

EXH. 19
DECL. OF JAY A. PERMAN
(UNIVERSITY SYSTEM OF MARYLAND)

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

COMMONWEALTH OF MASSACHUSETTS, et.
al.,

Plaintiffs,

v.

Civil Action No. _____

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et. al.,

Defendants.

DECLARATION OF JAY A. PERMAN

I, Jay A. Perman, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am chancellor of the University System of Maryland (USM). My educational background includes a Doctor of Medicine degree from Northwestern University. I have been employed as chancellor since January 6, 2020.

2. I submit this declaration in support of Maryland'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 set forth below through personal knowledge and with the assistance of USM personnel in gathering this information from USM institutions. I have also familiarized myself with the Rule to understand its immediate impact on the USM.

4. The USM is Maryland's public higher education system. Consisting of 12 degree-granting universities and three regional higher education centers,¹ the USM serves a combined 213,081 students, faculty, and staff (fall 2019). The USM's mission is to improve the quality of life for the people of Maryland by providing a comprehensive range of high-quality, accessible, and affordable educational opportunities; engaging in research and scholarship that expand the boundaries of current knowledge; and providing knowledge-based programs and services that are responsive to the needs of the citizens of the state and the nation. Providing high-quality and affordable academic programs and increasing student retention and completion rates are among the USM's top priorities, and among our values is a commitment to produce graduates who are well prepared to be contributing members of a democratic, pluralistic society and the larger global community.

5. The USM is a public corporation and an independent unit of Maryland state government governed by a board of regents, which is a public board appointed by the Governor of Maryland, the president of the Maryland Senate, and the speaker of the Maryland House of Delegates. The USM has a total operating budget of \$6.1 billion derived from state appropriations, tuition and fees, auxiliary services, federal and other contract and grants, and other sources.

6. In fall 2019, the USM enrolled 172,214 students, of which 132,385 were undergraduate students and 39,829 were graduate students. Its workforce consisted of 40,867 employees, including 16,837 faculty. The USM plays a major role in Maryland's workforce

¹ USM institutions include the University of Maryland, Baltimore; University of Maryland, College Park; University of Maryland Baltimore County; University of Maryland Eastern Shore; University of Maryland Global Campus; Bowie State University; Coppin State University; Frostburg State University; Salisbury University; Towson University; and University of Baltimore. USM regional centers include Universities at Shady Grove; USM at Hagerstown, and USM at Southern Maryland.

development. USM institutions award 78 percent of all bachelor's degrees in Maryland. In 2019, the USM awarded 41,758 degrees: 27,039 baccalaureate, 10,968 master's, 1,216 professional practice doctorates, and 816 Ph.D. degrees. Additionally, the USM addresses critical workforce shortages in Maryland and the Washington, D.C., region, particularly in STEM, health care, cybersecurity, and teaching disciplines. In fiscal year 2018, USM institutions awarded nearly 80 percent of the state's STEM degrees and in fiscal year 2019, they awarded 11,588 STEM degrees, including roughly 5,000 cyber degrees and 2,500 health care professional degrees. USM institutions are awarded more than \$1.4 billion in external research contracts and grants annually. Over the last 10 years, the USM has launched more than 700 startup companies.

7. The USM currently enrolls more than 5,340 students who have F-1 visas. These students come from more than 112 countries and contribute over \$81 million in tuition, housing, and other fees to the USM. Of these students with F-1 visas, approximately 5,200 are currently in the United States.

8. The actions taken by ICE will harm USM institutions and their students. We expect international student enrollment to decrease substantially, harming the universities' financial situations and international students' academic progress and personal lives. Loss of these students will threaten the richness of our institutions' diversity, making the learning experience of domestic students substantially less robust. Students from around the world contribute to America's scientific and technological leadership. Additionally, they bring international perspectives into U.S. classrooms, helping prepare domestic students for global careers in diverse settings. There is significant evidence supporting the fact that interacting and collaborating with international students and peers exposes local students to greater diversity. This exposure expands students' critical thinking capacity, broadens their perspectives, and yields better global awareness.

Moreover, international students tend to become unofficial ambassadors for the United States, providing soft diplomacy after completing their degrees. When international students have the support of their host country, they are more likely to refer back to that country for ideas, influence, and perspective.

