

**EXH. 9**  
**DECL. OF REV. D. SCOTT HENDRICKSON, S.J.**  
**(LOYOLA UNIVERSITY OF CHICAGO)**

**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 REV. D. SCOTT HENDRICKSON, S.J.,**  
**LOYOLA UNIVERSITY OF CHICAGO**

## **DECLARATION OF LOYOLA UNIVERSITY OF CHICAGO**

I, Rev. D. Scott Hendrickson, S.J., pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Associate Provost for Global and Community Engagement and Associate Professor of Modern Languages at Loyola University of Chicago (“Loyola” or the “University”) located in Chicago, Illinois. My educational background includes a B.A. from Saint Louis University, an M.A. from Bowling Green State University, an M.A. from New York University, a Lic.in Ecclesiastical Studies from Universidad Pontifica de Comillas, and a D.Phil. from Oxford University. I have been employed as Associate Provost since May 15, 2020 and as a faculty member since August 15, 2013.

2. I submit this declaration in support of the State of Illinois’ 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 Loyola personnel who have assisted me in gathering this information from our institution. I have also familiarized myself with the Rule in order to understand its immediate impact on Loyola.

### **Background on University and International Student Population**

4. Founded in 1870, Loyola is one of the nation’s largest Jesuit, Catholic universities, with more than 17,000 students. Nearly 11,500 undergraduates call Loyola home. The University has four campuses: three in the greater Chicago area and one in Rome, Italy, as well as course locations in Saigon-Ho Chi Minh City, Vietnam; Vernon Hills, Illinois (Cuneo Mansion and Gardens); and a Retreat and Ecology Campus in Woodstock, Illinois. The University’s 14 schools, colleges, and institutes include: the Parkinson School of Health Sciences and Public Health,

Quinlan School of Business, Marcella Niehoff School of Nursing, Stritch School of Medicine, College of Arts and Sciences, School of Communication, School of Continuing and Professional Studies, School of Education, School of Law, School of Social Work, Graduate School, Institute of Pastoral Studies, Institute of Environmental Sustainability, and Arrupe College. Ranked a top national university by *U.S. News & World Report*, Loyola is also among a select group of universities recognized for community service and engagement by national organizations like the Carnegie Foundation and the Corporation for National and Community Service. Loyola employs more than 4,000 faculty and staff members.

5. Loyola is a private university, incorporated in the State of Illinois as a charitable non-profit institution. It is accredited by the Higher Learning Commission and is funded through tuition and its annual endowment fund.

6. Loyola currently has 536 enrolled students who hold F-1 visas. These students come from 93 countries and contribute millions of dollars in tuition, housing fees, etc. each academic year.

7. A considerable number of our F-1 student population chose not to travel home at the start of the pandemic and have remained in the U.S. until now.

8. Loyola has issued I-20s to 156 admitted students for enrollment in Fall 2020 who will require F-1 status. Of these students, 25 are in the United States and will have their SEVIS records transferred to Loyola, the remaining admits are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute millions of dollars in tuition, housing fees, and other associated student fees to Loyola during the 2020-2021 academic year.

9. As set forth more fully below, if this ICE guidance is published as Temporary Final Regulations in the Federal Register, the harm to Loyola will be considerable.

### **Economic Harm to the University**

10. This new Rule poses significant economic harm to the University. If we are unable to provide onsite courses to meet this new requirement, students may be forced to withdraw from the University or transfer to a new school which could amount to an estimated loss of nearly \$20 million dollars in tuition revenue for the University for the upcoming academic year.

11. While it is difficult to estimate how many students may choose to postpone their studies or enroll elsewhere (either domestically or internationally), we are confident that the change in class delivery or disruption of degree progress this fall will discourage some international students from pursuing their studies at Loyola, now or in the future.

12. In addition to directly impacting Loyola tuition revenue, a decrease in international student enrollment would also have a significant impact on the communities surrounding Loyola's Lake Shore Campus. Our students would no longer be living, working, shopping, or contributing to the economy of Rogers Park and Edgewater.

13. It is also worth noting that international students, on average, pay more individually for their tuition as they are ineligible for many federal loans and grants by merit of being non-U.S. citizens.

