

EXH. 28
DECL. OF STEPHEN G. WELLS
(NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY)

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

COMMONWEALTH OF MASSACHUSETTS,
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Civil Action No.

DECLARATION OF STEPHEN G. WELLS

DECLARATION OF SUPPORT

I, Stephen G. Wells, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the President at the New Mexico Institute of Mining and Technology located in Socorro, NM. My educational background includes B.S., M.S. and Ph.D. in Geology I have been employed as President since 2017.

2. I submit this declaration in support of the State of New Mexico'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 New Mexico Institute of Mining and Technology personnel who have assisted me in gathering this information from our institution[s]. I have also familiarized myself with the Rule in order to understand its immediate impact on The New Mexico Institute of Mining and Technology.

4. New Mexico Institute of Mining and Technology is a STEM university

5. The New Mexico Institute of Mining and Technology was founded in 1889 by the New Mexico Territorial Legislature. The university holds accreditation through the Higher Learning Commission and the Department of Higher Education.

6. New Mexico Institute of Mining and Technology has 2,100 students with 200 faculty and 800 employees.

7. New Mexico Institute of Mining and Technology currently has 104 enrolled students who have F-1 visas. These students come from 35 countries and contribute over \$2 million in tuition, housing fees, etc. to New Mexico Institute of Mining and Technology

8. Of these students with F-1 and M-1 visas, 104 are currently in the United States.

9. New Mexico Institute of Mining and Technology has 45 newly admitted students for enrollment in fall 2020 who will require F-1 or M-1 status. Of these students, four are currently in the United States and 41 are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute over \$800,000 in tuition, housing fees, etc. to New Mexico Institute of Mining and Technology.

10. As a STEM institution, New Mexico Institute of Mining and Technology recruits highly-educated students from around the world. While the loss of revenue from the international students will have a financial effect, the loss of the students will be felt more acutely in the research fields where New Mexico Institute of Mining and Technology is leading the world in cutting edge research. The loss of international students is also a loss to the culture and the identity of the university.

11. Students Disenrolling from New Mexico Institute of Mining and Technology may happen for several reasons related to the Rule. Students may leave because courses are not offered in person, courses offered in person may not apply to their degree program, or students may fear that they are subjected to deportation for minor infractions.

12. New Mexico Institute of Mining and Technology estimates that up to 30% of international students may disenroll.

13. New Mexico Institute of Mining and Technology estimates a loss of over \$800,000 if the international students disenroll.

14. Typically international students pay full out-of-state tuition which is upwards of double the in-state tuition rates.

15. International students may choose to live off campus, which will have additional effects on the university's ability to raise funds to support academic activities.

16. Without the revenue that international students bring to the university the university will need to pass the extra costs of doing business on to the domestic students.

17. Currently New Mexico Institute of Mining and Technology is presenting all courses in a hybrid mode and will continue to adapt courses to meet the needs of our students.

18. The Director for Student Affairs, according to the SEVP, updated the required forms per the guidance from SEVP in March 2020.

19. The New Mexico Institute of Mining and Technology will offer all programs in the hybrid mode with both online and in-person components. The Academic calendar for the university will not change. Classes will start on the August 17, and will end on December 11, 2020.

20. Faculty are planning on being able to offer courses in several modes, which is causing a drain on funding in the specific academic departments.

21. New Mexico Institute of Mining and Technology will be finalizing the new updated course catalog to both ensure that all students are able to take their courses in the mode they prefer as well as allow for planning for the safety of students on campus and in the community. The university is also making plans to protect employees in and out of the classrooms as well as managing the research areas across the state of New Mexico.

22. The university is currently working on a plan to issue new I-20 forms to all international students. With fewer resources and working-from-home rules, the process is both cumbersome and slow.

23. The New Mexico Institute of Mining and Technology has a one-person International Programs office. The additional workload required to maintain the status of our international student's visas is a burden on the financial wellbeing of the office. Extra funds will be required to pay for non-contact delivery of I-20 forms, extra labor hours for university employees, and additional printing expenses.

24. New Mexico Institute of Mining and Technology is at a great disadvantage when formulating the needs of the student population when the fluctuation of student numbers cannot be determined due to the challenging circumstances surrounding the Rule.

25. The Rule has forced the university to update the reporting requirements to SEVP and to make those reports prior to being fully vetted due to the very short 10-day reporting requirement.

26. International Students who are denied entry to the US due to the Rule will be forced to take courses in a manner that they may not be comfortable with, which may cause academic difficulty. The students may also fall behind their peers who were participating in in-person courses. International students may lose scholarships and assistantships due to not attending in-person courses. Universities may be short staffed on teaching assistants and researchers as many international students are hired to teach and research.

27. International students denied entry to the US will lose the ability to effectively network with fellow students and faculty members. Most international students who are denied entry will not be able to participate in research that would be a benefit to both the United States and their home country. International students denied entry will also not have the opportunity to be mentored personally by their faculty members.

28. In most cases, the health of students denied entry to the United States is in greater jeopardy in their home country than in the United States. In the case of students coming to Socorro, NM, the students would be in one of the lowest COVID-19 infection zones in the world. Students denied entry will also be at a higher risk of not returning to college due to illness of themselves and their families.

29. By requiring in-person courses, the Rule places an undue burden on the staff and administration of the university, who must choose between segments of university populations as to who is to receive a higher level of exposure to the virus. By having in-person courses, the students, staff, and administration are all subjected to higher exposure rates.

30. International Students who are forced to leave the United States due to the Rule will be adversely affected financially. They will not be able to work on campus or participate in CPT/OPT, which many of them need to pay for their educational and living expenses. This lack of employment will also hurt the tax collections of the State of New Mexico.

31. The Rule may cost international students the ability to work in the US. Many sectors of industry rely on the expertise of international students educated in the US to help improve their business models. Nearly two thirds of the New Mexico Institute of Mining and Technology's international students go on to work in STEM fields in New Mexico. These students provide a well-educated and trained workforce for cutting edge engineering and technology companies in New Mexico.

32. Lastly, during a meeting with the international students of New Mexico Institute of Mining and Technology, a student asked if he was forced to go home and there were no flights to his country, would he be forced to stay in a camp and be kept in a cage.

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

Executed this 10 day of July, 2020



[NAME]
[Title]
[Institution]

STEPHEN G. WELLS
President
NEW MEXICO INSTITUTE
of Mining & Technology

State of NM County of Socorro
The foregoing instrument was acknowledged before me
this 10th day of July, 2020.
by Stephen G. Wells
Theresa Lucero Notary Public
My Commission Expires 07/18/21

