5
2	Communications	11
3	Computer Science	25
4	Criminal Justice	2
5	Electrical Engineering	23
6	Economics	28
7	Education / Sp Ed	5
8	English	2
9	Entomology	1
10	Entrepreneurship	4
11	Environmental Science	5
12	Foreign Language	5
13	Human Development	10
14	Hospitality Business Management	9
15	History	4
16	IPM	2
17	Math/Stat	15
18	Mechanical Engineering/Materials Science	40
19	Marketing	9
20	Pharmacy	6
21	Philosophy	1
22	Physics	21
23	Political Science	5
24	Psychology	2
25	Soil Science	1
26	Vet Med	1
	Women's Studies	2
	Other	61
		348

30. The Rule could also have disastrous effects on University Athletics. Currently, WSU has forty-three returning and twenty incoming student athletes on F-1 visas. If these students cannot enroll or the Rules forces these students to leave the country, five varsity sports teams would not meet NCAA size requirements. This includes the women's tennis team (89% F-1 students), the women's basketball team (69%), and the women's golf team (63%). This would put the University at risk of falling out of compliance with NCAA, Pac-12, and Title IX rules and regulations.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

NO. 2:20-cv-01070

v.

**DECLARATION OF
JANICE LEE YOSHIWARA**

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Janice Lee Yoshiwara, declare as follows.

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I submit this declaration in support of Washington’s litigation challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be published as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program (the “Rule”).

3. I have compiled the information in the statements below through my personal knowledge or based on the documents that I have reviewed. I have familiarized myself with the

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Complex Litigation Division
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1 information contained in the Rule in order to understand its immediate impact on our member
2 institutions.

3 4. I have served as the Executive Director for the Washington State Board of
4 Community and Technical Colleges (SBCTC) since July 1, 2017. Prior to that, I worked as Deputy
5 Director for the Education Division at SBCTC, Associate Director for Information Technology and
6 Assistant Director for Student Services and Minority Affairs at SBCTC. Prior to SBCTC I served
7 as the Director for Minority Affairs at Pierce College Fort Steilacoom.

8 5. As Executive Director, I manage an agency that oversees Washington state's unified
9 community and technical college system, which is comprised of 34 community and technical
10 colleges. Under the direction of our Board of Directors, I oversee the staff, resources, policies and
11 procedures to carry out the vision and strategic plan set by our Board of Directors. This involves
12 distributing state and federal resources to colleges; working with State Board members, presidents
13 and trustees on unified approaches that strengthen our students and institutions; coordinating with
14 K-12 and university partners; and managing legislative and state agency relations.

15 6. The SBCTC is led by a 9-member Board of Directors appointed by the Governor
16 with the consent of the Senate. As a state agency, the SBCTC administers the Community
17 College Act of 1967 and provides leadership and coordination for Washington State's system of
18 34 public community and technical colleges. The agency supports and empowers community
19 and technical colleges through advocacy, resources, information, leadership and accountability.
20 In doing so, the State Board serves an essential role in increasing higher education opportunities
21 for the people of Washington and meeting statewide educational attainment goals.

22 7. Each year, about 363,000 students attend a community or technical college to
23 train for the workforce, prepare to transfer to a university, gain basic math and English skills, or
24 pursue continuing education. As open access institutions, we serve students of all ages, races and
25 backgrounds across Washington State. Our colleges create upward mobility for the people of our
26

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1 state and build a skilled workforce for a vibrant and inclusive economy well equipped to compete
2 in a global marketplace.

3 8. Of our approximately 363,000 students, approximately 13,000 students have
4 either F-1 or M-1 visas. In 2018-2019, our international full-time enrollment was 11,385
5 students. These students come from more than 40 countries across the world and contributed
6 approximately \$107,673,637 in tuition to our member institutions in 2018-19.

7 9. Bellevue College, for example, enrolls approximately 970 international students
8 from China, Taiwan, South Korea, Vietnam, Japan, Congo (Kinshasa), Indonesia, Hong Kong,
9 Brazil Russia and other countries.

10 10. Green River College, had an annual F-1 student enrollment headcount of 4,154 in
11 2019-2020. This summer term, 750 international students from 46 countries are currently studying
12 at Green River College. This includes students from Bangladesh, Cambodia, Democratic Republic
13 of Congo, Eritrea, India, Iraq, Iran, Kenya, Kyrgyzstan, Madagascar, Myanmar, Nigeria, Papua
14 New Guinea, Swaziland, Tunisia, West Bank, and Zambia.

15 11. Edmonds Community College enrolls students from China, Indonesia, S. Korea,
16 Vietnam, as well as students from the MENA (Middle East Northern Africa) Region, such as Libya,
17 Burundi, Gambia, Saudi Arabia and Jordan. The college also serves students from Latin America,
18 including Brazil and Costa Rica.

19 12. At Everett Community College, 131 international students are studying in the
20 United States, and 89 are currently outside the U.S.

21 13. At the two Community Colleges of Spokane, 125 international students are
22 currently in the U.S. and 35 are outside of the U.S.

23 14. Our international students bring much more to our community and technical
24 colleges than financial benefits. They introduce diverse perspectives into classroom discussions,
25 break stereotypes and make our campus more vibrant. As a result, all students learn different
26

1 interpersonal and communication styles, learn to make more informed opinions, and gain a better
2 understanding of international issues and foreign affairs.

3 15. By bringing diversity and cultural awareness to their fellow students,
4 international students help all students prepare for the diverse world in which they will live, work
5 and compete. They help create positive cultural, racial and ethnic relations in communities big
6 and small here in Washington and across the globe.

7 16. Throughout the COVID-19 pandemic, our community and technical college
8 system has worked diligently to continue to provide educational opportunities for all our students
9 so they can complete their studies, enter jobs and universities, and create a skilled workforce that
10 reinvigorates our economy.

11 17. In late February, one of our 34 community and technical colleges, Lake
12 Washington Institute of Technology in Kirkland, found itself at the epicenter of the COVID-19
13 outbreak in the United States. Nursing faculty and students participating in clinical rotations
14 were at the senior assisted living facility and exposed to patients with COVID 19. Immediately
15 what had once seemed like a distant concern, became an immediate threat. College leadership in
16 the system began to dial in the gravity of the situation and started conversations on their
17 respective campuses about “what if” scenarios.

18 18. Within two weeks of the outbreak at the senior assisted living facility, the state
19 issued several executive orders resulting in cancelling in-person K-12 and higher education
20 instruction. The executive orders formed Governor Inslee’s March 23 Stay Home, Stay Healthy
21 order.

22 19. Like higher education institutions across the nation, COVID-19 threw
23 Washington’s 34 community and technical colleges into uncharted waters. Fortunately, our
24 system of colleges was able to draw upon decades of experience with online learning. All 34
25 colleges have eLearning directors who share best practices through a system-wide eLearning
26

1 Council. Through the council, faculty share information about designing instructional content
2 for online classes.

3 20. The colleges also share a common Learning Management System and other tools
4 that allow faculty to create virtual classrooms, complete with lecture capture, online test
5 proctoring, captioning, and tutoring. Most colleges require faculty to go through free training
6 courses offered by the State Board. Information is also available 24-7 on a web-based resource
7 page.

8 21. The COVID-19 crisis hit Washington right as students were finishing up winter
9 quarter. Colleges used spring break to shift instruction and services online. Virtual rooms were
10 set up so students could drop in and get real-time help from faculty and staff.

11 22. This Herculean shift to move everything online also meant that students had to
12 have computers and access to WiFi. Colleges responded by distributing laptops, Chromebooks
13 and WiFi hotspots, and by expanding the reach of their internet access to parking lots.

14 23. Foundations stepped up to offer grants to help students in emergency situations,
15 and colleges distributed federal CARES funding to help students make ends meet.

16 24. Collectively with our K-12 and university partners, we addressed issues around
17 grading, college admissions, dual-credit, and university transfer, with a shared understanding
18 that students should not be penalized for the disruptions caused by COVID-19. All of this was
19 accomplished in strict compliance with the Governor's Phase 1 and Phase 2 higher education
20 safety protocols.

21 25. In May, the governor's office granted a request by the State Board for Community
22 and Technical Colleges to allow small groups of students in certain training programs—like
23 Allied Health—to access labs and equipment on campus. The programs were limited to those
24 attached to a list of essential occupations that are exempt from the Stay Home, Stay Healthy
25 order. Governor Inslee, in consultation with the Department of Health and the Department of
26

1 Labor and Industries, later issued a proclamation allowing colleges to teach the hands-on
2 component of any prof-tech class on campus. By that time, our system had gained valuable,
3 demonstrable, experience in teaching the hands-on portion of professional-technical classes
4 within health safety standards.

5 26. On June 24, Governor Inslee announced a plan to reopen in-person instruction
6 and services for higher education for fall quarter 2020. The plan was based on months of
7 collaborative work by executive leadership from higher education sectors, businesses, and other
8 government. The plan is effective August 1 and colleges are preparing their respective campuses
9 for fall quarter based on the guidelines outlined in the plan. The reopening plan encourages
10 remote learning when possible, and social distancing and personal protective equipment when it
11 is not possible. The necessarily rigorous nature of the health and safety protocols have led some
12 colleges to withhold offering certain professional-technical programs altogether until the
13 governor reopens higher education on August 1, 2020.

14 27. Throughout this pandemic, SBCTC leadership has convened regular “check in”
15 meetings with personnel from specific areas of college governance—presidents, chief academic
16 officers, vice presidents for student services, etc. These meetings provide an efficient way for
17 our entire system to jointly monitor updates, address new challenges, and provide solutions.
18 Colleges also meet regularly (daily in many cases) with their own leadership teams to best
19 operationalize safety standards. SBCTC also staff meets regularly with the Governor’s staff,
20 Department of Health, Nursing Commission, the Department of Labor and Industries, the
21 Council of Presidents (4-year public higher education institutions), Independent Colleges of
22 Washington (4-year private higher education institutions), the Office of Superintendent of Public
23 Instruction, and the Washington Student Achievement Council.

1 28. Every decision made since early March has focused on the health and safety of
2 our students and college employees and with great collaboration across all sectors of higher
3 education.

4 29. Given our high respect for the role international students serve in creating an
5 excellent educational community for students, SBCTC was initially relieved when ICE indicated
6 in March that F-1 and M-1 visa holders could attend classes remotely without losing their status,
7 and that this exemption would be “in effect for the duration of the emergency.” Our colleges
8 followed and continued their reliance on March guidance from ICE in preparing for the fall
9 semester because it was put in place “for the duration of the emergency.” Based on this
10 representation, we assumed this guidance would be in place for the fall term.

11 30. We were shocked to learn that on July 6, 2020, ICE sent out a “Broadcast
12 Message” reversing this previous guidance. In this “Broadcast Message,” ICE announced that it
13 was rescinding the March 13 exemption, requiring all students on F-1 visas whose university
14 curricula are entirely online to depart the country, and barring any such students currently outside
15 the United States from entering or reentering the United States (the “July 6 Directive”).

16 31. The July 6 Directive requires every institution of higher education to decide, by
17 Wednesday July 15, 2020—nine days after its issuance—whether it will fully or partly resume
18 in-person education, and to submit an “operational change plan” if classes will be online-only.
19 Schools adopting a “hybrid” system of online and in-person instruction must, by August 4, 2020,
20 certify for each and every F-1 visa student that the student is not taking an entirely online course
21 load for fall 2020, and that the student is taking “the minimum number of online classes required
22 to make normal progress in their degree program.” The July 6 Directive states that the
23 “procedures and responsibilities” therein will be published “in the near future as a Temporary
24 Final rule in the Federal Register.” But the Directive itself establishes “procedures and
25 responsibilities” with which schools and students “must” comply as early as July 15, 2020.
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1 32. The July 6 directive has fundamentally disrupted our institutions' reopening plans
2 for fall 2020. Planning for fall term re-opening at all our colleges was based on the flexibility
3 provided by SEVS during the emergency. However, without much warning, ICE/SEVP
4 rescinded some of the most critical exemptions and put students and schools in a scramble.
5 International students enrolled in colleges choosing to remain online for health and safety
6 reasons will need to abruptly leave the U.S. or change schools, disrupting their educations.
7 Although most colleges are offering hybridized/in-person options for all students, some colleges,
8 such as Shoreline Community College and Yakima Valley College, plan to remain
9 predominantly or all online in fall 2020 given the continued prevalence of the COVID-19
10 pandemic. Community and technical college students who stay in the United States and take the
11 hybrid courses, which are highly recommended under safety protocols, will need to take at least
12 one class face-to-face, with no allowances for if the class has to pivot back to all online learning
13 due to a spike in the pandemic.

14 33. Moreover, the July 15 and August 1 submission dates for operational plans are
15 unreasonable and antithetical to effective planning for re-opening. This Directive harms our
16 institutions' enrollments and financial health, and create costly administrative burdens. Many
17 students looking forward to a chance to study in the U.S. will likely disenroll or not enroll at all
18 in fall 2020. Others will lose their ability to obtain OPT/CPT work visas. A large number may
19 try to switch colleges, resulting in administrative and financial challenges for the students and
20 the institutions themselves.

21 34. Travel and visa challenges are already making it hard for international students
22 to come here, learn and contribute. Compounding the problem are travel bans instituted in June
23 2020. International enrollments are already falling, and the new rule makes the problem worse
24 during an extremely challenging time for our entire country. Shoreline Community College, for
25 example, faces a difficult challenge with its students. If Shoreline decides to do a hybrid option,
26

1 that would mean that the 299 students physically outside of the U.S. would be out of status and
2 would have to go through an extremely cumbersome process to return to the U.S. in the future
3 to take at least one class in person. If the college does not offer hybrid courses, and conducts all
4 classes fully online, 413 students who are physically in the U.S. would need to leave the U.S.,
5 or transfer to another college or university. Shoreline has at least 21 students in ESL levels who
6 would need to be 100% enrolled in face to face courses to remain in the U.S. Students at
7 Shoreline and other colleges are reporting much frustration and anxiety, and many indicate they
8 are likely to abandon plans to study in the U.S. altogether.

9 35. Everett Community College (EvCC) currently enrolls 250 international students
10 across 42 programs; all will be negatively impacted by the Department of Homeland Security's
11 decision to modify the temporary SEVIS procedures put in place in response to COVID 19. Like
12 Shoreline, EvCC has a mix of students studying in the United States. Of the 250 international
13 students, 131 are studying in Washington state. Unless EvCC can find a way to offer hybrid or
14 face-to-face classes that meet their educational needs and are consistent with CDC guidelines,
15 all 131 stand to lose their immigration status and would need to leave the US immediately. The
16 131 students represent 27 different countries, many of which have limited travel access for
17 students to return. Because EvCC is operating according to a limited hybrid model, the remaining
18 international students, currently outside the US, would also lose their current immigration status.
19 In order to complete their studies when fully face-to-face classes eventually resume, these 89
20 students would need to either reactivate or completely restart their immigration status. Further,
21 students among this group who are close to graduation and who had hoped to transfer to a 4-year
22 American college or to take advantage of temporary work opportunities in the United States may
23 no longer be permitted to do so.

24 36. The impact on institutions' already-strained budgets would be significant.
25 College expenses have increased dramatically due to the necessary measures in place for
26

1 distancing, sanitation, and general contamination containment. Anticipated budget cuts at the
2 state level will compound these concerns. For instance, Shoreline Community College had
3 already anticipated and planned for a \$2.2 million budget reduction this year. Because of the
4 pandemic, Shoreline is now anticipating an additional \$4.5 to \$7.3 million in budget reductions
5 for 20-21. This new ICE rule has the potential to impact Shoreline even more so given that the
6 college has maintained an international student enrollment over 800 students for the past 5 years.
7 Shoreline Community College estimates that the potential loss of the approximately 723 of its
8 students affected by the rule (including loss in tuition, housing, food service, and bookstore
9 revenues) would eclipse \$9,085,154.

10 37. Everett Community College would also experience a devastating financial
11 impact. The college stands to lose \$850,000 in the next biennium in housing revenue with 34
12 students currently living in student housing. The college could lose up to \$5.2 million in lost
13 international contract revenue in the next biennium if all 250 students believed to be affected are
14 unable to study online after losing their immigration status.

15 38. Bellevue College estimates it would lose approximately \$850,000 in the next
16 biennium in housing revenue. It is conceivable that the college would lose up to \$5.2 million in
17 lost international contract revenue in the next biennium as a result of the SEVS determination.

