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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 STATE OF WASHINGTON,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF
15 HOMELAND SECURITY;
16 IMMIGRATION AND CUSTOMS
17 ENFORCEMENT; CHAD F. WOLF, in
18 his official capacity as Acting Secretary
19 of the U.S. Department of Homeland
20 Security; and MATTHEW ALBENCE, in
21 his official capacity as Acting Director of
22 U.S. Customs and Immigration
23 Enforcement,

24 Defendants.

NO. 2:20-cv-01070

**DECLARATION OF
ANA MARI CAUCE**

25 I, Ana Mari Cauce, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

26 1. I am the President of the University of Washington, with campuses in Seattle,
Tacoma, and Bothell Washington, and a Professor in the University's Department of
Psychology. My educational background includes a bachelor's degree in English and
Psychology from the University of Miami and Ph.D. in psychology from Yale. I have been the
President of the University of Washington since June 2015 and previously served as Provost of

DECLARATION OF
ANA MARI CAUCE
CAUSE NO. 2:20-cv-01070

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 5th Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 the University of Washington from 2011 to 2015. As President, I am the University's chief
2 executive officer.

3 2. I submit this declaration in support of the State of Washington's litigation
4 challenging the Department of Homeland Security and Immigration and Customs Enforcement
5 (ICE) policies announced on July 6, 2020 by "Broadcast Message" and to be published as a
6 Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program
7 (the "Rule").

8 3. I have compiled the information set forth below through personal knowledge as
9 well as through University of Washington personnel who have assisted me in gathering this
10 information from our institution. I have also familiarized myself with the Rule in order to
11 understand its immediate impact on the University of Washington.

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14 **Background on the University of Washington and its International Student**
15 **Population**

16 4. The University of Washington is a state institution of higher education in the
17 State of Washington. In fall 2019, the University of Washington had 42,544 enrolled
18 undergraduate students and 16,847 enrolled graduate and professional students.

19 5. The University of Washington's three campuses offer more than 636 degree
20 options across 312 programs.

21 6. The University's 2020 budget is \$8.25 Billion, including \$403 Million in state
22 appropriated funding. The University supports or sustains a total of 100,520 jobs in the State of
23 Washington, and has a total annual economic impact of \$15.7 Billion.
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1 time, the University began emergency preparations and established several committees to
2 guide its response. During the initial surge, the University also mandated telework for non-
3 critical personnel, prohibited in-person social events and gatherings, and implemented physical
4 distancing and public health procedures in its student housing facilities.

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6 12. The University announced that it was suspending in-person classes on March 6,
7 2020, effective March 9, 2020, becoming the first American university to do so. This decision
8 resulted from extensive discussions both internally and with public health officials. The
9 University waited as long as possible to make this decision due to concerns for international
10 students, but ultimately determined that given the severity of the pandemic, the decision could
11 wait no longer. One week later, the State of Washington prohibited Universities from
12 conducting in-person classroom instruction and lectures due to the pandemic.

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14 13. When the University moved to online courses, there was significant concern
15 about the risk to international students and their ability to continue to remain eligible for
16 student visas. When ICE issued the March 13 guidance, there was great relief at the University
17 that it would be able to move forward with offering Spring Quarter online. The University has
18 relied on the March 13 guidance, including the representation that it would be “in effect for the
19 duration of the emergency” in its move to online learning for Spring Quarter, its entirely
20 remote Summer Quarter, and its planning for Autumn Quarter.

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22 14. Public health considerations have also been critical to the University’s analysis
23 and planning for Autumn Quarter. The University has considered how COVID-19 is spread,
24 the safety of University classrooms, on-campus housing, and other campus facilities. The
25 University has also considered risks to the health and safety of staff and faculty at the
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1 University. As a result, the University has required masks on campus, will limit class sizes in
2 order to maintain six feet of physical distance within classrooms, and has implemented contact-
3 tracing.

4
5 15. At present, the University plans to begin classes on September 30 with a hybrid
6 of remote and in-person learning for Autumn Quarter. The University must operate in
7 compliance with the State of Washington’s four-phase Safe Start plan¹, which constrains the
8 extent to which the University may offer in-person classes and the State’s specific guidelines
9 for higher education institutions.² On May 29, 2020, the University issued its COVID-19
10 Prevention Plan and Safe Start Checklist to use as the basis for developing unit-specific plans
11 for Autumn Quarter, which must be centrally approved. Generally courses over 50 students
12 will be offered remotely, while those which can safely be offered in-person will be.