14. Loyola typically requires that all freshmen and sophomores live on campus. A decrease in international student enrollment could result in the loss of housing revenue from approximately over 100 international freshman and sophomore students.

15. International students contribute financially to Loyola not just through tuition but through living expenses. Undergraduate students live on-campus for the first two years of their studies and additional on-campus housing is available for upperclassmen and graduate students. Students also pay for access to dining services while living on campus. There are additional University-based food options which all students patronize. Loyola estimates that undergraduate international students spend approximately \$15,705 per academic year in living expenses while graduate students spend approximately \$20,665 on living expenses per academic year. Loyola receives a significant amount of that.

16. There would be financial consequences for the institution if international students are unable to live on or near campus. The most obvious outcome is that fewer international students will be contributing financially to on-campus housing and dining hall costs. Additionally, fewer students utilizing on-campus housing and dining services will lead to fewer staff necessary to serve on-campus residents.

### **Administrative Burdens and Planning Disruptions**

17. In March 2020, Loyola moved all coursework online in response to COVID-19. Per federal guidance, Loyola submitted an updated operational plan confirming this change to the Student and Exchange Visitor Program (“SEVP”).

18. Loyola intends to operate on a hybrid model for the Fall 2020 term in order to provide support to our international student population. The semester begins August 24, 2020 and ends December 17, 2020. Size limits are being placed on all in-person and face-to-face classes to ensure social distancing. Loyola has identified several student lounges and common area spaces that will be used solely for onsite academic instruction. Modifications have been made to the course schedule to allow adequate time for passing between classes, especially when

elevators and stairwells will be used to access classrooms. Potential transitions include following local and State guidelines for gatherings and the number of people that can be together in enclosed spaces.

19. Variations include new course grids for scheduling in-person and face-to-face classes and an overall enhanced course schedule to accommodate new classroom spaces. Complexities in this area include moving students on shuttles from one campus to another (between Lake Shore Campus and Water Tower Campus). The two-day fall break will be canceled and replaced with instructional days. All course instruction after Thanksgiving will be delivered online and those students living on campus will not return to their residence halls after the holiday.

20. In order to finalize plans for the fall semester Loyola's registration and records online platform (LOCUS) needs to be adapted to reflect the mode of instruction and the spaces that will be used for in-person and face-to-face instruction for on campus classes and hybrid classes. Classrooms need to be outfitted with the appropriate technology to accommodate instruction for students unable to attend classes in person. Staffing will also be necessary for taking temperatures of people on campus, for cleansing and sanitizing academic spaces, and for providing personal protective equipment such as masks to students and instructors.

21. Our international students, scholars and professionals are in a unique and unprecedented situation at this time. As a result, everyone's immigration concerns are more specific and nuanced than ever. Multiple touchpoints are often required on the part of the International Student and Scholar Services ("ISSS") advisors to sufficiently resolve these questions, taking up a higher than average amount of bandwidth and work time. Host departments and campus partners have also been in frequent contact with our team to ensure that

their students, scholars and employees are sufficiently supported. This new Rule is disruptive to the workflow in ISSS. Staff must be pulled from current projects and preparation for the new school year in order fulfill the requirements of the new Rule.

22. The decision to re-open a University during a global pandemic is not a decision that is made lightly. Over the course of the last three months, hundreds of Loyola faculty and staff have been working to develop a plan to safely re-open the University when it is legally allowed and medically advisable. This new Rule requires that the entire University re-examine the decisions that have already been made in planning for the Fall 2020 semester.

23. The effect of uncertainty caused by the Rule will have an impact on the housing needs and employment needs. Residence Life has been reduced to single-occupancy only, which results in a reduced number a rooms that are available for international students. Several departments have also scaled back the number of student employment positions. Staff members are being deployed to new positions, and some positions will not be filled until there is greater financial security across the University.

24. The federal reporting requirements associated with maintaining SEVP-certification are extensive under normal circumstances. The implementation of this new Rule brings additional burdens that were not evident before the March 2020 response to COVID-19. This new rule brings additional reporting challenges to the University in requiring that any operational changes be reported to SEVP within 10 days of the change. The rule also requires the issuance of new I-20s to all enrolled students by August 4, 2020.