18 39. Pierce College projects lost tuition revenue of \$2.7 million, while Cascadia
19 College projects \$1.9 million in lost tuition revenue. Edmonds College projects deep losses in
20 bookstore revenue and food purchases.

21 40. At Skagit Valley College, international tuition revenue in the past has accounted
22 for up to 10% of the total revenue. Like other colleges, these funds are part of the operational
23 budget. Under this scenario, international revenue would drop to 2-4% of total revenue at Skagit
24 Valley College.

1 41. Community Colleges of Spokane predicts an immediate impact of over \$250,000,
2 and the potential permanent loss of these students for the year would be roughly \$1 million.

3 42. At every college, not having International students could cause loss of
4 employment for those who teach, advise and work in the International Programs departments of
5 a college.

6 43. The rule would also put extra administrative burdens on our colleges. Most
7 colleges do not have international management software, so the ruling would require a time-
8 consuming process of recording and verifying information, reissuing the I-20 forms,
9 electronically sign them, and then sending them to students. Colleges would need to reissue the
10 I-20 form for each student on F-1 status and within short order. The rule also requires extensive
11 communication with our students, their parents, and external recruiting partners. Global teams
12 are reaching out across time zones to host live informational sessions and personally speak with
13 each student.

14 44. Executive staff costs are not inconsiderable, as our chancellors, presidents and
15 numerous chief officers have had to redirect their accountabilities to reviewing and responding
16 to the needs of colleagues, students, and constituents at a time when those resources were already
17 strained by the effects of COVID-19.

18 45. Actions such as ICE's rule would not only impact short-term enrollment, but
19 would, without a doubt, impact our member institutions for many years to come. The ICE
20 directive threatens to tarnish our colleges' accurate reputation as safe places and could negatively
21 impact their future recruitment efforts overseas. The credibility and trust that colleges have built
22 with parents, alumni, education partners and agents would be in jeopardy if they are unable to
23 deliver on their promise of delivering an excellent education that leads to a certificate or degree.
24 International students, families and partners are expressing bewilderment and disappointment at
25 the U.S. and are looking for other destination countries such as Canada and Australia for their
26

1 students. Shoreline Community college, for instance, estimates that it would take at least 10
2 years to rebuild its program after it is severely damaged by the proposed ICE ruling.

3 46. Centralia College has heard from international students about how they would be
4 impacted if they are asked to leave the United States. Those impacts include:

- 5 a. Stress of moving/leaving their campus apartments or host families where they
6 have been able to stay safe AND continue to pursue their degrees (fully online
7 due to Covid restrictions);
- 8 b. Finding flights to take them home (every country is wary of in-bound flights
9 from the U.S.);
- 10 c. The high cost of international flights (when available);
- 11 d. Grave fear risking their health to take these long-haul flights;
- 12 e. Fear of infecting their loved ones at home (elderly parents, relatives who are
13 immunocompromised);
- 14 f. Disappointment/frustration to not be able to complete their degree (some are so
15 close to graduation) due to time differences and the quality of wifi/internet
16 access; and
- 17 g. Fear of visa expiring and new one not being issued by U.S. Consulates, if not in
18 all, definitely in some countries.

19 47. Community Colleges of Spokane expects to face an increased need for mental
20 health counseling in some instances. Students also report feeling marginalized and devalued.

21 48. The rule would also have a cascading effect on the local economies that support
22 our institutions. According to the NAFSA International Student Economic Value Tool, the
23 financial contribution from international students was \$956.1 million during the 2018-2019
24 academic year in the state of Washington with supporting 8,818 jobs.

1 49. This effect is magnified on the local level. For instance, International student FTE
2 makes up almost 20% of the whole student body at Shoreline Community College. 50% of
3 students living in the Residence Hall are international students. Shoreline Community College
4 projects that its students alone contributed \$25.9 million to the Washington Economy and
5 supported 132 jobs. Shoreline estimates that the loss of the 732 students currently affected by
6 the rule would remove \$19,600,730 from the local economy.

7 50. Centralia College expects host families would lose the stipends received from
8 students they host and local restaurants would lose money spent when students frequent them.
9 Other businesses would also be impacted, such as car insurance/rental companies; health
10 insurance companies (students are required to purchase student health insurance, healthcare
11 facilities (students buy memberships to local gyms), local grocery stores and big-box stores.

12 51. Cascadia College is located in the city of Bothell, WA. The Bothell economy is
13 greatly bolstered by the presence of international students at Cascadia. A conservative estimate
14 of 200 students enroll in college courses every year. This translates into a \$2,000,000 annual
15 infusion into the local economy as measured by apartment rentals and patronage at grocery
16 stores, restaurants, and local shops. This income is also directed to insurance companies, banks,
17 commuter transit, and other travel. The joint campus of Cascadia College and University of
18 Washington, Bothell is among the top 10 major employers in the area. A loss of international
19 students would trigger a reduction in college staff, further contributing to the erosion of the
20 economy on the NE side of Lake Washington.

21 52. Community Colleges of Spokane estimates the impact of international students
22 to the Spokane economy to be \$6.6M per year. In a situation of over 15% unemployment in
23 Spokane County and similar unemployment rates in the other counties of the service area, the
24 loss of these students would deal measurable damage to the local economy.

1 53. Green River College points to a 2018 economic impact of \$35.8 million and 181
2 jobs, as estimated by NAFSA: Association of International Educators.

3 54. The Rule would also likely have a disastrous effect on the lives of our students,
4 and would likely cause major disruptions to their education. Students who lose their status
5 because of this rule face the loss of professor-student communications and collaboration; loss of
6 interaction with and learning with other students; loss of involvement in campus life – clubs,
7 organizations, sports, social interactions; and loss of opportunity to improve/attain English
8 language fluency for many.

9 55. Students also likely face health consequences as a result of the rule. Students who
10 lose their status may not be able to leave the U.S. safely, as some may be experiencing pandemics
11 in their own home countries. Moreover, our institutions welcome students from dozens of
12 different countries, and the logistics and risks of transport make travelling back home a practical
13 impossibility. For instance, students from Burundi, Madagascar, and Jordan cannot fly back to
14 their home countries, as according to the IATA flights are indefinitely suspended to those
15 countries. Students from India or Colombia cannot book flights back to those countries until
16 August 31 at the earliest. Higher education institutions are reporting that Chinese students face
17 extreme difficulty finding flights and are paying exorbitant prices to get home. Students' ability
18 to leave the U.S. safely during the midst of a pandemic is similarly likely to be significantly
19 constrained.

20 56. The Rule creates a number of impacts on the health of our universities'
21 community. For instance, many of our students, staff, and faculty are now forced to choose
22 between their health and safety and their education.

23 57. Finally, we anticipate that our mission and those missions of our institutions
24 would be harmed by ICE's July 6 Directive. As many community colleges in the U.S. have
25 developed international education programs that include both incoming students, but also study
26

1 abroad opportunities, these programs serve our institutions through the diversity of thought,
2 experience, education, and cultural perspectives that influence the world.

3 58. In Shoreline, for instance, about 75% of student leaders in the Associated Student
4 Government and Arts and Entertainment Board are international students. International students
5 play an active leadership role in managing the many registered student clubs, working closely
6 with domestic students. In addition, their participation in the many activities on campus
7 contributes greatly to the academic learning and the diverse cultural experience.

8 59. At Skagit Valley College, U.S. students learn about international students and
9 their countries through their interactions in classes. In this ever-increasing interrelated world we
10 live in, this experience would be removed from the college culture if the school didn't have any
11 international students on campus.

12 60. When the government acts to deny international students the ability to
13 simultaneously pursue their studies and remain safe from COVID 19, the decision cuts at the
14 heart of community and technical colleges' mission and our educational values. American
15 students, staff and faculty lose the opportunity to learn from the diverse students who come to
16 the US to pursue their educational goals. Moreover, our collective ability to create an equitable
17 and just community of learners would inevitably suffer. Our colleges understand that we are all
18 harmed when any learner is denied the right to pursue their education.

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DECLARATION OF
JANICE LEE YOSHIWARA
CAUSE NO. 2:20-cv-01070

15

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 10th day of July, 2020, at Olympia, Washington.



JANICE LEE YOSHIWARA
Executive Director

DECLARATION OF
JANICE LEE YOSHIWARA
CAUSE NO. 2:20-cv-01070

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

NO. 2:20-cv-01070

v.

**DECLARATION OF
IVAN L. HARRELL II**

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Ivan L. Harrell, II, Ph.D., declare as follows:

1. I am the President of Tacoma Community College (TCC) located in Tacoma, Pierce County, Washington. My educational background includes Doctor of Philosophy degree (Ph.D.) at Florida State University, a Master’s degree (M.Ed.) from Vanderbilt University, and a Bachelor of Art’s degree (B.A.) from Wittenberg University. My doctoral dissertation was “Using Student Characteristics to Predict the Persistence of Community College Students in Online Courses.” I have been employed as TCC’s President since May 2018. From 2015 to 2018, I served as Executive Vice President and Chief Academic and Chief Student Affairs Officer for Georgia Piedmont Technical College. From 2013 to 2015, I served as Chief Student

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1 Services Officer and Vice President of Student Success for Lone Star College-CyFair,
2 enrollment approximately 20,000 students. From 2003 to 2013, I worked at four different
3 colleges in staff positions.

4 2. I submit this declaration in support of the State of Washington’s litigation
5 challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be published
6 as a Temporary Final Rule (the “Rule”) to amend requirements of the Student and Exchange
7 Visitor Program.

8 3. I have compiled the information set forth below through personal knowledge as
9 well as through TCC personnel who have assisted me in gathering this information from our
10 institution’s files and records. I have also familiarized myself with the Rule in order to
11 understand its immediate impact on TCC.

12 4. TCC is an urban community college founded in 1965. Offering 43 associate
13 degrees, 33 certificates and three Bachelor of Applied Science degrees, more than 11,000
14 students attend TCC annually. In 2019, TCC employed 888 staff and faculty members. Based
15 on an Economic Modeling Specialists Inc. (EMSI) study for 2017-18, TCC provided nearly \$68
16 million in income for Pierce County and educated a workforce that generated about \$243 million
17 in income for Pierce County.

18 5. TCC is part of the Washington State Board of Community and Technical College
19 (SBCTC) system, which oversees 34 community and technical colleges in the State. About 40
20 percent of its budget comes from legislative appropriations and the vast majority of the
21 remainder comes from tuition and fees.

22 6. TCC’s budget for its 2020-21 fiscal year is \$52,286,452

23 7. For the current and previous academic years, TCC’s tuition and course fees for
24 a full time (15 credits) international student were set at \$3,330 per quarter and \$9,990 for all
25 three quarters of an academic year. See [https://www.tacomacc.edu/costs-admission/admission-](https://www.tacomacc.edu/costs-admission/admission-process/international/tuitioncosts)
26 [process/international/tuitioncosts](https://www.tacomacc.edu/costs-admission/admission-process/international/tuitioncosts) (last visited July 10, 2020).

DECLARATION OF
IVAN L. HARRELL II
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1 8. International students pay nearly three times the tuition of resident students. TCC
2 depends on this additional revenue to meet its budgetary needs for each academic year, and will
3 be harmed if its international students cannot attend TCC due to the Rule.

4 9. For the 2019-20 academic year, TCC had 249 enrolled international students in
5 the U.S. with F-1 or M-1 visas. These students come from 18 countries and contributed
6 approximately \$2,487,410 in tuition and fees to the TCC budget.

7 10. The international students referenced in the preceding paragraph come from
8 China, Gabon, Hong Kong, India, Indonesia, Japan, Kenya, South Korea, Lithuania, Russia,
9 Vietnam, Bolivia, Cambodia, Canada, Columbia, Congo, Peru, Philippines, Sudan, and Uganda.

10 11. In many of these countries, it is difficult for students to engage in remote/online
11 learning due to poor technology infrastructure, war, or social unrest. They may face barriers to
12 internet access, lack of ability to speak and write freely, and restriction of online speech for
13 journalists, inhibiting significant research capabilities. Countries that come to mind are China,
14 Vietnam, North Korea, and Russia.

15 12. Due to factors including the COVID-19 pandemic and governmental restrictions
16 on entering the United States placed on foreign nationals, TCC's enrollment of international
17 students has declined. The pandemic has already constrained our budget and this order would
18 constrain it further due to our dependency on international students' enrollment.

19 13. Currently, TCC has 130 students living in the United States and admitted for the
20 upcoming fall quarter who will require F-1 or M-1 status. Of these students, 55 have already
21 enrolled, and the college is actively working to enroll 75. Additionally, the college has 44
22 students who are outside of the United States, of which 20 have already enrolled, and 22 that the
23 college is actively working to enroll. The impact of losing the ability to have these students
24 continue their education at TCC would result in the college losing approximately \$1,298,770 in
25 annual revenue generated through international student tuition and fees. In an environment where
26 the college has already lost significant international enrollment prior to the COVID pandemic,

1 and the substantial revenue the college has lost due to the pandemic, losing an additional amount
2 of approximately \$1.3 million would have a devastating impact on the college. Losing this
3 significant amount of revenue would result in additional elimination of positions over and above
4 the 32 positions that have already had to be eliminated this fiscal year, as well as possible closure
5 of the college's international program.

6 14. Starting in February 2020 and continuing to the present, TCC leadership began
7 to take a series of actions in response to the COVID-19 public health crisis. TCC's responses
8 were based on guidance from the Center for Disease Control, State Department of Health,
9 Tacoma-Pierce County Health Department, and direction from Governor Jay Inslee on college
10 closures, social distancing and other public health measures. Moreover, TCC's responses were
11 in reliance of the March 9, 2020 "Broadcast Message 2003-01" from ICE in preparing for the
12 fall semester, as TCC understood that this order was put in place for the *duration* of the
13 emergency. We then formed our strategy and planning accordingly, relying on the expectation
14 that the international students living in the United States and their financial contributions to our
15 entire budget would remain untouched.

16 15. We formed our Expanded Leadership Team comprised of approximately 50 Vice
17 Presidents, Deans, and supervisors from all parts of the college, which met for two hours twice
18 a week to mobilize staff, marshal our resources, and make quick decisions in the face of a rapidly
19 changing environment. Our response has focused on continuing our mission of providing high
20 quality education and holistic support for our students. Throughout this time, our staff has
21 demonstrated remarkable teamwork, flexibility, and dedication to helping our students.

22 16. Our goals were, and continue to be, to:

23 16.1 Protect the health and safety of students, staff, and the community.

24 16.2 Adhere to the guidance of public health experts and Governor Jay Inslee.

25 16.3 Provide ongoing communications to students, staff, and the public.
26

1 16.4 Support students and staff in the transition to online instruction and working
2 remotely.

3 16.5 Ensure equitable access to instruction, technology, and other resources for student
4 success.

5 17. Our actions to ensure the safety of our college community included:

6 17.1 Increasing deep cleaning of campus facilities and distribution of cleaning supplies
7 to staff.

8 17.2 Providing guidelines to staff and supplies on cleaning their work areas.

9 17.3 Implementing social distancing practices.

10 17.4 Closing our Tacoma and Gig Harbor campuses on March 20 and establishing
11 protocols for employees working on campus (a limited number who were responsible for critical
12 work that could not be done remotely) and working from home.

13 17.5 Implementing 100 percent online instruction in winter quarter, in response to the
14 COVID-19 crisis, through our secure teaching platform.

15 17.6 Launching virtually all instruction for spring quarter online.

16 17.7 Conducting most summer quarter instruction online.

17 17.8 Deciding in May 2020 to offer a mixed approach for classes in the fall, with some
18 classes to be held on campus, but as many as possible to be held online to ensure health and
19 safety of our students, staff, and faculty.

20 18. My leadership team and I are in weekly meetings with fellow college presidents,
21 provosts, public information officers, state and local leaders, and public health experts to monitor
22 the pandemic and to assess what is the most safe and effective instructional modality for the fall,
23 given the daily information we receive.

24 19. I meet with SBCTC leadership frequently and state college leadership weekly,
25 my leadership team meets with their peers frequently, and we are in contact with Tacoma-Pierce
26 County Health Department. We follow the Governor's directives closely and have implemented

1 the Governor’s Re-Start Health and Safety requirements. We also engage with our campus
2 community, which includes faculty and leadership from all departments, and consult with
3 students.

4 20. Our top goal is to ensure the health and safety of our community and slow down
5 the spread of COVID-19, while offering quality education for all of our students.

