

**EXH. 20**  
**DECL. OF RICHARD DOHERTY**  
**(ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES**  
**IN MASSACHUSETTS)**

**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 RICHARD DOHERTY**

I, Richard Doherty, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the President of the Association of Independent Colleges & Universities in Massachusetts (“AICUM”) located in Boston, Massachusetts. AICUM is a non-profit trade association that represents the public policy interests of 60 degree-granting, accredited, non-profit colleges and universities in Massachusetts. Collectively, these colleges and universities educate approximately 280,000 students each year and employ more than 100,000 people. I have served as AICUM’s president since March 2005.

2. I submit this declaration in support of Massachusetts’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 help of AICUM personnel who have assisted me in gathering this information from our member colleges and universities. I have also familiarized myself with the Rule in order to understand its

immediate impact on the colleges and universities in Massachusetts and the international students who attend those institutions.

4. During the 2018-2019 academic year, 71,000 international students were enrolled in colleges and universities in Massachusetts on nonimmigrant student visas. These students travel to Massachusetts from countries all over the world to attend a college or university with campuses located in communities in all parts of the state. For example, during the 2018-2019 academic year, more than 16,000 international students attended Northeastern University, and more than 10,000 international students attended Boston University. In the Worcester area, more than 1,800 international students attended Worcester Polytechnic Institute, and more than 900 international students attended Clark University. Farther west, 182 international students attended Western New England University. Across the state 35 AICUM institutions enrolled more than 100 International students in AY19.

5. The more than 70,000 international students attending a college or university in Massachusetts contribute more than \$3.2 billion in expenditures to the state's economy and support more than 38,000 jobs. The more than \$3.2 billion in expenditures includes spending on tuition and fees, books and supplies, housing and living expenses, food and dining, travel, retail, and other discretionary spending. The economic benefits generated by the talents and contributions of these international students are squarely put at risk if the July 6 Rule goes into effect because many international students will either be forced to leave the country or be prevented from entering the country.

6. In March 2020, in response to the emerging threat caused by the COVID-19 pandemic, all of the colleges and universities which comprise AICUM moved with urgency to support public health and safety by de-densifying their campuses, requiring all students who could do so to return home, and having faculty and staff work remotely if possible. These institutions simultaneously

invested significant resources in the technology and training needed to continue serving their students by pivoting on short notice to remote learning for all classes. Since March, these colleges and universities have unrelentingly invested significant time and resources as part of thoughtful, complex, and comprehensive planning processes to develop multilayered strategies to safeguard the health and safety of students, faculty, staff and the surrounding community and support the resumption of in-person or hybrid classes and the repopulation of residential life on campus.

7. I have reviewed the COVID-19 Guidance for the Student and Exchange Visitor Program (“SEVP”) that was issued by U.S. Immigration and Customs Enforcement (“ICE”) in response to the COVID-19 pandemic. The Guidance issued by ICE on March 13, 2020 allowed students attending a college or university on an F-1 or M-1 visa to count online courses towards the student’s full course of study and retain their visa status regardless if their school opted to temporarily halt in-person classes and implement online or alternative learning procedures regardless of whether the student remained in the United States or returned home. The March 13<sup>th</sup> Guidance stated that it was to remain “in effect for the duration” of the national emergency declared by President Trump on March 13, 2020. President Trump’s declaration of emergency remains in effect.

8. In reliance on the SEVP Guidance of March 13, 2020, colleges and universities in Massachusetts moved forward with academic plans that allowed international students to attend online or remote classes and still retain their visa status for the “duration of the emergency”. Several thousand international students from Massachusetts schools have remained in the United States also in reliance on the March 13 Guidance.

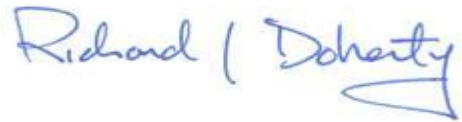
9. It is my current understanding that if the July 6 Rule were to go into effect, international students with F-1 visas who are enrolled in remote-only learning programs at a Massachusetts college or university would need to leave the country or face other immigration consequences if the college or

university they are attending offers entirely online classes or programs or if that particular student was not enrolled in sufficient in-person instruction. This would force an institution to decide between reopening in-person classes or forcing international students to unenroll from the institution and leave the country or transfer to another institution that allows in-person or hybrid instruction. Such needless disruptions would cause significant harm to both the international students and the institutions. For example, the July 6 Rule ignores the fact that some students may not be able to safely travel back to their home country, and will incur significant travel costs if they are able to do so; the student may have already secured housing in Massachusetts and will now incur costs associated with breaking a lease; the students' academic careers will be delayed or stopped; they may not be able to access remote classes from their home country; they likely will not have enough time to transfer to another institution so close to the start of the academic year, and; they may lose the ability to obtain Curricular Practical Training (CPT) or Optional Practical Training (OPT) work visas.

10. It is also my current understanding that if the July 6 Rule were to go into effect the colleges and universities in AICUM would suffer significant harm. For each international student that is forced to leave the country or is unable to enter the country, the institution will lose tuition revenue, room and board revenue, and various student health and activity fees. More significantly, international students are an essential part of the educational experience on campus as well as the research that occurs at so many institutions in Massachusetts. The removal of any international students from campus greatly diminishes the educational experiences of other students and faculty, as the entire campus community benefits enormously from the presence, participation, and life experiences of international students. The July 6 Rule will create an environment on campus that thwarts the opportunities for and contributions of international students to the state's economy and stifles future innovation and business growth, particularly in the STEM fields that drive the state's knowledge-based economy.

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

Executed this 11<sup>th</sup> day of July, 2020

A handwritten signature in blue ink that reads "Richard Doherty". The signature is written in a cursive style with a large, stylized initial "R" and "D".

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Richard Doherty  
President  
Association of Independent Colleges & Universities in Massachusetts  
Boston, MA