

EXH. 37
DECL. OF ANNE M. BENSKY
(UNIVERSITY OF WISCONSIN – MADISON)

**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 ANNE M. BENSKY

I, Anne M. Bensky, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am an Assistant Attorney General employed by the Wisconsin Department of Justice and am counsel of record on behalf of the State of Wisconsin in this action.

2. I submit this Declaration to verify publicly available information regarding the University of Wisconsin-Madison's ("UW-Madison") current enrollment statistics and practices and procedures affected by July 6, 2020's "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 review of publicly available information and through UW-Madison personnel who have assisted me in gathering relevant information from their institution.

Background on UW-Madison and International Student Population

4. Attached hereto as **Exhibit 1** is a true and correct copy of UW-Madison's 2019-2020 academic year "At a Glance" publication.

5. According to the publication, in the Fall 2019 semester, UW-Madison had an enrollment of approximately 45,000 students. (Ex. 1:1)

6. According to the publication, in the Fall 2019 semester, UW-Madison had enrollment from 7,219 international students representing 134 countries. (*Id.*)

7. According to the publication, for the 2019-2020 academic year annual tuition for undergraduates is \$10,725 for residents and \$37,785 for nonresidents. (*Id.*)

8. According to the publication, for the 2019-2020 academic year annual tuition for graduate students is \$12,179 for residents and \$25,506 for nonresidents. (*Id.*)

Economic Impact to UW-Madison and the State of Wisconsin

9. Attached hereto as **Exhibit 2** is a true and correct copy of a July 2020 publication released by UW-Madison's Federal Relations Director entitled, "International Impact - Understanding the Risk of Decreased International Enrollment."

10. According to the publication, at UW-Madison, international students provide \$161.8 million per year in annual revenue in tuition and fees associated with their studies:

- a. \$115.6 million per year from undergraduate students;

- b. \$24.5 million per year from graduate students;
 - c. \$13.3 million per year from masters / professional degree students; and
 - d. \$8.4 million per year from visiting students. (Ex. 2:2.)
11. According to the publication, in addition to tuition and fees, international students also provide UW-Madison with approximately \$18.8 million in annual revenue for university housing. (*Id.*)
12. According to the publication, international students also provide UW-Madison with approximately \$1.4 million in annual revenue through their international service fees to support UW-Madison's International Student Services Office's budget. (*Id.*)
13. According to the publication, it is estimated that international students provided an economic contribution of \$448.5 million to the state of Wisconsin in 2019. (*Id.*)

The Rule's Impact on Current Planning Efforts

14. According to Exhibit 2, the Rule will also impact UW-Madison's ability to teach all its students. An average of 26.5% of courses, or 1,057 course sections annually, are taught by international teaching assistants. In some departments, such as Statistics, Economics, and Journalism, sections taught by international teaching assistants account for approximately 2/3 of the course sections offered. (Ex. 2:1.)
15. On July 7, 2020, UW-Madison's Chancellor, Rebecca Blank, issued the following statement summarizing the Rule's potential impact on UW-Madison:

New guidance on Monday, July 6 from the Student and Exchange Visitor Program (SEVP) (<https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>) of U.S. Immigration and Customs Enforcement creates confusion and uncertainty for international students at UW–Madison and around the country at a time when they need our support and encouragement.

The rule would apply to 5,800 UW–Madison new or continuing F-1 students in any level of study. (J-1 students are exempt.) We're aware that a substantial number are currently in the U.S. or plan to be this fall.

We are in the process of learning more about these procedures and their impact. UW–Madison plans to offer a hybrid model of instruction that we believe would allow international students to enroll in face-to-face classes and remain in the United States while continuing their studies.

Universities across the country are in the process of sharing reopening plans that attempt to balance public health imperatives with guidance from federal and state governments to continue to reopen to the extent possible. In instituting this rule, ICE fails to provide flexibility institutions and students may need to adapt to changing conditions, as we did during the spring semester.

UW-Madison is urging the federal government to stay or amend this plan through direct contact with Wisconsin's Congressional Delegation and our leadership role in organizations such as the Association of Public and Land-grant Universities (APLU) and the Association of American Universities (AAU).

Since the start of the pandemic, international students have faced numerous difficulties and hardships, including travel restrictions, closed consulates, required and recommended quarantine periods, not to mention acts of xenophobia, hate and bias.

These students are valued members of our community, and we will continue to support and advocate for them.

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

Executed this 12th day of July, 2020.

/s/ Anne Bensky
Anne M. Bensky
Assistant Attorney General
State of Wisconsin Department of Justice