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14 16. The University has carefully developed its plans for Autumn Quarter in order to
15 balance considerations of safety with the need to ensure that learning is maximized. The
16 University’s Back to School Task Force, with input from academic leadership, administration,
17 and public health experts, has developed guidance and resources for the campus community
18 regarding a return to campus for Autumn Quarter. The University’s expressed goal for Autumn
19 Quarter is to provide a “high-quality Husky Experience for every student”³, inside and outside
20 the classroom, as it prioritizes student, faculty, and staff health, along with student academic
21 success.
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25 ¹ <https://coronavirus.wa.gov/what-you-need-know/safe-start>

26 ² https://www.governor.wa.gov/sites/default/files/2020.06.23%20Campus%20Reopening%20Guide%20FINAL.pdf?utm_medium=email&utm_source=govdelivery

³ <https://www.washington.edu/coronavirus/>

1 20. In addition, many F-1 visa holders are working on critical COVID-19 work
2 including protein design, research on the cardiovascular impacts of COVID-19, contact tracing,
3 and data analysis and forecasting used to understand and control the spread of COVID-19 until
4 a vaccine is developed.

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6 21. For example, the University's Institute for Health Metrics and Evaluation
7 (IHME) has produced COVID-19 forecasts that have been used at many levels of government.
8 The forecasts have been used in local resource allocation decisions within UW Medicine and
9 Washington State, within state government in all states in the US, by the White House, and by
10 multiple ministries of health and offices of planning around the world. IHME has three PhD
11 students on F-1 visas working directly on IHME's COVID-19 model and contributing critical
12 input on data analysis, interpretation and dissemination. Without their contributions, the team's
13 ability to produce timely and relevant results would be severely affected. This would have a
14 significant detrimental effect on the ability for all levels of government worldwide to respond
15 to COVID-19.

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17 22. Although it is impossible to estimate the full economic impact on the University
18 of potential disenrollment, the impact to University revenue would be significant. The
19 University receives an estimated \$185 Million in revenue from students on F visa and OPT
20 authorization, which is 26% of the University's net operating fee revenue. Significant
21 disenrollment would result in precipitous declines in tuition, housing, and dining hall revenue.

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23 23. This risk is particularly acute because non-resident undergraduate international
24 students pay tuition at a rate of \$38,166 per year. These revenues allow the University to offer
25 financial aid resources for other students and keep resident undergraduate tuition within the
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1 limits permitted by the Washington State Legislature (currently \$11,465). Resident
2 undergraduate tuition rates at the University are set under specific parameters of the
3 Washington State Legislature, and the University is unable to independently change these rates
4 to make up for a loss in undergraduate international tuition revenue. Revenue loss in this
5 tuition category would require expense reductions to the University's core academic budget,
6 which would negatively impact the educational experience for both resident and non-resident
7 students across the University.
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9 24. Additionally, in Autumn Quarter 2019, 1,101 international students held a
10 Teaching Assistant or Research Assistant position at the University. If those students were
11 unable to obtain student visas to study at the University, this would result in significant
12 disruption to University teaching and research, both through the loss of valuable expertise and
13 significantly increased costs.
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15 25. Providing more in-person instruction than is currently planned in response to
16 the Rule in order to prevent the loss of international students would undermine the careful
17 planning the University has engaged in and could result in significantly increased operational
18 and instructional costs, particularly given the University's commitment to hygiene and physical
19 distancing to ensure the health of its faculty, staff, students, and the community. The
20 University has already experienced over \$40 million in lost revenue and increased expense due
21 to COVID-19 impacts directly related to its educational and student support enterprises. The
22 University has also experienced a nearly \$400 million loss at UW Medicine, its medical
23 enterprise. The University can ill afford the impact of additional revenue loss as a result of the
24 Broadcast Message's impact on international students.
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3 **Harmful Impact on the University’s Educational Mission**

4 26. The Broadcast Message threatens the ability of talented international students
5 seeking to work and learn at the University by prohibiting those students from obtaining
6 student visas unless they meet unreasonable—and potentially impossible—requirements
7 related to in-person courses. The entire campus community benefits from the diversity that
8 international students bring.

9 27. The University has many international students from countries devastated by the
10 COVID-19 crisis. Students from these countries would face increased risk of infection with
11 COVID-19 as a result of this Rule if they were forced to travel and return home.

12 28. Furthermore, the University’s international students who remained in the United
13 States based on the March 13 guidance, will face significant risks and harm under the
14 Broadcast Message. Returning to their home country could subject those students to the
15 possibility of being drafted into their home country’s armed forces, threats or abuse based on
16 their sexual orientation, lack of adequate healthcare, limited travel options, extraordinary travel
17 costs, and unnecessary exposure to COVID-19.

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19 **Impact on Health of Students, the University Community, and Public Health**

20 29. The University has many international students from countries devastated by the
21 COVID-19 crisis, including over 4,800 students from China, over 50 students from the UK,
22 over 40 students from Brazil and Turkey, and over 20 students from Italy. Students from these
23 countries would face increased risk of infection with COVID-19 as a result of this Rule if they
24 were forced to travel and return home.
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