25. Ultimately, this guidance will lead to both lower international student enrollment and a higher amount of touchpoints needed for each student moving forward. The disconnect between the reduction of incoming revenue from international students and the increased need



for staff support across varied and numerous offices will put exceptional financial strain on the University.

### **Harmful Impact on Educational Mission**

26. The academic continuity of both students and their departments will be disrupted, perhaps irreparably, by the recent ICE guidance. Students will be taken away from their studies and their research if they are forced to return to their home countries. This will likewise leave research departments in a position where they will struggle to immediately fill research positions.

27. International students come to the United States for reasons beyond the education they find within the classroom. Students study in the United States for the relationships they build with their friends, with professors, and with their communities. To force international students to return home will disrupt not only their education but their membership as a part of the Loyola community. Students build lives in the United States with the friends they make here. To pull them away from that support system would immeasurably disrupt their education and their lives.

### **Impact on Health of Students, University Community, and Public Health**

28. If international students are required to travel during this period of heightened concern regarding the COVID-19 pandemic, the health consequences for these students could be massive. At this time, non-essential travel has been strongly discouraged due to the health risks associated with proximity to others and gathering in large groups. International travel would force students to spend long periods of time on airplanes or other modes of transportation with other travelers, putting them at increased risk of prolonged exposure to the virus. Students have also contacted various Loyola offices with concerns about the health risks in their home countries. Some students are from areas or countries that have experienced recent extreme spikes

in COVID-19 cases; other students are from countries whose borders are temporarily closed due to the COVID-19 pandemic. In both cases, travel is extremely risky for international students and any available options to avoid this type of travel should be pursued to the fullest extent.

### **Economic Harm to Students and the United States**

29. There are both short-term and long-term economic factors that will negatively impact international students. In the short-term, international students will be responsible for the immediate logistic and financial burden of securing an airline ticket out of the United States – a task which grows more difficult by the day due to increased COVID-19 precautions. Additionally, students will have to abandon whatever housing they've secured for themselves in the United States and will likely incur the types of charges associated with breaking a lease or housing contract. This leaves international students in a situation where they must abruptly depart and secure totally new housing once they arrive in their home country; securing that housing may be another added cost.

The long-term economic implications for international students are perhaps greater. Any disruption of their F-1 status may jeopardize their eligibility for employment benefits like CPT, OPT and the STEM OPT extension. This essentially robs students of the opportunity for post-graduation employment on their student visa, a visa benefit that most of Loyola's F-1 student population takes advantage of once their studies are complete.

30. Within the business sector, companies can hire F-1 students on OPT or STEM OPT for work in the student's field. This is a beneficial program for both students and employers; students are able to gain experience in their field while employers have access to qualified employees whom they do not have to sponsor for the duration of the student's OPT/STEM OPT period. If international student enrollment is threatened and the population of

students studying in the United States decreases, this pool of qualified prospective employees will decrease. This is especially harmful for companies in the STEM field who heavily recruit international students on STEM OPT. The loss of this labor force would likely have a large impact on many industries and organizations in the United States.

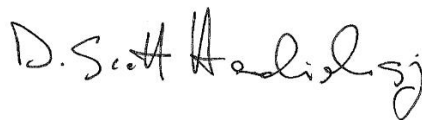
31. International students contribute financially not just to the institutions in which they are enrolled but also to their larger communities. Student spending on off-campus housing, food, entertainment, transportation, and other living expenses contributes economically to supporting businesses in their area. Depriving international students of the opportunity to remain in the United States would also deprive local businesses of their patronage.

32. If international students are forbidden from participating in coursework this fall as a product of this guidance, jobs across campus may be jeopardized. Offices committed specifically to international student services and cultural engagement would be especially threatened should these rules take effect.

33. Since the updated ICE guidance was published on Monday, Loyola has heard from hundreds of international students expressing fear and uncertainty about what this means for their future in the United States. Our University is in full support of these students.

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

Executed this 11th day of July, 2020



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Rev. D. Scott Hendrickson, S.J.  
Associate Provost for Global and Community Engagement  
Loyola University of Chicago