9. Although 11 USM universities will be operating this fall in a hybrid format, all are offering a significant percentage of their courses online only, with the specific percentage varying by university. It is highly likely that a substantial number of international students will not be able to take the courses they need for degree completion in person because those courses will not be offered in an in-person format.

10. Given the guidance of the Centers for Disease Control and Prevention (CDC) identifying the risks associated with in-person gatherings, a number of international students eligible for in-person courses might believe that the cost of COVID-19 exposure outweighs the benefit of degree completion—they might, in fact, choose their health and safety over their education, and make the decision to disenroll from our universities. It is difficult to estimate how many students might disenroll, but USM universities are certain this policy shift will result in a significant percentage of international students choosing not to return to campus. One university anticipates losing 100 percent of its F-1 student visa holders. Some USM universities have already begun to see an impact in international student enrollment. International enrollment is down by 50 percent at one USM institution with several years of substantial international admission. Another USM university has experienced significantly more international students deferring admission, noting that those who defer admissions often do not enroll at all.

11. ICE's policy shift amounts to yet another economic blow to the USM, already struggling with a loss of \$200 million in fiscal year 2020, stemming from the prorated refunding

of room, board, and fees last spring and the significant shrinking of revenues from auxiliary services, research grants and contracts, and clinical care. Our fiscal year 2021 budget deficit could potentially be more than twice the 2020 deficit, reflective of COVID-induced decreases in every revenue source and of higher costs incurred to protect the health and safety of on-campus students and employees this coming academic year.

12. The USM enrolls close to 9,000 international students. Of this group, more than 5,300 hold F-1 visas. The loss of tuition revenue from these students is anticipated to be significant and to have far-reaching consequences for USM institutions. Any decrease in the enrollment of international students has a significant impact on tuition revenues, as international students are self-supporting students who receive no financial aid and pay out-of-state tuition rates. The loss of this revenue will force institutions to remedy this shortfall; options for doing so could include increased tuition rates, reduced institutional aid, and personnel actions (e.g., furloughs, layoffs, salary reductions). Thus, a decrease in international student enrollment has financial implications for all USM students and for university personnel.

13. USM institutions have carefully planned to optimize our ability to allow a limited number of students, faculty, and staff to be on campus at any specific time, paying special attention to decreasing the density of people and the frequency of their interactions. Although each of our 12 universities will operate slightly differently from one another during the fall semester, on average, about 75 to 80 percent of class time will be in a remote format—not in person. Many courses will be offered in a hybrid format, so that there will be limited face-to-face interaction between student and faculty, and among students. Courses are being designed to optimize the combination of remote and face-to-face interaction so that we can decrease density on campus but nonetheless appropriately deliver content to students and afford them the opportunity for

classroom-based activities. The USM is spending at least \$4 million in faculty training and development to prepare faculty to provide high-quality instruction using new online formats and technologies. Student support services have been enhanced to prepare students to engage fully using these new formats.

14. Under the current plan, any one student will be able to register for courses with a combination of in-person and online formats, but each student's schedule will vary depending on the specific needs and timing of the student's degree plan. Every international student will need to be carefully advised regarding the combination of formats for his or her specific needs. Attention to these details will require significantly more advisor time. Additionally, once the semester begins, any changes in campus plans resulting from an elevation of virus spread would mean an interruption of the schedule, perhaps significant enough that international students may lose the entire semester's worth of credits.

15. Currently enrolled stateside F-1 student visa holders face multiple potential harms if the ICE restriction is imposed. Current guidance indicates that students denied visas will be required to leave expeditiously. International students already in the United States fear the challenges they will face if they have to leave the country—for instance, the health risks of travelling internationally during a pandemic, the financial burden of emergency flights home, broken apartment leases and related costs, and the many more onerous responsibilities of making a swift international move. Adding to all this is the cost of additional visa fees they will incur should they decide to return to the United States in the future. Students' academic progress will be disrupted if the classes they need are offered only in an online format. For those who leave the country, the disruption could be not only an interruption of their educational program, but a permanent end to it, should they not be able to return. There is disruption to research projects for

those who work in labs. Additionally, the ICE rule states that these students would have to leave immediately, which would likely cause those working with OPT F-1 visas to lose their jobs. For these reasons, we anticipate that many international students may choose not to continue their enrollment at a USM institution—or, in fact, to remain in the United States—if the proposed rule is implemented.