6 21. TCC has been following the guidance of the Tacoma-Pierce County Health
7 Department, SBCTC, the Governor’s orders, and the CDC.

8 22. TCC implemented a taskforce called the “Fall Modality Workgroup.” It
9 consisted of faculty and enrollment staff, who researched phase requirements; held discussions
10 with faculty about how to move forward; and reviewed effective and safe teaching platforms.
11 Based on this research, the taskforce recommended TCC take a mixed-class approach, with the
12 majority of classes online, to ensure safe and healthy learning practices. The plan continues to
13 evolve, specifically with face-to-face meetings between faculty and students, and what support
14 services we can offer in a safe manner. Support services include the library, tutoring, advising,
15 and technology support.

16 23. Currently, under the federal and state guidance and requirements, TCC’s summer
17 quarter lab and clinical trainings are open to a limited amount of students and faculty in pre-
18 approved programs. We monitor regulations and requirements, and are prepared to adjust time
19 and scheduling, if necessary, depending on the phase and its regulations.

20 24. International student enrollment always plays a critical role in the college’s
21 planning process, particularly as it relates to enrollment and budget projection and planning. The
22 uncertainty of the ability of our international students to be enrolled in the college, due to the
23 Rule, has created significant uncertainty of the college’s ability to keep or suspend some college
24 programs and operations.

1 25. For the fall, TCC decided to offer mixed courses that are either scheduled during
2 a specific time and date (synchronous) or not scheduled and when a student works on their own
3 time and schedule (asynchronous). This mixed modality was offered for several reasons:

4 25.1 The uncertainty of what phase Pierce County will be in the fall.

5 25.2 The safety and health of faculty and staff (the average age is 47; for faculty, the
6 average age is 50).

7 25.3 The health and safety of students (the average age is 26).

8 25.4 The importance of giving our students enough notice of the modality of classes
9 so they could choose the modality that worked best for them.

10 25.5 Concern for students/faculty/staff who would have childcare issues depending
11 on the plan for the local public K-12 schools.

12 26. TCC was shocked and dismayed when it learned about the Rule. Our foremost
13 concern was the students who would be impacted: How they would finish their education at
14 TCC? How they would get home if they were already in the United States? How this would
15 impact them financially and emotionally? We are concerned these students will drop out and
16 ultimately not finish their U.S. education that they have worked so hard to accomplish.

17 27. But, in addition, the Rule will have harmful impacts on the college's enrollment,
18 planning and budgeting processes. The Rule will also have a significant impact on the non-
19 monetary benefits international students bring to the college. These students are part of the fabric
20 of Tacoma Community College, Tacoma, and Pierce County, Washington. These students bring
21 needed diversity that benefits both them and the entire college and broader community. The
22 potential inability of these students to be able to continue their studies here in our community,
23 will have devastating impacts.

24 28. Currently, TCC has 130 students admitted for the upcoming fall quarter who are
25 currently living in the United States. Of these students 55 have already enrolled, and the college
26 is actively working to enroll 75. Additionally, the colleges has 44 students who are outside of

1 the United States, of which 20 have already enrolled, and 22 that the college is actively working
 2 to enroll. Due to the current ICE regulations many, if not all, of the students who are currently
 3 in the United States would withdraw. These students would also not have the ability to transfer
 4 to another institution due to application and enrollment deadlines. If these students were not able
 5 to enroll at the college, the college could lose approximately \$2.4 million in revenue.

6 29. The impact of losing all these students to our institutions already constrained
 7 budget would have a devastating impact of well over a million dollars.

8 30. Based upon the information available to me, the estimated impact of foreign
 9 students at TCC for the upcoming fall quarter is as follows:

Impact for fall enrollments	Enrolled	Not enrolled
Students in the U.S.	55	75
Annual tuition and fee revenue	\$ 549,450	\$ 749,250

13 31. Additionally the college currently has vibrant international partnerships with
 14 various international educational entities. The new ICE directive sends a negative message to
 15 our partners and could potentially impact these programs as well. The college has already
 16 sustained a significant loss in revenue due to COVID-19 and related travel restrictions which have
 17 resulted in the loss of our Japan program for 1 year, and potentially our Danish programs as well.
 18 Potentially losing these programs would be an additional loss of approximately \$600,000 in
 19 annual revenue.

20 32. For the fall quarter of 2020, TCC will have five teaching modalities available,
 21 each with stipulations. These are defined and explained in the tables below. The schedule for the
 22 academic schedule has not changed and the fall quarter will start Sept. 21. Both the spring and
 23 summer quarters started one week late for us to prepare for the online instruction.

Term	Definition	Class Time in Schedule?	Classroom in Schedule?
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1	<i>Synchronous</i>	<i>Students and their instructor will meet at the same time in the same place, either in-person or online</i>	--	--
2				
3	<i>Asynchronous</i>	<i>students and their instructor will work on their own time, online</i>	--	--
4				
5	Online	100% asynchronous instruction delivered online, via Canvas. This is the default.	No	No
6	Face-to-Face	100% synchronous on-campus (“traditional”) instruction	Yes	Yes
7	Hybrid	40%-60% synchronous on-campus (“traditional”) instruction, with the remainder of instruction delivered asynchronously, online, via Canvas	Yes	Yes
8				
9				
10	NEW: Mixed Online	40%-60% synchronous online instruction delivered via Zoom or an alternative, with the remainder of instruction delivered asynchronously, online, via Canvas	Yes	No
11				
12	NEW: Timed Online	100% synchronous online instruction delivered via Zoom or an alternative, with assignments and other course material delivered via Canvas	Yes	No
13				
14				

15	<u>Modalities explained in greater detail</u>			
16	1. Online			
17	a. Definition: 100% asynchronous instruction delivered online, through Canvas.			
18	b. Stipulations:			
19	i. Departments may plan to have all classes 100% online.			
20	ii. All sections will default to online modality unless another is specified.			
21	iii. In an Online class, if synchronous sessions are offered, they <u>must</u> be optional/supplemental opportunities for students.			
22	1. There must be no penalty for missing synchronous sessions.			
23	2. Optional synchronous sessions should be recorded and posted on the course shell so that students who could not participate may review the contents at a later date.			
24	2. Face-to-Face			
25	a. Definition: 100% synchronous on-campus (“traditional”) instruction.			
26	b. Stipulations:			
	i. No Department may plan to offer all of its courses face-to-face.*			
	ii. No Department may plan to offer all sections of any particular course face-to-face.*			

1	<i>*exceptions may be approved for cohort-based or practicum-based programs</i>
2	
3	iii. Significant safety measures are required.
4	iv. Class sizes must be small enough to permit required social distancing.
5	v. Department must provide rationale for use of this modality.
6	vi. Requires approval by the Provost.
7	
8	3. Hybrid
9	a. Definition: 40%-60% synchronous on-campus (“traditional”) instruction, with the remainder of instruction delivered asynchronously, online, via Canvas.
10	b. Stipulations:
11	i. No Department may plan to offer all of its courses Hybrid.*
12	ii. No Department may plan to offer all sections of any particular course Hybrid.*
13	<i>*exceptions may be approved for cohort-based or practicum-based programs</i>
14	iii. The face-to-face component of Hybrid courses can ONLY be used for campus-based labs in conjunction with online lecture.
15	iv. Significant safety measures are required.
16	v. Face-to-face class sizes must be small enough to permit required social distancing.
17	vi. Department must provide rationale for use of this modality.
18	vii. Requires approval by the Provost.
19	
20	4. Mixed Online
21	a. Definition: 40%-60% synchronous online instruction delivered via Zoom or an alternative, with the remainder of instruction delivered asynchronously, online, via Canvas.
22	Example – In a 5-credit class there could be up to 3 hours of synchronous instruction each week.
23	b. Stipulations
24	i. No Department may plan to offer all of its courses Mixed Online.*
25	ii. No Department may plan to offer all sections of any particular course Mixed Online.*
26	<i>*exceptions may be approved for cohort-based or practicum-based programs</i>
	iii. Synchronous sessions are <u>required</u> for students, but—at instructor’s discretion—may be recorded and posted on the course shell so that students who could not participate may review the contents at a later date instead.
	iv. Department must provide rationale for use of this modality.
	v. Requires discussion with program chair and approval of Dean.
	5. Timed Online

- a. Definition: 100% synchronous online instruction delivered via Zoom or an alternative, with assignments and other course material delivered via Canvas.
 Example – In a 5-credit class there would be 5 hours of synchronous instruction each week.
- b. Stipulations
 - i. No Department may plan to offer all of its courses Timed Online.*
 - ii. No Department may plan to offer all sections of any particular course Timed Online.*

**exceptions may be approved for cohort-based or practicum-based programs*

 - i. This modality is strongly discouraged. Ideally, no online classes should require more than 3 hours of synchronous meetings/week (i.e., Mixed Online is preferred to Timed Online).
 - ii. Synchronous sessions are required for students, but—at instructor’s discretion—may be recorded and posted on the course shell so that students who could not participate may review the contents at a later date instead.
 - iii. Department must provide rationale for use of this modality.
 - iv. Requires discussion with program chair and approval of Dean.
 - v. Requires enrollment “by permission only” to ensure that students understand the technological and chronological requirements.

33. Due to the ever changing landscape of the global COVID pandemic, planning for upcoming academic quarters has been challenging. Although we have developed a strong academic plan for the college for the fall quarter, this plan has to be continually monitored and adjusted based on the state of the pandemic in the state of Washington and in Pierce County (WA). To implement the current hybrid approach we have developed for the fall quarter, significant funding has been utilized to ensure faculty and students have needed instructional technologies, and the needed training in the use of those technologies. We have also had to significantly invest in purchasing adequate personal protective equipment (PPE) that aligns with the stringent safety & security requirements that are needed to present a hybrid instructional approach. Additionally, due to the current ICE regulations we have to carefully plan how to continue to provide on-campus hybrid offerings for international students, in the event that the county and/or state reinstate regulations that may preclude on campus operations.

1 34. TCC and its students benefit enormously from the participation, presence and
2 diversity of international students. Equity, diversity and inclusion are critical at TCC, and our
3 mission and vision reflect our commitment. Furthermore, having a diverse student body with
4 international students offer perspectives that other students otherwise may never experience
5 and they bring unique viewpoints about different approaches to society, governance, and
6 policy. Even if students do not meet in classrooms, they can still—from appropriate distances
7 or online—share valuable insights with one another. Our students and international students
8 learn from each other.

9 35. Our foremost goal is the health and safety of the community. In the winter and
10 spring, we switched to online instruction to help minimize the spread of Covid-19. For the
11 summer, we followed the same approach, and in the fall, we are again taking a mostly online
12 instructional approach. We believe that all students, including International, will continue to
13 learn and stay on-track with this approach. This Rule forces us to offer more in-person classes
14 during a pandemic, and exposes more people to become ill. Furthermore, to send International
15 Students back to their home country jeopardizes their future. There are no guarantees that home
16 Internet is reliable; that they can return to their home countries; and they face other challenges,
17 such as the loss of money plus time. We should not be forced to choose between the health and
18 safety of our community and forcing people to gather in a small classroom during a pandemic.

19 36. This new ICE directive could have a catastrophic impact on our international
20 student enrollment and potentially impact the employment of numerous staff and faculty that
21 provide support and teach international students. Due to COVID-19 our international programs
22 department has shrunk from 9 to 6 staff members, we also employ 3 faculty members that teach
23 international students exclusively in our English for Academic Purposes program, not to mention
24 other faculty in Business, STEM, and other disciplines whose jobs could be impacted due to
25 lower enrollments with the loss of international students in their classes.
26

DECLARATION OF
IVAN L. HARRELL II
CAUSE NO. 2:20-cv-01070

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ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 37. We have had conversations with our caring homestay families, and they have
2 stated how hurt they are by the recent ICE directives. One said “I love international education.
3 It transforms lives.” Those host families are in the Tacoma community and part of our homestay
4 program by opening their hearts and minds to our international students to share the US culture.
5 We, as TCC and Tacoma community, are committed to advocating for students and continuing
6 to provide international education and cultural exchange opportunities for everyone’s mutual
7 benefits for a better world.

8 38. I strongly oppose the Rule as it will damage the college’s financial health, undo
9 years of programming and relationship building with our international partners and, most of all,
10 will harm our international students.

11 I declare under penalty of perjury under the laws of the State of Washington and the
12 United States of America that the foregoing is true and correct.

13 DATED this 10th day of July 2020, at Tacoma, Washington.

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15 _____
16 Ivan L. Harrell II
17 President
18 Tacoma Community College

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
U.S. Department of Homeland Security; and
MATTHEW ALBENCE, in his official
capacity as Acting Director of U.S. Customs
and Immigration Enforcement,

Defendants.

NO. 2:20-cv-01070

**DECLARATION OF
LINDA KAMINSKI**

I, Linda Kaminski, hereby state under the penalty of perjury that the following statements are true and accurate to the best of my knowledge, based on my personal knowledge as well as information compiled and verified by other Yakima Valley College (“YVC” or the “College”) employees, and that I could testify to these matters if called to do so:

1. I am the President of YVC, a position I have held since 1995. In my role as President, I am responsible for all aspects of undergraduate education and residential life. I also have oversight over YVC’s international students, including oversight over

DECLARATION OF
LINDA KAMINSKI
CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
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1 YVC's International Students Program ("ISP"), which provides support for YVC's
2 international students.

3 2. YVC currently has 11 active students holding F-1 visas, including students
4 on Optional Practical Training ("OPT"), which allows eligible students to receive up to 12
5 months of employment authorization before completing their academic studies and/or
6 after completing their academic studies. In addition, YVC has 5 newly admitted students
7 who have not started their programs or F-1 visa status.

8 3. In my role as President, I have worked collaboratively for the last several
9 months with YVC's leadership, faculty, staff, scholars, alumni, students, parents, and
10 outside advisors in the development and implementation of YVC's plans and operations
11 during the COVID-19 pandemic, including our plans for undergraduate education this fall.

12 4. On April 28, 2020, YVC, located in Yakima County, announced that the
13 Yakima County now is seeing the highest rate of infection, per capita, in the state, and
14 therefore made the difficult decision to extend online learning through the entirety of
15 Summer and Fall Quarters.

16 5. As part of my work evaluating the options and making recommendations
17 for the fall quarter, members of YVC's leadership were briefed on the COVID-19
18 Guidance for Student and Exchange Visitor Program ("SEVP") that the United States
19 Immigration and Customs Enforcement ("ICE") issued in response to the COVID-19
20 pandemic. On March 13, 2020, ICE issued COVID-19 Guidance for Student and
21 Exchange Visitor Program Stakeholders ("March 13 Guidance"). Pursuant to the March
22 13 Guidance, students in the United States holding F-1 visas are allowed to "count online
23 classes towards a full course of study" in the event their school temporarily stopped in-
24 person classes, regardless of whether the visa holders remained in the United States or
25 departed the United States. The March 13 Guidance stated that it would remain "in effect
26 for the duration of the emergency."

1 6. On July 6, 2020, ICE issued Fall 2020 COVID-19 Guidance (“July 6
2 Directive”). The July 6 Directive largely withdraws the exception that SEVP announced in
3 March. The July 6 Directive states that if a school provides only online course instruction
4 in the fall, students holding F-1 visas may not remain in the United States to pursue their
5 studies. It provides that students holding F-1 visas “must depart the country or take other
6 measures, such as transferring to a school with in-person instruction to remain in lawful
7 status[,] or potentially face immigration consequences including, but not limited to, the
8 initiation of removal proceedings.” It is our current understanding that if the July 6
9 Directive takes effect, YVC students with F-1 student visas who are enrolled in remote
10 programs will face immigration consequences if they do not leave the country within 15
11 days of the start of the Fall 2020 term. Further, it is our understanding that YVC students
12 with F-1 student visas who are enrolled in programs that are a hybrid of remote and in-
13 person learning but remain outside the United States will not be permitted to participate in
14 their coursework remotely and also maintain their F-1 visa status.

15 7. The July 6 Directive, if it takes effect, will have significant negative
16 impacts on YVC students and YVC as an institution. First, YVC has expended
17 tremendous energy over the preceding four months to develop guidance for the College’s
18 operations to take reasonable measures to prioritize the health and safety of its students,
19 faculty, staff, and the surrounding community while maintaining the vibrant educational
20 community at the College.

21 8. As described in more detail below, the July 6 Directive will make it
22 impracticable for certain of YVC’s international students to continue to study at YVC and
23 make progress toward their degrees, while imposing academic and living conditions for
24 others that will prompt them to take leaves from their programs—or drop out altogether.