16. The loss of international students will disrupt academic and research enterprises on our USM campuses. Many of the USM’s international students study and conduct research in STEM disciplines, and so international enrollment reductions will have a disproportionate impact on the USM’s high-demand innovation fields and on its discovery enterprise.

17. Programs in health care will also be disproportionately affected. The University of Maryland, Baltimore (UMB)—a USM institution focused largely on the health sciences—anticipates significant disruption. UMB’s School of Pharmacy currently has 18 Ph.D. and M.S. student researchers with F-1 visas and expects to have 24 join the program in the fall. These students are collectively working on high-impact research projects in such areas as infectious diseases, cancer, and novel drug discovery. If these students leave, or do not enroll in the program, it will significantly affect progress toward curing disease. The UMB School of Medicine’s Master of Public Health Program reports that *all* of the international students expected to enroll this year have asked to defer their admission as a result of uncertainty surrounding their legal status in the U.S. These students represent 12.5 percent of the entire class. It is rare that deferred students actually enroll in a future year. The UMB School of Dentistry’s Advanced Education in General Dentistry Program reports that if the state experiences a second COVID wave, and the School of Dentistry dean does not authorize residents to continue providing emergency-only clinical care,

the program will shift to a 100 percent online format, which would mean three residents will have to disenroll (30 percent of the entire class).

18. Opening USM institutions more completely than is currently planned to accommodate student visa holders is anticipated to be less safe for all students and employees. The USM has prioritized the health and safety of our students, employees, and neighbors during the COVID-19 pandemic. The ICE modification undermines one of the most effective tools we have to protect the safety of our people—the de-densification of our campuses. The Centers for Disease Control and Prevention (CDC) advises that the more an individual interacts with others, the higher the risk of spreading COVID-19. The CDC has identified in-person classes and full-capacity residence halls as higher risk settings for transmission of the virus, and virtual-only learning options and lower capacity/closed residence halls as lower risk settings.

19. Providing students distance-learning options to de-densify campuses is critical to our ability to inhibit COVID-19 transmission. USM institutions plan to offer a significant number of courses online and in a hybrid format (both online and in person). Some courses, especially those that are difficult to teach remotely—e.g., clinical, lab, performing arts—will remain as in-person-only options. In addition, we will reduce occupancy in our residence halls. These actions will shrink the number of students, faculty, and staff on campus and allow physical distancing. Any restriction on visa holders taking online courses undermines these efforts to de-densify classrooms and residence halls, placing our entire campus communities—domestic and international students alike—at greater risk for COVID-19 infection.

20. De-densifying public settings is an indisputably effective strategy for inhibiting transmission of COVID-19. In contrast, the direct effect of requiring visa holders to take in-person classes is to increase the number of students on campus. That increase, in turn, will require

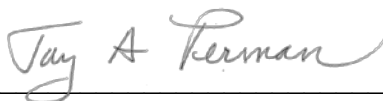
additional faculty to teach on-site and additional staff to work on-site, providing students with food, transportation, housekeeping, and other services. Increasing the number of people on our campuses will increase the risk of transmission of the virus and is antithetical to our plans to protect students and employees.

21. The total tuition contributions of F-1 visa students to the USM operating budget exceeds \$81 million. Tuition and fees make up approximately 40 percent of the USM's unrestricted budget. Any significant decrease in this student enrollment will have a substantial impact on the USM's operating budget, which is already stressed from prorated refunds of room, board, and fees last spring because of the COVID-19-related shutdown of campuses and anticipated cuts to the FY 2021 budget.

22. Not only will the loss of international students affect the USM, it will also affect the rest of Maryland. NAFSA: Association of International Educators undertook a state-by-state analysis of the economic impact of international students and families. That analysis showed that, over the course of the 2018–19 academic year, Maryland's 20,345 international students contributed \$796.1 million to the state's economy and supported 9,458 jobs here.

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

Executed this 11 day of July, 2020.



Jay A. Perman
Chancellor
University System of Maryland