25 9. By virtue of the fact that the July 6 Directive is likely to result in far fewer
26 international students enrolled at YVC during the coming academic year, the July 6 Directive

1 will affect YVC in at least the following additional ways:

2 a. YVC and its students benefit enormously from the participation of
3 international students. Indeed, many of YVC’s curricular programs depend
4 critically on the presence and diversity of international students. YVC places
5 great emphasis on a diverse student body, and international students offer
6 perspectives that other students otherwise may never experience. And even
7 if students do not meet in classrooms, they can still—from appropriate
8 distances or online—share valuable elements of on-campus life, such as
9 participation in extracurricular activities. The loss of international students
10 from YVC would deprive YVC’s students of one of the great benefits of their
11 experience here.

12 b. YVC’s ISP will also be harmed financially if a substantial number of
13 international students leave, transfer to another institution, or do not enroll
14 in the fall. For nearly seven years the ISP has worked to grow and maintain
15 a self-supporting department. The loss of several current and prospective
16 students would put the ISP in fiscal unreliability that would take years to
17 rebuild.

18 10. Even if YVC were to implement in-person or hybrid (i.e., partial in-person,
19 partial virtual) instruction, such that students on F-1 visas could remain in the United States,
20 significant burdens would remain for international students. Many of YVC’s international
21 students are first- year students or students who have returned to their home countries.
22 These students would be unable to get to campus because of the State Department’s
23 suspension of consular processing of visa applications, which affects their ability to obtain
24 initial visas if they are new students, or obtain new visa stamps to support their reentry if
25 their current stamps have expired. Other students face travel restrictions that prevent them
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1 from leaving their home countries or entering the United States (or both). Moreover,
2 students participating in hybrid programs from outside the United States—either because
3 they choose to remain abroad or because they are unable to return to the United States—
4 would relinquish their F-1 status and therefore lose their ability to access critical benefits of
5 the F-1 visa program, such as Curricular Practical Training employment and Optional
6 Practical Training employment at the end of the academic year. This would further harm
7 YVC as an institution and the students who lose these opportunities.

8 11. Although a hybrid program might allow domestic students to select only
9 online courses if they have health conditions that place them at a greater risk (or simply
10 want to avoid the greater risk of infection that in-person instruction imposes), under the July
11 6 Directive, F-1 students are denied this. The July 6 Directive not only precludes F-1
12 students from an all-online course schedule, it mandates that F-1 students “tak[e] the
13 minimum number of online classes required to make normal progress in their degree
14 program.” Accordingly, vulnerable or concerned F-1 students would be forced to participate
15 in in-person learning, despite the risks.

16 12. The July 6 Directive also creates an administrative hurdle for YVC during a
17 time when administrators are devoting the majority of their time and effort to respond to the
18 pandemic. Under the Directive, schools must update all F-1 records and issue a new Form I-
19 20 to all F-1 visa students no later than August 4, 2020. YVC will be required to generate
20 forms in under a month to verify eligibility to pursue studies in the U.S.

21 13. The short timeframe of the July 6 Directive before the start of the fall
22 quarter not only makes it difficult for the College to change course; it makes it even more
23 difficult for international students to make alternative arrangements. International flights
24 are expensive and in the case of many countries, direct flights are unavailable,
25 necessitating multiple transfers, which increases the risk of COVID-19 with each leg of
26 the journey. International students will need to make arrangements for housing in their

1 home countries and will likely face financial hardship in breaking leases or finding
2 subletters for their housing, if permitted, in the United States.

3 14. For students with families and children, these challenges are exacerbated.
4 Significant others of our F-1 students will need to make alternative arrangements and many
5 of our students with young children will face difficulties in enrolling students in daycares
6 and schools outside of the country. Some families may be forced to split apart in order to
7 comply with the July 6 Directive.

8 15. In addition to the concerns with post-completion OPT status, students
9 holding F-1 visas typically have the opportunity to pursue pre-completion practical
10 training, internship, and experiential learning opportunities within the United States, which
11 complement the in-classroom instruction provided by YVC. In many cases, these
12 opportunities are with U.S.-based labs, centers, and companies. Some of these
13 opportunities are simply not available to students residing outside the United States. And
14 those that are permitted may be extremely difficult to pursue from abroad, as students
15 would need to coordinate meetings and other efforts with team members and supervisors in
16 the United States.

17 16. If forced to leave the United States, many students will face a difficult and
18 uncertain path to returning to the United States to continue their educations. At this stage,
19 U.S. consular offices are closed for routine visa appointments. Even when the consular
20 services reopen in the students' home countries, many students live great distances from
21 the consular offices and will be required to pay large sums to reinstate their visas. Many
22 countries have long waits for future visa appointments and will be delayed in returning to
23 complete their degrees if they are forced to return home at this stage.

24 17. Moreover, the July 6 Directive directed that schools offering a hybrid model
25 "must certify to SEVP, through the Form I-20, 'Certificate of Eligibility for Nonimmigrant
26

1 Student Status,' that the program is not entirely online, that the student is not taking an
2 entirely online course load for the fall 2020 semester, and that the student is taking the
3 minimum number of online classes required to make normal progress in their degree
4 program." To comply with this requirement, YVC would need to issue a new Form I-20 for
5 each of its students on F-1 status and to do so within 21 business days of the July 6
6 Directive. Doing so is not only unduly burdensome, but, in many cases, difficult because
7 students are generally not required to even register for particular classes until closer to the
8 start of the quarter.

9 18. In addition to harms described above affecting YVC students, the College
10 has also heard from individual students from parts of the world who will face challenges by
11 remaining in or being forced to return to their home countries: moreover, many flight and
12 airport restrictions that make airline tickets prohibitively expensive.

13 19. YVC's goal is to welcome all students back to campus for in-person
14 learning as soon as it can responsibly do so. At this point, however, it would not be feasible
15 for YVC to safely implement College-wide in-person learning for the Fall 2020 quarter.
16 YVC invested significant time devising, planning, and implementing the 2020-2021
17 curriculum in a manner that did not anticipate widespread in-person learning, and it would
18 not be possible for YVC to implement the necessary safety measures required for College-
19 wide in-person learning for the Fall quarter, particularly in light of the uncertainty
20 surrounding COVID-19.

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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 9th day of July, 2020, at Yakima, Washington.


LINDA KAMINSKI
President, Yakima Valley College

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

NO. 2:20-cv-01070

Plaintiff,

DECLARATION OF
MICHAEL P. MEOTTI

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; IMMIGRATION
AND CUSTOMS ENFORCEMENT; CHAD
F. WOLF, in his official capacity as Acting
Secretary of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in his
official capacity as Acting Director of U.S.
Customs and Immigration Enforcement,,

Defendants.

I, Michael P. Meotti, declare as follows:

1. I am the Executive Director of the Washington Student Achievement Council (WSAC), a Washington State agency responsible for state higher education policy and programs, located in Olympia, WA. My educational background includes a Bachelor of Science and Juris Doctor degrees from Georgetown University. I have been employed as Executive Director since February 8, 2017. Prior to that, I was the Executive Vice President and Chief Operating Officer of the Connecticut State Colleges and Universities system.

DECLARATION OF
MICHAEL P. MEOTTI
CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
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(206) 464-7744

1 2. I submit this declaration in support of the State of Washington’s litigation
2 challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be published
3 as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program
4 (the “Rule”).

5 3. I have compiled the information set forth below through personal knowledge as
6 well as through WSAC and college personnel who have assisted me in gathering this
7 information. I have also familiarized myself with the Rule in order to understand its immediate
8 impact on colleges in the state of Washington

9 4. WSAC is a cabinet-level state agency that advises state elected officials on higher
10 education policy; and manages financial aid programs, college saving plans and college
11 readiness support programs.

12 5. WSAC has a Research Department with expertise in the full range of higher
13 education data systems including, but not limited to, the Integrated Postsecondary Education
14 Data System (IPEDS) database maintained by the US Department of Education, Washington
15 State Education Research and Data Center and the data systems maintained by public institutions
16 of higher education.

17 6. IPEDS is a system of interrelated surveys conducted annually by the U.S.
18 Department of Education’s National Center for Education Statistics (NCES). IPEDS gathers
19 information from every college, university, and technical and vocational institution that
20 participates in the federal student financial aid programs. The Higher Education Act of 1965, as
21 amended, requires that institutions that participate in federal student aid programs report data on
22 enrollments, program completions, graduation rates, faculty and staff, finances, institutional
23 prices, and student financial aid.

24 7. The completion of all IPEDS surveys is mandatory for institutions that participate
25 in or are applicants for participation in any federal student financial aid program (such as Pell
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1 grants and federal student loans) authorized by Title IV of the Higher Education Act of 1965, as
2 amended (20 USC 1094, Section 487(a)(17) and 34 CFR 668.14(b)(19)).

3 8. More than 7,500 institutions, including 107 in Washington State, complete
4 IPEDS surveys each year. These include research universities, state colleges and universities,
5 private religious and liberal arts colleges, for-profit institutions, community and technical
6 colleges, non-degree-granting institutions such as beauty colleges, and others.

7 9. Part A of the IPEDS Fall Enrollment (EF) survey requires that institutions provide
8 enrollment data broken out by certain demographic characteristics. “Nonresident alien” is one
9 of these characteristics.

10 10. The instructions on the EF survey define “nonresident alien” as a person who is
11 not a citizen or national of the United States and who is in this country on a visa or temporary
12 basis and does not have the right to remain indefinitely.

13 11. According to the Fall Enrollment 2018 (EF 2018) survey results include 22,893
14 nonresident alien students enrolled in 66 institutions of higher education across the state of
15 Washington.

16 12. A spreadsheet is attached to and incorporated within this Declaration as
17 Attachment A.

18 13. All of Washington’s 6 public four-year universities, all 34 public two-year
19 colleges, and 26 of Washington’s private colleges enrolled nonresident alien students in Fall
20 2018.

21 14. The enrollment of nonresident aliens included 17,673 undergraduates and 5,220
22 graduate students.

23 15. Based on my two decades of experience with higher education enrollment data,
24 it is possible for a student included in the IPEDS definition of nonresident alien to hold a visa
25 other than a student visa, but virtually all nonresident alien students are in the United States on
26 a student visa, such as F or M visas.

1 16. I spoke this week with campus staff who work directly with international student
2 enrollment and confirmed that my understanding of the context described in paragraph 15 is
3 accurate.

4 17. Despite public perceptions about university endowments and other financial
5 resources, my experience in higher education, my exposure to literature on higher education
6 finances and my detailed review of financial reports and audits filed by institutions shows that
7 virtually all public and private institutions operate on very thin margins of revenues in excess of
8 expenses. Institutions of higher education tend to be very sensitive to cash flow and any
9 disruptions, even in small percentages of total revenues or expenditures, can result in negative
10 financial margins.

11 18. Revenue derived from international student enrollment is very likely to be higher
12 on a per student basis than revenue from other student population cohorts. This is especially
13 true for public institutions because international students pay higher tuition rates applicable to
14 non-resident students. Washington's colleges and universities have already lost significant
15 revenue from tuition and housing in FY 2020 since the COVID-19 public health crisis led to the
16 end of in-person instruction and the closing of most residential facilities. It is highly likely that
17 expected declines in Fall 2020 enrollment due to public health concerns across all student
18 populations will result in lower revenues than anticipated in FY 2021. The "Rule" will result in
19 an additional loss of revenue over and above what is already expected.
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DECLARATION OF
MICHAEL P. MEOTTI
CAUSE NO. 2:20-cv-01070

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I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 10th day of July 2020, at Seattle, Washington.



Michael P. Meotti
Executive Director
Washington Student Achievement Council

DECLARATION OF
MICHAEL P. MEOTTI
CAUSE NO. 2:20-cv-01070

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Attachment 1

UnitID	Institution Name	State abbreviation	Sector of Institution	Control of institution	Institutional category	Undergraduate Nonresident Alien**		Undergraduate All Students	Graduate Nonresident Alien**		Graduate All Students
						Total Students	Alien** Total Student Percents		Students Counts	Students Percents	
236948	University of Washington-Seattle Campus	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	4,857	15.1%	32,099	2,974	19.4%	15,301
235343	Green River College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	1,224	14.4%	8,471			
236939	Washington State University	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	1,098	4.2%	26,098	1,142	21.2%	5,380
236513	Seattle Central College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	1,086	16.0%	6,802			
235103	Edmonds Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	985	12.2%	8,041			
234669	Bellevue College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	931	7.0%	13,226			
236610	Shoreline Community College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	828	13.9%	5,949			
236595	Seattle University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	502	10.7%	4,685	238	9.1%	2,606
377555	University of Washington-Bothell Campus	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	483	8.9%	5,401	85	14.9%	569
236072	North Seattle College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	472	8.0%	5,929			
235431	Highline College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	445	6.8%	6,530			
235097	Eastern Washington University	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	410	3.6%	11,408	14	1.1%	1,225
236504	South Seattle College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	404	6.5%	6,177			
235149	Everett Community College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	357	4.5%	7,957			
234827	Central Washington University	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	339	3.0%	11,419	27	2.9%	923
236753	Tacoma Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	267	4.3%	6,242			
236708	Spokane Falls Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	233	4.5%	5,184			
439190	Cascadia College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	232	6.8%	3,396			
237039	Whatcom Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	232	5.4%	4,263			
235237	Pierce College-Fort Steilacoom	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	193	3.2%	6,067			
236577	Seattle Pacific University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	169	5.9%	2,876	41	5.0%	812
377564	University of Washington-Tacoma Campus	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	167	3.7%	4,554	103	12.9%	800
237011	Western Washington University	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	165	1.1%	15,170	18	1.9%	951
443410	DigiPen Institute of Technology	WA	Private for-profit, 4-year or above	Private for-profit	Degree-granting, primarily baccalaureate or above	130	14.9%	874	64	66.7%	96
237057	Whitman College	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	119	8.1%	1,475			
236188	Olympic College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	116	1.8%	6,620			
235699	Lake Washington Institute of Technology	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	114	3.1%	3,670			
236638	Skagit Valley College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	93	1.8%	5,159			
237066	Whitworth University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	92	3.9%	2,370	4	1.0%	406
236230	Pacific Lutheran University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	86	3.0%	2,836	10	2.7%	371
236656	South Puget Sound Community College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	78	1.6%	4,872			
236452	Saint Martin's University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	75	5.6%	1,345	12	4.6%	262
236133	Northwest University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	73	7.5%	975	59	17.1%	346
236896	Walla Walla University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	73	4.4%	1,653	5	2.5%	201
235316	Gonzaga University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	70	1.3%	5,304	137	6.1%	2,259
236692	Spokane Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	68	0.7%	10,375			
234933	Clark College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	60	0.6%	9,878			
236258	Peninsula College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	54	2.6%	2,052			
234915	City University of Seattle	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	41	5.3%	774	229	17.1%	1,339
439145	Pierce College-Puyallup	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	34	0.8%	4,453			
234951	Clover Park Technical College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	29	0.7%	3,905			
235750	Lower Columbia College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	26	0.9%	2,819			
236887	Walla Walla Community College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	18	0.5%	3,860			
237109	Yakima Valley College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	17	0.4%	4,456			
234845	Centralia College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	15	0.5%	3,167			
236382	Renton Technical College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	15	0.4%	3,546			
235167	The Evergreen State College	WA	Public, 4-year or above	Public	Degree-granting, primarily baccalaureate or above	14	0.5%	3,018	1	0.3%	309
235422	Heritage University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	12	1.5%	777	0	0.0%	203
234979	Columbia Basin College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	10	0.1%	7,034			
236328	University of Puget Sound	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	10	0.4%	2,364	1	0.3%	302
236212	Perry Technical Institute	WA	Private not-for-profit, 2-year	Private not-for-profit	Degree-granting, associate's and certificates	8	0.9%	903			
235334	Grays Harbor College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	7	0.4%	1,868			
236975	Wenatchee Valley College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	7	0.2%	3,444			
235024	Cornish College of the Arts	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	6	1.0%	625			
234711	Big Bend Community College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	5	0.2%	2,044			
482185	Academy of Interactive Entertainment	WA	Private not-for-profit, 2-year	Private not-for-profit	Nondegree-granting, sub-baccalaureate	3	2.0%	147			
235671	Bates Technical College	WA	Public, 2-year	Public	Degree-granting, associate's and certificates	3	0.1%	4,445			
235547	Bastyr University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	2	1.2%	161	8	0.9%	937
234696	Bellingham Technical College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	2	0.1%	2,316			
235501	International Air and Hospitality Academy	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	2	1.8%	110			
380377	Northwest Indian College	WA	Public, 4-year or above	Public	Degree-granting, not primarily baccalaureate or above	2	0.4%	535			
245883	Antioch University-Seattle	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	1	1.2%	82	13	2.5%	523
487603	Professional Studies	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	1	0.1%	1,043	1	0.9%	112
488448	Seattle Film Institute	WA	Private for-profit, 4-year or above	Private for-profit	Degree-granting, primarily baccalaureate or above	1	1.5%	67	4	12.1%	33
484826	Seattle Tint School of Makeup & Cosmetology-	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	1	1.9%	53			
432223	University of Phoenix-Washington	WA	Private for-profit, 4-year or above	Private for-profit	Degree-granting, primarily baccalaureate or above	1	1.6%	64	0	0.0%	9
487348	Aveda Institute Portland-Vancouver Campus	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	121			
236018	BJ's Beauty & Barber College	WA	Private for-profit, 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	74			
439118	Carrington College-Spokane	WA	Private for-profit, 2-year	Private for-profit	Degree-granting, associate's and certificates	0	0.0%	337			
491260	Centralia Beauty College	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	58			
102845	Charter College	WA	Private for-profit, 4-year or above	Private for-profit	Degree-granting, not primarily baccalaureate or above	0	0.0%	2,853			
479053	Cortiva Institute-Seattle	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	108			
419411	Cortiva Institute-Seattle	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	119			
235088	Divers Institute of Technology	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	243			
490294	Elite Cosmetology Barber & Spa Academy	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	113			
446260	Evergreen Beauty and Barber College-Everett	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	380			
443049	Faith International University	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	0	0.0%	55	19	13.5%	141
488271	Fosbre Academy of Hair Design	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	102			
458131	Gary Manuel Aveda Institute	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	108			
235583	Gene Juarez Academy	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	128			
407708	Gene Juarez Academy	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	180			
235307	Glen Dow Academy of Hair Design	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	80			
451635	Inland Massage Institute	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	29			
488378	International Beauty Education Center	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	32			
377546	Northwest College of Art & Design	WA	Private for-profit, 4-year or above	Private for-profit	Degree-granting, primarily baccalaureate or above	0	0.0%	85			
434362	Northwest HVAC/R Training Center	WA	Private not-for-profit, less-than 2-year	Private not-for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	41			
458140	Northwest School of Wooden Boat Building	WA	Private not-for-profit, 2-year	Private not-for-profit	Degree-granting, associate's and certificates	0	0.0%	38			
235158	Paroba College of Cosmetology	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	111			
234924	Paul Mitchell the School-Richland	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	260			
462071	Paul Mitchell the School-Spokane	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	134			
449074	Pima Medical Institute-Renton	WA	Private for-profit, 2-year	Private for-profit	Degree-granting, associate's and certificates	0	0.0%	497			
368629	Pima Medical Institute-Seattle	WA	Private for-profit, 2-year	Private for-profit	Degree-granting, associate's and certificates	0	0.0%	468			
485476	Studio Beauty School	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	68			
236744	Stylemaster College of Hair Design	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	57			
459550	Summit Salon Academy	WA	Private for-profit, 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	121			
235352	Toni & Guy Hairdressing Academy-Shoreline	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	61			
451626	Victoria's Academy of Cosmetology	WA	Private for-profit, less-than 2-year	Private for-profit	Nondegree-granting, sub-baccalaureate	0	0.0%	75			
475200	Whitworth University-Adult Degree Programs	WA	Private not-for-profit, 4-year or above	Private not-for-profit	Degree-granting, primarily baccalaureate or above	0	0.0%	294			
363590	Altierus Career College Everett	WA	Private not-for-profit, 2-year	Private not-for-profit	Not applicable						

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

NO. 2:20-cv-01070

v.

**DECLARATION OF
SHOUAN PAN**

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Shouan Pan, declare as follows:

1. I am the Chancellor of the Seattle community colleges, Seattle College District VI (Seattle Colleges). The District is comprised of three community colleges, South Seattle College, Seattle Central College, and North Seattle College, located in Seattle, Washington. My educational background includes a Doctor of Philosophy in Higher Education from Iowa State University, a Master of Education in College Student Personnel from Colorado State University, and a Bachelor of Arts degree in English from Hefei Polytechnic University, Republic of China. I have been employed as Chancellor at the Seattle Colleges since July 2016.

DECLARATION OF
SHOUAN PAN
CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 2. I submit this declaration in support of the State of Washington’s litigation
2 challenging the policies announced on July 6, 2020, by “Broadcast Message” and to be published
3 as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program
4 (the “Rule”).

5 3. I have compiled the information set forth below through personal knowledge as
6 well as through the Seattle Colleges’ personnel who have assisted me in gathering this
7 information from our institutions. I have also familiarized myself with the Rule in order to
8 understand its immediate impact on Seattle Colleges.

9 **Background of Seattle Colleges and International Student Population**

10 4. The Seattle Colleges is heavily reliant on funds appropriated by the Washington
11 State Legislature to subsidize student tuition funds. It is approximately 66 percent state-funded,
12 16 percent funded through contract courses, including some international student tuition
13 payments, and 18 percent funded through student service and activity fees. Some of this contract
14 funding includes auxiliary funds from various sources, including contract students, dormitories,
15 and food services. The State Board for Community and Technical Colleges oversees the 34
16 community and technical colleges in the state of Washington.

17 As of the 2017-18 academic year, the Seattle Colleges had 46,333 students, and 2,242
18 employees, including 1,251 faculty (source Seattle Colleges’ 2019-21 College Catalogue). It
19 offers two-year transfer degrees to four-year institutions, such as the University of Washington,
20 terminal certificates, and has a number a baccalaureate programs.

21 International students provide both revenue and diversity to the Seattle Colleges. In
22 addition to the out-of-state tuition payments, international students at the Seattle Colleges are
23 estimated to have contributed more than \$16 million to the local Seattle economy in the 2019-20
24 academic year.

25 5. 2019-20 revenue generated by international student enrollment was
26 approximately 17.7 million dollars.

DECLARATION OF
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1 **Impact on Institutional Mission and Values**

2 6. During the 2019-20 academic year, the Seattle Colleges had 6,220 enrolled
 3 international students, (these include duplicate head count for summer, fall, winter, and spring
 4 quarters) who have F-1 or M-1 visas. The vast majority of whom attend the Seattle Colleges on
 5 F-1 visas. The Seattle Colleges had been projecting enrollments between 3,442 and 4,068
 6 international students on these visas (working with a range given the COVID-19 environment).
 7 Of these, the Seattle Colleges anticipates approximately 900 students were intending to remain
 8 in Seattle for fall quarter.

9 **Countries Represented by Students Studying on Non-Immigrant Student Visas**

10 7. The students attending the Seattle Colleges on non-immigrant visas come from
 11 84 countries of origin, including these countries with significant enrollments: China, Vietnam,
 12 Saudi Arabia, Japan, South Korea, Brazil, Colombia, Hong Kong, Ethiopia, Myanmar,
 13 Indonesia, India, Kazakhstan, Kyrgyzstan, Mongolia, Nepal, Pakistan, Taiwan, and Thailand.
 14 Many of these countries do not have the remote learning infrastructure available in the United
 15 States, such a Myanmar, Nepal, Columbia, and Mongolia.

16 **Seattle Colleges' Response to COVID**

17 **Policies and Procedures Implemented from ICE Guidance in March**

18 8. The Seattle Colleges changed how it advises international students, telling them
 19 that they could take all online classes and maintain status. The Seattle Colleges had to figure out
 20 and adjust how it registered students in SEVIS, because they were allowed to maintain status if
 21 they were outside the country, but the Seattle Colleges could not conduct initial registration for
 22 students if they had not entered the country. Because the Seattle Colleges had not expected that
 23 Immigration and Customs Enforcement would shift back to previous guidance so quickly, the
 24 Seattle Colleges had already advised many students that they could continue online enrollment
 25 in fall quarter, since we knew, at the very least, that the colleges would be 50 percent or more
 26

1 online. We also shifted to issuing documents digitally. With the pandemic showing no signs of
2 abatement, the ability to reopen to in-person teaching is still uncertain.

3 9. Seattle Colleges continues to prioritize health and safety while doing our best to
4 provide educational access. A large part of the challenge remains in the limited resources to
5 allow for an increase of in-person instruction. Constraints around space, custodial support, and
6 oversight remain significant barriers.

7 **Ongoing Monitoring of the Pandemic and Future Planning**

8 10. Our Emergency Response Team meets three times a week and shares information
9 that each section chief has gathered. Our Planning Team has been gathering internal data and
10 information on space options and program demands.

11 **Decision-Making Process**

12 11. I meet with the three college presidents regularly and with their peers at sister
13 community and technical colleges from across the state in meetings convened by the State Board
14 for Community and Technical Colleges. During those meetings, health experts have provided
15 updated information and forecasts for where the pandemic might progress. Additionally, Seattle
16 Colleges participates in the King County Higher Education Coronavirus Planning Group.
17 Internally, we rely on the expertise of our environmental health and safety staff.

18 12. With significant numbers of students and staff potentially on campus, we have
19 concerns about contributing to “community spread.” King County is still in the Governor’s Phase
20 1 containment and has significantly higher rates of COVID-19 infections than most of state.

21 13. The Seattle Colleges continue to gather data on our options for fall quarter and
22 plan to “turn the dial” slightly in an attempt to offer some in-person sections for students. We
23 have received feedback from some student populations that they greatly prefer in-person
24 instruction over online. We recognize this may be shaded by their previous experience in spring
25 quarter, either with Seattle Colleges or their high school, with the abrupt switch to online
26 learning. We will adhere to Governor Inslee’s reopening protocols for Higher Education. Doing

1 so will require resources be redirected to that effort. We are following the guidance provided by
2 Governor Inslee’s proclamation, which takes effect August 1, 2020.

3 **Continued Reliance on March Guidance from ICE**

4 14. In communication with our SEVP representative, the Seattle Colleges was
5 operating with the understanding that SEVP would give adequate notification for any changes
6 from the March guidance that allowed international students to attend classes online. By
7 adequate notice, we were given to expect four to six months; especially considering the
8 increasing number of COVID-19 cases throughout the U.S.

9 **How New ICE Directive Will Impact Seattle Colleges**

10 15. The Seattle Colleges is reconsidering its mode of instruction for fall quarter
11 2020; being forced to choose between protecting international students and revenues or safety
12 and public health.

13 **Impact on Students**

14 16. We have about 15 students from Africa who would have more difficulty studying
15 from home due to internet infrastructure, and for whom unplanned travel would be a financial
16 burden. They might also find it difficult to renew their visas and return later. And if the pandemic
17 hits their countries hard, it could be quite devastating for them to be at home. While more
18 countries are opening borders to their citizens, flights are limited; often routed through third
19 countries and are priced at a premium—adding financial burden to students and their families.
20 We are also concerned about students having to abandon their apartment leases, as many have
21 resided in Seattle for a few years.

22 **Impact of Disenrollment on Finances**

23 17. International revenues have been in decline since peak enrollments in 2014-15.
24 The pandemic has accelerated the decline for the 2019-20 academic year and is anticipated to
25 impact enrollments in fall 2020 and possibly winter 2021. The ICE directive may decimate what
26 enrollments we have left. The institution relies on this revenue to help cover the gap between

1 state allocation and operating expenses, with international students paying a substantially higher
2 non-resident rate of tuition. Budgets are already constrained and there is the potential of losing
3 F-1 students permanently.

4 **Impact of Losing Tuition Revenue**

5 18. The International Programs offices are funded solely on international revenues.
6 Significant staff reductions are anticipated. In addition, the revenues contribute to the
7 institutional operating funds already constrained by state budget projections.

8 **Potential Loss of Students in Important Roles**

9 19. International students serve in leadership roles throughout the colleges, including
10 within Student Government. Eligible international students also fill many campus hourly jobs.
11 Administrative costs of complying with the ICE directive, such as having to issue a new Form
12 I-20 for each of its potentially thousands of students on F-1 status, and to do so within 21 business
13 days of the July 6 Directive. The directive puts undue burden on the SEVIS Designated School
14 Official in the institution during summer when staff have prearranged vacation time. Further, the
15 guidance provided is not final. Given that it is subject to changes that may further impact staff
16 workload, the deadlines are unreasonable.

17 **Impact on Local Economy and Services**

18 20. In addition to the tuition revenue, international students at the Seattle Colleges
19 are estimated to have contributed more than \$16 million to the local economy in academic year
20 2019-20.

21 **Seattle Colleges' Response to the COVID-19 Pandemic**

22 21. During spring quarter, Seattle Colleges initially went 100 percent online for
23 classes and student services in line with the Stay Home, Stay Healthy Order from Governor
24 Inslee. We started classes a week late for spring quarter to allow faculty additional time to make
25 the transition. We also compensated faculty for this transition. We provided technology (as best
26 we could) for some students who did not have access. Partway through spring quarter, Governor

1 Inslee released new guidance for Higher Education that allowed us to re-open a few selected
2 programs, in essential fields, for in-person instruction. We developed an Infection Control Plan
3 and associated protocols over the course of one to two weeks and began having limited in-person
4 instruction in those essential programs. Spring quarter enrollment ended at 74 percent of our
5 original target.

6 **Decision to Switch to Online Instruction**

7 22. As the pandemic was progressing and being better understood, we were following
8 the guidance of the Governor's office and the State Board for Community and Technical
9 Colleges. We did not really have a choice as to whether or not to move to a virtual environment
10 given the on-going safety concerns for faculty, staff, students and the general public.

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DECLARATION OF
SHOUAN PAN
CAUSE NO. 2:20-cv-01070

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ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct.

3
4 DATED this 10th day of July 2020, at Seattle, Washington.

5 *Shouan Pan*

6 _____
7 Dr. Shouan Pan
8 Chancellor
9 Seattle College District VI
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

NO. 2:20-cv-01070

v.

**DECLARATION OF
LINDA SCHAETLER**

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Linda Schactler, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Chief of Staff and Secretary to the Board of Trustees at the Central Washington University (“CWU”) located in Ellensburg, WA. My educational background includes a bachelor of arts and a master of arts in English Literature. I have been employed as CWU since Dec. 2009.

DECLARATION OF
LINDA SCHAETLER
CAUSE NO. 2:20-cv-01070

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ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 2. I submit this declaration in support of the State of Washington’s litigation
2 challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be
3 published as a Temporary Final Rule to amend requirements of the Student and Exchange
4 Visitor Program (the “Rule”).

5 3. I have compiled the information set forth below through personal knowledge as
6 well as through CWU personnel who have assisted me in gathering this information from our
7 institution. I have also familiarized myself with the Rule in order to understand its immediate
8 impact on CWU.

9 4. Central Washington University is a public, regional, comprehensive institution.
10 In addition to the residential campus in Ellensburg, WA, CWU offers programs at six
11 University Centers and two instructional sites throughout the state of Washington. The six
12 University Centers are co-located with Washington community and technical colleges: CWU-
13 Des Moines, CWU-Lynnwood, and CWU-Pierce County on the west side of the Cascades, and
14 CWU-Moses Lake, CWU-Wenatchee, and CWU-Yakima on the east side. The two
15 instructional sites are CWU-Joint Base Lewis McChord and CWU-Sammamish.

16 5. The State of Washington has authorized CWU to operate as a higher education
17 institution and to award bachelor’s, master’s, and educational specialist degrees. The Revised
18 Code of Washington (RCW) 28B.10.016 defines “institutions of higher education,”
19 “postsecondary institutions,” and “regional universities” to include Central Washington
20 University. RCW 28B.35.200 authorizes Central Washington University to confer bachelor of
21 arts, bachelor of science, and bachelor of arts in education degrees. RCW 28B.35.205
22 authorizes CWU to grant any degree through and including master’s degrees, and RCW
23 28B.35.202 authorizes CWU to award educational specialist degrees.

24 6. According to CWU’s Annual Financial Report FY19 (the FY20 report is not yet
25 available on the Accounting and Financial Services website), state appropriations totaled
26 \$62,970,000. This was an increase of \$3.3 million or 5.59% compared to FY18 when state

1 appropriations were \$59,634,000. For Spring 2020, CWU's State General operating funds
2 totaled \$21,877,529. In comparison, Spring 2019 State General operating funds totaled
3 \$24,457,722.

4 7. Through the authority granted through Chapter 28B.35 RCW, Central
5 Washington University is a State regional university that is allocated funding through the State
6 legislature on a biennium period. In the 2019-2021 biennium, Central was appropriated a total
7 of \$133,983,000 per Engrossed Substitute House Bill 1109 signed by Governor Inslee on
8 05/21/2019.

9 8. In Spring 2020, CWU enrolled 14,230 students including 9,954 undergraduates,
10 5215 graduate students, 215 post-baccalaureate students, and 3,550 high school students
11 participating in CWU Running Start. CWU employed 1,911 faculty and staff members
12 including approximately 500 full-time faculty.

13 9. CWU has five colleges: the College of Arts and Humanities; the College of
14 Business; the College of Education and Professional Studies; the College of the Sciences; and
15 the William O. Douglas Honors College. CWU offers six graduate degree designations:
16 Education Specialist (EdS), Master of Arts (MA), Master of Education (MEd), Master of Fine
17 Arts (MFA), Master of Music (MM), and Master of Science (MS). CWU has six undergraduate
18 degree designations: Bachelor of Applied Science (BAS), Bachelor of Arts (BA), Bachelor of
19 Arts in Education (BAEd), Bachelor of Fine Arts (BFA), Bachelor of Music (BM), and
20 Bachelor of Science (BS). The institution offers more than 300 majors, minors, and
21 specializations.

22 10. Students and CWU employees have a massive impact on the economic health of
23 the city of Ellensburg, where about one of every seven jobs is at the university. The annual
24 payroll for this educated workforce supports retail, food, housing, and other businesses. The
25 purchases of employees and the activities of the university also generate sales tax and other
26 revenue that supports local government and the delivery of vital human services. Retailers in

1 the Ellensburg area know that CWU students represent 50 percent of all retail customers.
2 Employees, students, and guests generate more business throughout the year than any other
3 single entity. Camps, conferences, and events hosted by CWU draw more than 50,000
4 people to restaurants.

5 11. CWU enrolled on average 343 international students on F-1 visa status between
6 Fall, Winter and Spring quarters during the 2019-2020 Academic Year. These students
7 contribute \$14,644,700 in tuition, housing fees, etc. to Central Washington University. CWU
8 currently has about 200 international students enrolled into the Fall quarter and most of these
9 students are in the United States.

10 12. Central Washington University has 161 newly admitted students for enrollment
11 in Fall 2020 who will require F-1 or M-1 status. Of these students, 70 are currently in the
12 United States and 91 are currently living outside the United States and require a visa to enter
13 the country for study. These students are expected to contribute \$6,874,043 in tuition, housing
14 fees, etc. to Central Washington University.

15 13. In compliance with the 19 March 2020 Kittitas County Health Order and
16 Governor Inslee's 23 March 2020, "Stay Home, Stay Healthy" proclamation, for the duration
17 of the Spring 2020 term, CWU moved all instruction online. All in-person classes and labs
18 were canceled, and all campus buildings were closed to the public. CWU issued a statement
19 strongly encouraging students, whether they live on or off campus, to stay in place. Dining
20 services only provided food to go, and all in-person, University-sponsored student and
21 community events were canceled, including Commencement.

22 14. To facilitate the transition to completely online teaching and learning, CWU
23 moved the start of the spring term back by one week. Instead of beginning on Tuesday, 31
24 March 2020, the term began on Wednesday, 8 April 2020. Courses continued through
25 Monday, 8 June 2020, with final exams taking place 9 through 12 June 2020. Most instruction
26 during Spring 2020 was conducted using Canvas, CWU's learning management system. The

1 Multi-Modal Learning team provided significant support to faculty in the run-up to the start of
2 courses and continued to do so throughout the term.

3 15. CWU also took a series of actions to support student learning and well-being
4 including, but not limited to:

- 5 • Moving student academic support services online, extending hours, and expanding
6 services
- 7 • Adjusting the Spring 2020 fee schedule
- 8 • Developing an Emergency Pass/Fail Grades Policy (Attachment #6: CWUP 5-90-
9 040(20) Emergency Pass/Fail (EP/EF) Grades)
- 10 • Communicating with students about the Emergency Pass/Fail Grades Policy
- 11 • Updating the Internship Policy to be COVID-19 compliant
- 12 • Communicating directly with students in particular programs, for example, teacher
13 preparation candidates who were scheduled for student teaching this term
- 14 • Launching a texting/calling campaign retention initiative to address student support
15 needs

16 16. CWU also addressed research and creative expression activities under COVID-
17 19 restrictions, and the CWU administration and faculty signed an MOU regarding adjustments
18 to scholarship procedures in response to COVID-19. The CWU Board of Trustees was actively
19 engaged in monitoring and mitigating the COVID-19 situation, meeting on 20 March, 31
20 March, and 9 April 2020. Meetings have been live-streamed on CWU's website, and
21 recordings of the meetings are available. Both the Board and the President shared messages
22 with the university community.

23 17. CWU moved all Winter 2020 final exams (conducted from 17-20 March) online
24 to comply with 19 March 2020 Kittitas County Health Order. The decision to move all classes
25 online for the duration of the Spring 2020 term was taken to maintain compliance with that
26

1 Health Order and to comply with Governor Inslee’s 23 March 2020, “Stay Home, Stay
2 Healthy” proclamation.

3 18. Operational plans are currently being developed to ensure safe, effective, and
4 efficient operations at all levels of the university. These plans are being developed by a cross
5 section of faculty and staff to outline guidelines for key activities. These plans are also
6 reviewed by an advisory council (expert peer review) comprised of university health and safety
7 experts, HR, faculty leadership, equity experts, and others. HR and the Provost will consult
8 with leadership of the various unions in order to ensure our plans are vetted and communicated
9 in accordance with relevant collective bargaining agreements. Once approved, plans will be
10 enacted and continually updated as new information becomes available and/or our environment
11 changes. All plans will be made available to the university community at-large.

12 19. CWU leadership is coordinating with Dr. Mark Larson, Kittitas County Health
13 Officer, and Governor Inslee’s offices to finalize Fall 2020 opening plans. Every effort has
14 been and will continue to be made in collaboration with these the health officials to ensure the
15 health and safety of the CWU community as well as the community of Ellensburg, Kittitas
16 county, and the communities in which the CWU centers and instructional sites reside.

17 20. Auxiliary Services, Police and Public Safety, Housing and Residence Life,
18 Athletics, and CWU Libraries are each developing a plan specific to their departments and
19 services. In addition, university-wide plans are being developed in the following areas:

- 20 • *Teaching and Learning*. This plan will outline how the class schedule will be delivered
21 and how learning spaces will be managed in order to keep faculty, staff and students
22 safe.
- 23 • *Administrative*. University-wide guidelines for work done in office spaces and face-to-
24 face meetings as well as other administrative functions are included in this plan.
- 25 • *Service Centers*. The plan includes guidelines on how customer-facing services such as
26 cashiers, advising, financial aid, HR, etc. can operate safely.

- 1 • *Programming*. Guidelines for those organizing events, campus activities, and
2 recreational activities are included in this plan.
- 3 • *Facilities*. Overviews of cleaning guidelines and protocols, circulation management,
4 supplies procurement, and furniture relocations are included in this plan.
- 5 • *Socialization*. The socialization of healthy behaviors throughout the university
6 community for students, faculty, staff, visitors and guests is vital to the success of re-
7 entry. This plan will include information about the strategies, activities, and tools to be
8 used to assist with socializing and normalizing safety measures at CWU.
- 9 • *Managing COVID*. This plan will include information about COVID testing, contact
10 tracing, quarantine/isolation, and processes for overall management of COVID
11 incidents at CWU.

12 21. Based on March guidance from ICE and with close consultation of local and
13 state health guidelines, CWU planned a mixture of course modalities available for students for
14 Fall 2020. CWU has planned for in-person, hybrid, or online courses to accommodate health
15 concerns for students and faculty. ICE guidance in March allowed for CWU to move entirely
16 online to meet local and state mandates caused by COVID-19. International students were able
17 to maintain their status by enrolling all online. CWU planned on similar guidance for fall as we
18 cautiously make plans for reopening campus this fall.

19 22. Central Washington University's International staff have been waiting for
20 continued guidance from ICE for fall guidelines. We were optimistic that ICE would allow for
21 continued flexibility of course modality for international students as COVID-19 remains a
22 large concern for many students, parents, faculty and staff. This pandemic has not slowed
23 down in the US and possible risk of infection remains high. We were very surprised that the
24 recent ICE guidance was not accommodating and was not flexible to meet the various health
25 needs for international students and the campus community, by allowing for various course
26 modalities.

1 23. In compliance with the March 2020 ICE guidance, CWU worked with
2 international students to ensure they could complete their Winter Term 2020 final exams and
3 could continue to pursue their degrees during Spring Term 2020.

4 24. The recent ICE Rule that changed this March guidance will cause direct harm to
5 international students by forcing students to participate in in-person courses without the
6 flexibility to accommodate those that may have health issues or it may increase the spread of
7 COVID-19. If local or state mandates cause university closure at any point during fall term,
8 international students are at risk of deportation proceedings, and having their study interrupted
9 and/or ended. Additionally, CWU is on the quarter system and students, especially new
10 freshman, do not typically enroll until early August or later. This rush for students to enroll and
11 for CWU to verify their enrollment, reprint the I-20 and send to students by August 4th is a
12 strict deadline and challenging to accomplish.

13 25. The current conditions in certain countries where CWU students come from
14 may create difficulty for students trying to engage in remote learning due to poor technology
15 infrastructure, war, or social unrest. For instance, students in China or Taiwan cannot access
16 Zoom, which is banned in these countries. Certain countries designated eligible for Temporary
17 Protected Status/Deferred Enforced Departure due to civil unrest, violence or natural disasters
18 include Haiti, Liberia, Nepal, Somalia, Sudan and South Sudan, Syria, Yemen. Our students
19 from these countries face perilous situations should they be forced to return.

20 26. CWU estimates that approximately 26% of students may disenroll for Fall 2020
21 as a result of this Rule. This may occur for a number of reasons. If students have the option to
22 take in-person or hybrid classes, they may remain enrolled for Fall 2020. However, if the
23 university determines that it is necessary to move to fully online course of study, student will
24 have to choose from a variety of alternative options. One option would be for students to return
25 to their home country and continue their online studies. Another option would be for students
26 to transfer to another US university that is able to provide in-person or hybrid

DECLARATION OF
LINDA SCHACTLER
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1 instruction. There is the potential for an additional layer of issue for those students who legally
2 should leave the US due to their classes being moved fully online, but being stuck in the US
3 because they cannot safely repatriate due to the pandemic. And finally, our former students
4 who are currently on OPT, and those that would now be eligible for CPT/OPT would lose out
5 on this amazing opportunity for professional growth due to this new rule. It would be
6 devastating to the international population at CWU.

7 27. Should this disenrollment occur, revenue for CWU would drop across multiple
8 units. International students typically pay out of state tuition, on campus housing, and dining
9 fees. They also pay required students fees that fund students' programs and buildings such as
10 the Student Union and Recreation Center, the on campus medical center and tutoring center.
11 As 74% of international students attend full time, any loss of our international student
12 population would result in a direct reduction in revenue funding for these programs.
13 International students are considered non-resident students here at CWU and pay 150% of in
14 state tuition rates. In the 2019-2020 school year, CWU averaged 343 international students
15 between Fall, Winter and Spring quarters. If CWU were to lose all of our international
16 students, this would equal a loss of up to \$2,578,331 in tuition per quarter and a loss of up to
17 \$7,734,993 between Fall, Winter and Spring quarters. A majority of CWU's on campus
18 housing costs \$6,188 per year for housing and \$5,493 for a typical (medium) meal plan. In
19 2019-2020, CWU averaged 239 international students per quarter at the Ellensburg campus. If
20 we were to lose those students, this would result in a loss of up to \$1,478,932 for our housing
21 department and a loss of up to \$1,312,827 for our dining department for an academic year. Our
22 other on campus fees in 2019-2020 totaled \$649.06 per quarter. These fees fund services,
23 activities, the on-campus Wellness Center, the community bus service for students, as well as
24 technology improvements for students and funding the library. If CWU lost all 239 students,
25 fee loss would result in a loss of up to \$465,376.02 for these programs and departments.
26 CWU submitted their operational change to SEVP for Spring/Summer on March 20th.

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1 28. Typically, CWU's course offering is 20-25% online and 75-80% in-person or
2 hybrid for any given term. The Fall 2020 course schedule has been reconfigured with 35% in-
3 person or hybrid courses and 45% online courses and 30% distance education or simultaneous
4 virtual courses. The fall academic calendar was moved forward by two weeks in order to
5 ensure contiguous attendance on-campus. Fall 2020 starts on September 9 and ends on
6 November 20, before the Thanksgiving Break. Winter break will ensue on November 21 until
7 the beginning of the winter term in January. Kittitas County, where the main campus of CWU
8 presides, is in Phase 3 which allows up to 50 to gather. Class limits are restricted and
9 monitored to ensure that no more than 49 students are meeting together with the instructor at
10 any one-class meeting. A contingency plan exists for shifting more courses to a virtual meeting
11 plan should there be a need to prior or during the fall term. Specific plans are in place to
12 accommodate currently enrolled international students.

13 29. Because SEVP is requiring individualized reporting, each student's registration
14 must be checked by an academic advisor and a DSO to ensure compliance. If COVID-19 cases
15 increase in the Fall 2020, this could require the University to move online, as we did in the
16 spring. CWU is on a quarter system and classes begin in September, one month after the
17 August 4th deadline to complete I-20 updates for all of our international students. Certifying
18 this many I-20s becomes difficult. CWU has rolling admission, so we anticipate many students
19 applying and being accepted after August 4th.

20 30. Prior to March 2020, DSOs did not have to certify a student's enrollment until
21 30 days after the quarter started and when registration closed. With the new Rule, DSOs now
22 have to ensure all CWU international students are enrolled in appropriate in-person classes a
23 month before classes even begin. This means we have to certify a student's enrollment August
24 4th, and they have until the add/drop deadline of September 15th (almost 6 weeks) to make
25 changes to their schedule.
26

1 31. International students within the US that do not comply with the ICE guidance
2 at risk of losing their status from termination of the I-20 and SEVIS record. A termination
3 would force the international student to immediately depart the U.S. and return home. Flight
4 availability may be limited and their home country/city/community may have high COVID
5 outbreaks.

6 32. The potential economic effects on students that lose their visas include the
7 following: losing F-1 status and losing ability to obtain work visas (CPT, OPT) after academic
8 year; funds to pay for tickets to home country; funds to find short-term housing in home
9 country; extending the length of their graduation plan, I901 SEVIS processing fees. With
10 Washington having large tech companies such as Microsoft, they could be adversely impacted
11 through a loss of their talent pool as international students tend to major in a STEM field.
12 While the CWU international student population is only a portion of our overall population,
13 any reduction in international student populations will just have that many less people in our
14 communities spending at our local businesses. According to NAFSA's Economic report,
15 international students' financial contribution to the state of Washington is \$956.1 million and
16 support 8,818 jobs in the state.

17 33. A significant reduction in our international student population will result in
18 CWU needing less employees. Not only would the international office have to reduce staff, but
19 potentially our housing department as all of our international students tend to live on campus. I
20 reduction in revenue for other effected departments may also result in those departments
21 needed less employees when combined with the reduction in enrollment from COVID
22 generally.

1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct.

3
4 DATED this tenth day of July 2020, at Ellensburg, Washington.

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LINDA SCHAETLER, Chief of Staff
Central Washington University

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**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

NO. 2:20-cv-01070

v.

**DECLARATION OF
WENDY STEWART**

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in
his official capacity as Acting Secretary
of the U.S. Department of Homeland
Security; and MATTHEW ALBENCE, in
his official capacity as Acting Director of
U.S. Customs and Immigration
Enforcement,

Defendants.

I, Wendy Stewart, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Vice President of International Programs and Extended Learning at Green River College located in Auburn, Washington. My educational background includes a bachelor's degree from the University of Puget Sound and a master's degree from Monash University in Australia. I am currently enrolled in a doctoral program in education at Northeastern University. I have been employed at Green River College since 1994. I have held

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1 the position of Vice President for International Programs and Extended Learning since 2016. I
2 have responsibility for supporting Green River's international students as well as advancing
3 our global education initiatives, including study abroad.

4 2. I submit this declaration in support of the State of Washington's litigation
5 challenging the policies announced on July 6, 2020 by "Broadcast Message" and to be
6 published as a Temporary Final Rule to amend requirements of the Student and Exchange
7 Visitor Program (the "Rule").

8 3. I have compiled the information set forth below through personal knowledge as
9 well as through Green River College personnel who have assisted me in gathering this
10 information from our institution. I have also familiarized myself with the Rule in order to
11 understand its immediate impact on Green River College.

12 4. Green River College is an all-access, public college where students from all
13 over the world come together to learn, grow and enrich their lives. Approximately 18,000
14 students study annually at Green River College, and the college has about 580 permanent
15 employees and several hundred more part-time and adjunct.

16 5. Green River College has 750 currently enrolled students who have F-1 visas.
17 Green River College has no enrolled students who have M-1 visas. These students come from
18 46 countries and contribute \$2.6 million in tuition to Green River College and spend an
19 estimated 1.1 million in living expenses.

20 6. The international students currently studying at Green River College are from
21 46 countries including: China, Vietnam, South Korea, Japan, Indonesia, Taiwan, Hong Kong,
22 and Malaysia as well as Bangladesh, Cambodia, Democratic Republic of Congo, Eritrea, India,
23 Iraq, Iran, Kenya, Kyrgyzstan, Madagascar, Myanmar, Nigeria, Papua New Guinea,
24 Swaziland, Tunisia, West Bank, and Zambia. In some of these countries, it is more difficult
25 for students to engage in remote learning due to poor technology infrastructure, war or social
26 unrest.

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1 7. Of these students with an F-1 visa who have reported their location, 50% are
2 currently in the United States.

3 8. Green River College has 318 applicants for enrollment in fall 2020 who will
4 require F-1 or M-1 status. Of these students, a small portion are currently in the United States
5 and the majority are currently living outside the United States and require a visa to enter the
6 country for study. The projected F-1 student enrollment by headcount for 2020-2021 is 3113
7 students with a projected fall 2020 enrollment of 935 students. These students are expected to
8 contribute \$10.74 million in tuition to the college and \$9.3 million in living expenses.

9 9. Green River College responded rapidly to the COVID-19 pandemic. Green
10 River's Emergency Operations Center (EOC) was activated on March 1. I served on the EOC
11 from March through April. Another member of our International Programs team serves as a
12 permanent member on the EOC which continues to meet regularly to respond to the evolving
13 COVID-19 situation. I am also member of the president's staff and collaborated with fellow
14 administrators regarding college operations and messaging in response to COVID-19.

15 10. In March 2020, Washington State Governor Inslee issued a directive to close in-
16 person learning for K-12 and Higher Education. Shortly after, all services at Green River
17 College were transitioned to online/remote/virtual instruction and the physical campus and
18 campus branch locations were closed. Summer quarter classes were mostly remote with limited
19 in-person instruction in accordance with guidance from the Governor and health officials.

20 11. Throughout the spring, the International Programs Office at Green River
21 communicated regularly with international students and overseas partners regarding our the
22 instructional format and immigration implications. We carefully reviewed the COVID-19
23 Guidance for Student and Exchange Visitor Program Stakeholders (March 13 Guidance) issued
24 by U.S. Immigration and Customs Enforcement (ICE). According to the March 13 guidance,
25 students in the United States on a F-1 visa are allowed to "count online classes toward a full
26 course of study" in the event their school temporarily stops in-person classes. This applied to

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1 students studying in the U.S. and those who returned to home country and continued their
2 study.

3 12. Our priority as an institution is to balance the safety and health of our students,
4 faculty, staff and the community with the opportunity for our students to continue to pursue
5 their educational goals.

6 13. Green River College developed a Pandemic Re-opening Plan with phased
7 implementation, as can be seen on our website at [https://www.greenriver.edu/media/content-](https://www.greenriver.edu/media/content-assets/documents/campus/Pandemic-Reopening-Plan-with-Phase-Implementation.pdf)
8 [assets/documents/campus/Pandemic-Reopening-Plan-with-Phase-Implementation.pdf](https://www.greenriver.edu/media/content-assets/documents/campus/Pandemic-Reopening-Plan-with-Phase-Implementation.pdf).

9 For fall quarter 2020, the majority of classes will be offered virtually, with exceptions made for
10 programs listed in Phase 2 of the Governors re-opening plan. Should King County—and Green
11 River College—move to Phase 3, additional in-person offerings could be considered based on
12 the guidance and guidelines provided by Gov. Inslee and healthcare officials.

13 14. Green River College developed a “COVID-19 (CORONAVIRUS)
14 RESOURCES AND INFORMATION” web page to provide up-to-date information and
15 communication regarding COVID-19, which is available at
16 <https://www.greenriver.edu/campus/campus-safety/emergency-preparedness/covid19/>.

17 15. International Programs staff continued to rely on the March guidance from ICE
18 in preparing for the Fall term because it was put in place “for the duration of the emergency.”
19 Mid-June, International Programs sent messaging to our current international students and
20 applicants informing them about what to expect for fall quarter. We explained that fall quarter
21 classes will be mostly remote with some limited on-campus, in-person instruction. Students
22 and families made plans accordingly.

23 16. On July 6, 2020 Green River College received a “Broadcast Message: COVID-
24 19 and Fall 2020” from the Student and Exchange Visitor Program. This came as a shock. The
25 abrupt decision and the associated uncertainty caused panic and fear among our international
26 students, their families, and our overseas partners. We quickly sent messaging to students and

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1 | parents explaining that we were aware of the decision and would keep them informed as we
2 | learn more information.

3 | 17. Global education is vital to prepare students to thrive in the competitive global
4 | economy and increasingly interconnected world. Diminishment of our diverse international
5 | student population at Green River College would impact our local students' access to global
6 | learning opportunities. International students actively participate in student government,
7 | leadership in club and activities and assist as tutors and peer mentors. Many international
8 | volunteer in the local community, such as at the Auburn Food Bank. A decrease in this
9 | collective contribution of our international students would harm the campus and community.

10 | 18. The annual economic impact of international students studying at Green River
11 | is significant. In 2018, that economic impact was 35.8M and 181 jobs, as estimated by
12 | NAFSA (<https://www.nafsa.org/isev/reports/state?state=WA&year=2018>). International
13 | students spending in the form of rent, food, transportation and personal supplies is included in
14 | NAFSA's economic impact estimate above.

15 | 19. More than 250 families welcome and host Green River international students.
16 | International students contribute a global perspective. As well, they pay a shared expense fee to
17 | the families.

18 | 20. International student enrollment contributes to the college financially.
19 | International students pay nonresident tuition. The current summer quarter international
20 | student enrollment at Green River represents 2.6 million in tuition and an estimated 1.1 million
21 | in living expenses. The projected F-1 student enrollment by headcount for 2020-2021 is 3113
22 | students with a projected fall 2020 enrollment of 935 students. These students are expected to
23 | contribute \$10.74 million in tuition to the college and \$9.3 million in living expenses.

24 | 21. The logistical difficulties for students forced to return home would be immense.
25 | Due to travel restrictions, in some cases, flying home requires multiple transfers. International
26 | flights also mean that there is increased exposure and possible spread of COVID-19. Some

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1 airlines are requiring COVID-19 tests for outbound travelers from the U.S. to international
 2 destinations. This incurs cost and potential travel delays. Limited or restricted internet in
 3 countries where some of our students are from. Studying from their home country would
 4 inhibit their ability to learn effectively. Since Green River College will operate in a hybrid
 5 format for fall, students who return home will not be able to maintain their F-1 student status.
 6 In terms of housing, students may be charged a penalty for breaking a rental lease.

7 22. Students and families made plans according to communication from the
 8 International Programs Office based on the March 13 COVID-19 Guidance for SEVP
 9 stakeholders. Abrupt changes in immigration regulations and lack of flexibility cause a general
 10 decrease of trust in the U.S. visa process. Overall, ICE's decision diminishes the perceived
 11 attractiveness and value of U.S. higher education as compared with other global options.

12 23. There are also significant administrative costs associated with complying with
 13 the ICE directive. International Programs staff will have to issue a new Form I-20s for each of
 14 our 750 current students as well as to the more than 300 fall quarter applicants. This will
 15 require considerable staff time and mailing costs to complete this within 21 business days of
 16 the July 6 Directive.

17 24. ICE's Rule will also harm Green River's mission. Green River College's
 18 mission is: "*Ensure student success through comprehensive educational programs and support*
 19 *services responsive to our diverse communities.*" Global awareness is one of the core values of
 20 the college. International students at Green River help to enrich our diverse campus community
 21 and fulfill our mission. International students contribute to a vibrant, globally diverse student
 22 life and educational experience at Green River. Our international students represent diverse
 23 cultures and communities from around the world. "Where the World Meets" describes the
 24 campus environment at Green River. At Green River, we have a unique opportunity to prepare
 25 all students to be successful in the global economy and to contribute as global citizens.
 26 International education at Green River strives to foster global intercultural understanding and

DECLARATION OF
 WENDY STEWART
 CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
 Complex Litigation Division
 800 5th Avenue, Suite 2000
 Seattle, WA 98104-3188
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1 local community involvement. Global learning opportunities are integrated into the classroom
2 experience and co-curricular activities. Welcoming international students from around the
3 world to study at Green River is a foundational element of the global education experience for
4 all students.

5 25. International students serve in a variety of elected student government positions.
6 International Student Ambassadors contribute to student life with programing including Lunar
7 New Year celebration and Campus Talk. Many international students serve as officers for the
8 more than 50 clubs and organizations on campus. Students serve as tutors as well, especially in
9 math and science, and volunteer in the community. Losing these students would be extremely
10 harmful to our institution and community.

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DECLARATION OF
WENDY STEWART
CAUSE NO. 2:20-cv-01070

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I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 10 day of July 2020, at Arbutus, Washington.



Wendy Stewart
Vice President, International Programs
Green River College

DECLARATION OF
WENDY STEWART
CAUSE NO. 2:20-cv-01070

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
U.S. Department of Homeland Security;
and MATTHEW ALBENCE, in his official
capacity as Acting Director of U.S.
Customs and Immigration Enforcement,

Defendants.

NO. 2:20-cv-01070

DECLARATION OF
SPENCER W. COATES

I, Spencer W. Coates, declare as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein.

2. I am an Assistant Attorney General with the Washington State Attorney General's Office and counsel of record for the State of Washington in this matter.

DECLARATION OF
SPENCER W. COATES
NO. 2:20-cv-01070

1

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 3. Attached hereto as **Exhibit A** is a true and correct copy of a March 9, 2020
2 document entitled “Broadcast Message: Coronavirus Disease 2019 (COVID-19) and Potential
3 Procedural Adaptations for F and M Nonimmigrant Students,” issued by the Student and
4 Exchange Visitor Program of the United States Immigration and Customs Enforcement
5 (SEVP).

6 4. Attached hereto as **Exhibit B** is a true and correct copy of a March 13, 2020
7 document, issued by SEVP, entitled “COVID-19: Guidance for SEVP Stakeholders.”

8 5. Attached hereto as **Exhibit C** is a true and correct copy of a July 9, 2020
9 Harvard Crimson article, entitled *Harvard Says Incoming Freshman Stopped at Belarus*
10 *Airport*, authored by Juliet E. Isselbacher and Amanda Y. Su, currently available at
11 <https://www.thecrimson.com/article/2020/7/9/freshman-stopped-belarus/>. I accessed and
12 printed this article on July 12, 2020.

13 6. Attached hereto as **Exhibit D** is a true and correct copy of a tweet by
14 President Donald J. Trump, sent July 6, 2020 at 11:40 A.M., which I accessed and printed on
15 July 12, 2020. The tweet is currently available at
16 <https://twitter.com/realDonaldTrump/status/1280209946085339136>.

17 7. Attached hereto as **Exhibit E** is a true and correct copy of a July 7, 2020
18 article from The Hill, authored by John Bowden, entitled *Cuccinelli says rule forcing*
19 *international students to return home will 'encourage schools to reopen'*, currently available
20 at [https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-](https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-international-students-to-return-home#:~:text=Acting%20Deputy%20Secretary%20of%20Homeland,U.S.%20schools%20to%20reopen%20campuses)
21 [international-students-to-return-](https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-international-students-to-return-home#:~:text=Acting%20Deputy%20Secretary%20of%20Homeland,U.S.%20schools%20to%20reopen%20campuses)
22 [home#:~:text=Acting%20Deputy%20Secretary%20of%20Homeland,U.S.%20schools%20to](https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-international-students-to-return-home#:~:text=Acting%20Deputy%20Secretary%20of%20Homeland,U.S.%20schools%20to%20reopen%20campuses)
23 [%20reopen%20campuses](https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-international-students-to-return-home#:~:text=Acting%20Deputy%20Secretary%20of%20Homeland,U.S.%20schools%20to%20reopen%20campuses). I accessed and printed this article on July 12, 2020.

1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct.

3 DATED this 12th day of July, 2020, at Seattle, Washington.

4
5 /s/ Spencer W. Coates
6 SPENCER W. COATES
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DECLARATION OF
SPENCER W. COATES
NO. 2:20-cv-01070

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Exhibit A

Broadcast Message: Coronavirus Disease 2019 (COVID-19) and Potential Procedural Adaptations for F and M nonimmigrant students

To: All SEVIS Users

Date: March 9, 2020

Supersedes: Broadcast Message: 2019 Novel Coronavirus and Potential Procedural Adaptations for F and M nonimmigrant students; Jan. 29, 2020; Number 2001-05

Number: 2003-01

General Information

The Student and Exchange Visitor Program (SEVP) continues to monitor developments with the Coronavirus (COVID-19). Concurrent with other federal agencies, SEVP provides the following information.

SEVP-certified schools should advise students traveling from countries impacted by COVID-19 to refer to guidance from the Centers for Disease Control and Prevention (CDC), U.S. Department of State and U.S. Customs and Border Protection for specific port-of-entry screening processes, as well as any travel restrictions.

SEVP-certified Schools and F and M Students

SEVP-certified schools may need to adapt their procedures and policies to address the significant public health concerns associated with the COVID-19 crisis. To ensure that SEVP is able to continue to meet its oversight responsibilities, attached is a template to be used in reporting COVID-19 procedural adaptations to SEVP. In evaluating these changes, SEVP is focused on ensuring that nonimmigrant students are able to continue to make normal progress in a full course of study as required by federal regulations. SEVP intends to be flexible with temporary adaptations. In all cases, schools and students should document any decisions made and be able provide this information to SEVP upon request. Similarly, changes to workplace requirements may impact nonimmigrant students engaging in practical training. SEVP encourages such students to consult with their employer to seek alternative ways to maintain employment, such as teleworking or other arrangements.

SEVP recognizes that the COVID-19 crisis is fluid and rapidly changing. For that reason, SEVP is not requiring prior notice of procedural adaptations, leaving room for schools to comply with state or local health emergency declarations. However, as noted in the Appendix, SEVP must be notified of procedural adaptations within ten business days of the change.

This guidance applies to students who are currently enrolled in a program of study and is not intended for new or initial students who are outside the United States.

SEVP is monitoring this situation closely. The program will supplement this guidance with additional information and will adjust guidance as needed.

Comments

To comment on this Broadcast Message, please email SEVP@ice.dhs.gov with “Broadcast Message 2003-01 Comment” entered in the subject line.

Disclaimer

This Broadcast Message is not a substitute for applicable legal requirements, nor is it itself a rule or a final action by SEVP. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil or criminal matter.



Appendix 1: COVID-19 Impact on School Operations

Instruction:

SEVP recognizes that schools are updating their emergency operations plans to minimize the potential impact of COVID-19 on the school. If a school determines that it will exercise temporary closure or make other significant operational or curricular changes, the school must advise SEVP of accommodations it is making for its F and M nonimmigrant population.

Schools must provide SEVP notice of the requested information below within 10 business days of the date of the decision to initiate the operational change.

Please send the required information detailed below to the SEVP Response Center at SEVP@ice.dhs.gov. In the subject line, please include "COVID-19 School Operations [School code]."

Submissions to SEVP should include the following information:

- School name and all physical locations affected by the changes
- School code

If planning to provide online instruction:

- Mode and classroom setting (i.e., computer lab, students with laptops in a classroom connected to Wi-Fi, etc.)
- How the school will seek to provide oversight of these students
- The names of programs of study and classes that will be taught online
- Projected length of time for online instruction

If planning to provide instruction at an alternate physical location:

- Addresses of physical locations where students will be studying
- How the school will:
 - Offer instruction
 - Provide student oversight
 - Adequately offer DSO services to students
 - Seek to ensure students maintain a full course of study
 - Projected length of time for alternate instruction

SEVP maintains the right to conduct out-of-cycle reviews to ensure compliance with all recordkeeping and reporting requirements consistent with implementation of any approved plan.

Exhibit B

Homeland Security Investigations
National Security Investigations Division
 Student and Exchange Visitor Program



**U.S. Immigration
 and Customs
 Enforcement**

COVID-19: Guidance for SEVP Stakeholders

March 13, 2020

As follow up to the guidance issued by SEVP on Monday, March 9, 2020, concerning the COVID-19 situation, there have been inquiries concerning the proper status for students in SEVIS who may have face slightly different scenarios related to emergency procedures implemented by SEVP-certified learning institutions:

Scenario 1: A school completely closes and does not have online courses or other alternate learning procedures.

Response: If a school closes temporarily without online instruction or other alternative learning procedures, the students should remain in active status in SEVIS so long as the students intend to resume their course of study when classes resume. This is similar to short-term breaks in the school calendar when classes are not in session. Schools must notify SEVP of COVID-19 procedural changes within 10 business days.

Scenario 2: A school temporarily stops in-person classes but implements online or other alternate learning procedures and the nonimmigrant student remains in the United States

Response: If a school closes temporarily but offers online instruction or another alternative learning procedure, nonimmigrant students should participate in online or other alternate learning procedures and remain in active status in SEVIS. Schools must notify SEVP of COVID-19 procedural changes within 10 business days. Given the extraordinary nature of the COVID-19 emergency, SEVP will allow F-1 and/or M-1 students to temporarily count online classes towards a full course of study in excess of the limits stated in 8 CFR 214.2(f)(6)(i)(G) and 8 CFR 214.2(m)(9)(v). This temporary provision is only in effect for the duration of the emergency and in accordance with the procedural change documents filed in a timely manner to SEVP.

Scenario 3: A school temporarily stops in-person classes but implements online or other alternate learning procedures and the nonimmigrant student departs the United States

Response: If a school closes temporarily but offers online instruction or another alternative learning procedure, nonimmigrant students should participate in online or other alternate learning procedures and remain in active status in SEVIS. Schools must notify SEVP of COVID-19 procedural changes within 10 business days. Given the extraordinary nature of the COVID-19 emergency, SEVP will allow F-1 and/or M-1 students to temporarily count online classes towards a full course of study in excess of the limits stated in 8 CFR 214.2(f)(6)(i)(G) and 8 CFR 214.2(m)(9)(v), even if they have left the

Homeland Security Investigations
National Security Investigations Division
Student and Exchange Visitor Program



**U.S. Immigration
and Customs
Enforcement**

United States and are taking the online classes from elsewhere. This temporary provision is only in effect for the duration of the emergency and in accordance with the procedural change documents filed in a timely manner to SEVP.

NOTE: Due to the fluid nature of this difficult situation, this guidance may be subject to change. SEVP will continue to monitor the COVID-19 situation and will adjust its guidance as needed.

Exhibit C

The Harvard Crimson



NEWS

Experts Link Harvard ICE Lawsuit to Recent SCOTUS Precedents on Procedural Issues



NEWS

Harvard Undergraduates Concerned Over Storage Plans Ahead of Fall Semester



NEWS

Freshmen 'Disappointed' by Invitation to De-densified Harvard Campus



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Harvard Says Incoming Freshman Stopped at Belarus Airport



Authorities halted a Harvard-bound freshman at the airport in Minsk, Belarus, lawyer and Harvard Corporation Fellow William F. Bill Lee '72 said in a conference Thursday. By Charles K. Michael

By **Juliet E. Isselbacher** and **Amanda Y. Su**, Crimson Staff Writers

3 days ago

UPDATED: July 9, 2020, 12:19 p.m.

Authorities halted a Harvard-bound freshman at the airport in Minsk, Belarus, lawyer and Harvard Corporation Fellow William F. "Bill" Lee '72 said in a court hearing Thursday.

On Monday, the federal government released an order barring international students enrolled in **universities offering online-only courses** from staying in or entering the United States. Harvard had announced just hours before that **all its courses will be virtual**, a decision that renders its international students subject to deportation.

Yesterday morning, Harvard and MIT announced their plan to fight the order in court, **filing a lawsuit** in United States District Court in Boston against the Department of Homeland Security and U.S. Immigration and Customs Enforcement. The suit demands a temporary restraining order, as well as preliminary and permanent injunctive relief to prevent DHS and ICE from enforcing the new federal guidelines.

Judge Allison D. Burroughs convened a hearing Thursday morning on the motion for a preliminary injunction in federal court in Boston. Lee stressed the

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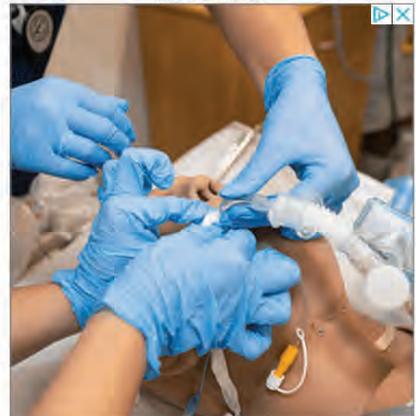
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urgency of Harvard’s suit during the hearing, citing the Belarusian student’s failure to board his flight to the U.S.

This is not the first time Harvard has clashed with immigration officials over its students. Last August, [U.S. officials deported Ismail B. Ajjawi ’23](#), a then-17-year-old Palestinian resident of Tyre, Lebanon, shortly after he arrived at Boston Logan International Airport at the start of his freshman year.

Before canceling Ajjawi’s visa, immigration officers allegedly subjected him to hours of questioning about his religion and religious practices in Lebanon — at one point leaving to search his phone and computer. After the search, the officer interrogated him about his friends’ social media activity, which expressed political points of view that opposed the U.S., though Ajjawi said he did not personally make any political posts.

Staff from both Harvard and AMIDEAST, a scholarship organization sponsoring Ajjawi’s education, worked with federal officials to [bring Ajjawi to campus](#) before classes began early September.

Experts at the time said [Harvard’s reputation and University President Lawrence S. Bacow’s personal involvement](#) likely played an essential role in ensuring he could matriculate on time for the fall 2019 semester.

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Harvard spokesperson Rachael Dane said Harvard is committed to supporting the student under the “normal processes” it used to support Ajjawi last year.

—Staff writer Juliet E. Isselbacher can be reached at juliet.isselbacher@thecrimson.com. Follow her on Twitter [@julietissel](#).

—Staff writer Amanda Y. Su can be reached at amanda.su@thecrimson.com. Follow her on Twitter [@amandaysu](#).

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Exhibit D

7/12/2020

Donald J. Trump on Twitter: "SCHOOLS MUST OPEN IN THE FALL!!!" / Twitter

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 @realDonaldTrump

SCHOOLS MUST OPEN IN THE FALL!!!

11:40 AM · Jul 6, 2020 · Twitter for iPhone

98K Retweets and comments 449.2K Likes



Mrs. Krassenstein @HKrassenstein · Jul 6
 Replying to @realDonaldTrump
 WE MUST PROTECT OUR KIDS OVER OUR ECONOMY!

640 2.1K 32.4K

Mrs. Krassenstein @HKrassenstein · Jul 6
 Trump doesn't understand that if kids get the virus, they will bring it home to their parents & grandparents. They will also infect their teachers, and those teachers will have to be out of school for several weeks. What substitute will want to teach a class full of COVID cases?

1.3K 2.1K 21.2K

2 more replies

Jeff Tiedrich @itsJeffTiedrich · Jul 6
 Replying to @realDonaldTrump
 INFECT YOUR CHILDREN SO THE PRESIDENT CAN FEEL GOOD ABOUT HIMSELF!!!

666 1.6K 26.9K

Nestor "the boss" Gomez @soloyochapin · Jul 6
 Soon, @JoeBiden will end the corrupt @realDonaldTrump presidency

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12
11 ^ 1
10 | 2
9  ⊙----> KICK @POTUS OUT
8      4 O'CLOCK
7      5
6
    
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nestorgomezstoryteller.com/immigration-st...

52 147 1.4K

Mia Farrow @MiaFarrow · Jul 7
 Replying to @realDonaldTrump
 Do share photo of Melania taking Barron back to school. .

164 358 3.8K

E. Jean Carroll @ejeancarroll · Jul 7
 Yes, I agree with Miss Farrow! Please, @realDonaldTrump share a photo of Melania taking Barron back to school!

14 46 404

Walter Shaub @waltshaub · Jul 6
 Replying to @realDonaldTrump
 You are not in charge of schools.



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1/4

7/12/2020

Donald J. Trump on Twitter: "SCHOOLS MUST OPEN IN THE FALL!!!" / Twitter



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I wouldn't put him in charge of the ice cream dispenser at McDonalds

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Jules Morgan @glamelegance · Jul 6

Replying to @realDonaldTrump

THE HEALTH AND SAFETY OF CHILDREN AREN'T IMPORTANT TO DONALD TRUMP!!!

144 297 4.3K

WORLD WIDE WEB DEV @WorldWideWebDev · Jul 6

Lol,, Nothing except the stock market is!



13.8K views

0:00 / 0:58

3 34 158

7/12/2020

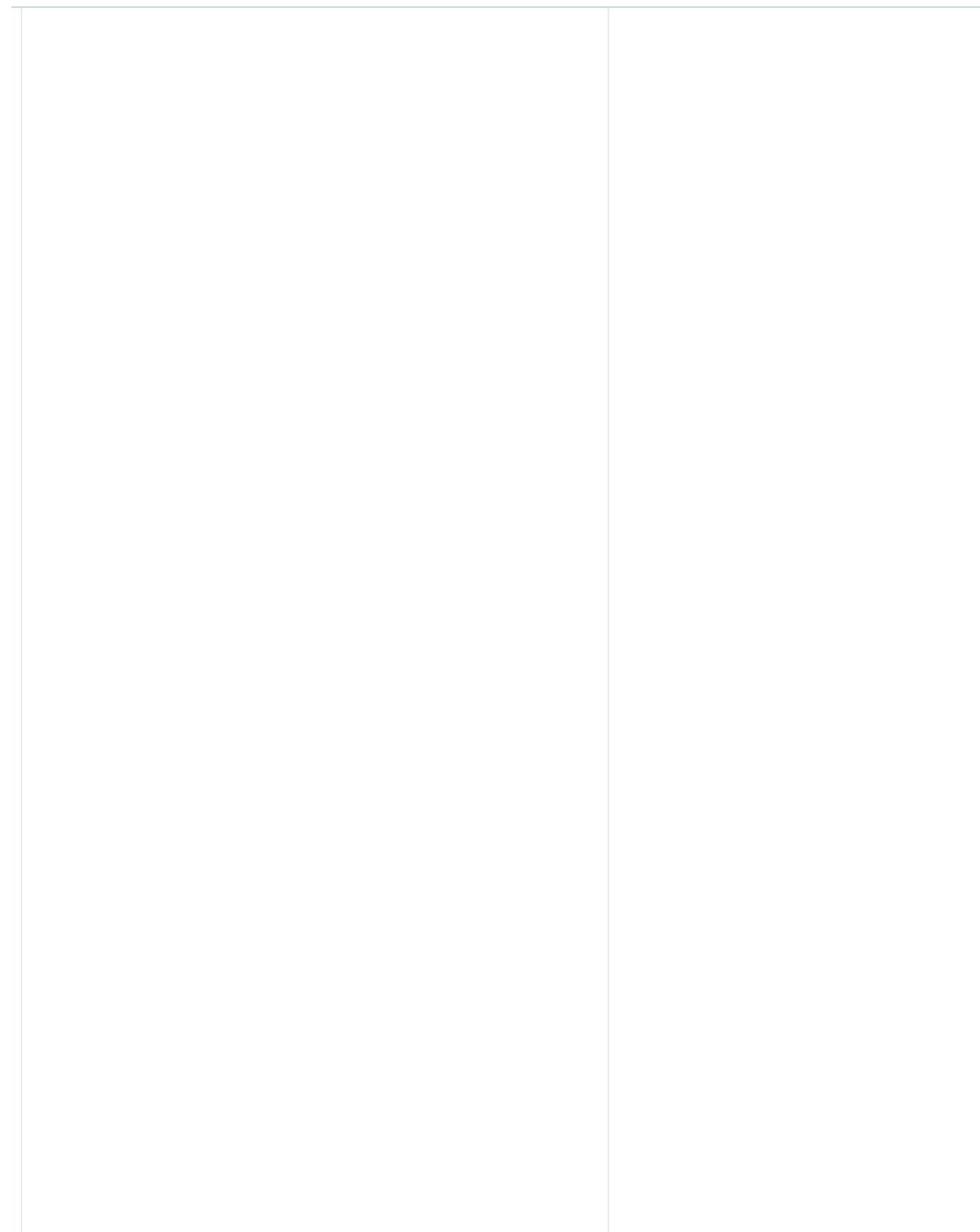
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7/12/2020

Donald J. Trump on Twitter: "SCHOOLS MUST OPEN IN THE FALL!!!" / Twitter



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Exhibit E

7/12/2020

Cuccinelli says rule forcing international students to return home will 'encourage schools to reopen' | TheHill



Cuccinelli says rule forcing international students to return home will 'encourage schools to reopen'

BY JOHN BOWDEN - 07/07/20 04:17 PM EDT

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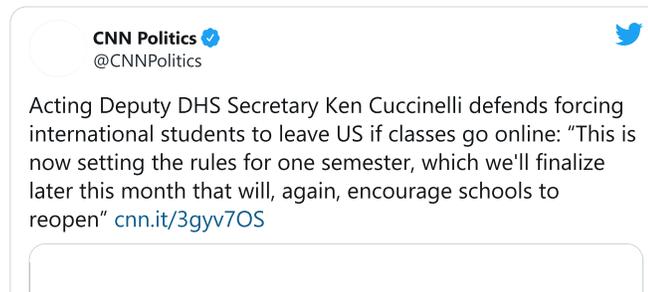
TW



Acting Deputy Secretary of Homeland Security Ken Cuccinelli said Tuesday that the department's provision requiring international students to take in-person classes or return home for the fall semester will encourage U.S. schools to reopen campuses.

In an interview with CNN, Cuccinelli said that if schools do not reopen physical campuses, "there isn't a reason" for international students to remain in the U.S.

"This is now setting the rules for one semester, which we'll finalize later this month, that will, again, encourage schools to reopen," the secretary said.



https://thehill.com/homenews/administration/506248-cuccinelli-says-rule-forcing-international-students-to-return-home#:~:text=Acting Deputy Secretary... 1/3

7/12/2020

Cuccinelli says rule forcing international students to return home will 'encourage schools to reopen' | TheHill

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11:55 AM · Jul 7, 2020

254 ⚡ See the latest COVID-19 information on Twitter

Cuccinelli also suggested that the provision, which has yet to be finalized, was still more flexible than the department's current rules, which allow international students to take at most one online class per semester.

"We're expanding the flexibility massively to a level never done before so that schools can use hybrid models," he continued.

"Anything short of 100 percent online" would be acceptable to allow foreign students to stay in the U.S., Cuccinelli added.

While the department's current rules do allow for international students to take one online course per semester, the Student and Exchange Visitor Program (SEVP) had moved in the spring to allow international students to remain in the U.S. while taking spring and summer semester classes online.

SEVP said in its announcement Monday that those who do not comply with the new regulation could face "immigration consequences including, but not limited to, the initiation of removal proceedings."

President Trump's 2016 opponent, former Secretary of State Hillary Clinton, blasted the move on Twitter, labeling it a "cruel, unnecessary, and counterproductive to America's long-term interests."

Sunday shows - Spotlight shifts to reopening schools

NYT editorial board calls for the reopening of schools with help from...

Hillary Clinton @HillaryClinton

This move is cruel, unnecessary, and counterproductive to America's long-term interests. A Trump administration special.

Aaron Reichlin-Melnick @ReichlinMelnick

This is bad. ICE just told students here on student visas that if their school is going online-only this fall, the students must depart the United States and cannot remain through the fall semester. [ice.gov/news/releases/...](https://ice.dhs.gov/news/releases/)

7/12/2020

Cuccinelli says rule forcing international students to return home will 'encourage schools to reopen' | TheHill



7:47 AM · Jul 7, 2020 i

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