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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**

8 STATE OF WASHINGTON,

NO.

9 Plaintiff,

**DECLARATION OF  
ASIF CHAUDHRY**

10 v.

11 UNITED STATES DEPARTMENT OF  
12 HOMELAND SECURITY;  
13 IMMIGRATION AND CUSTOMS  
14 ENFORCEMENT; CHAD F. WOLF, in  
15 his official capacity as Acting Secretary  
of the U.S. Department of Homeland  
Security; and MATTHEW ALBENCE, in  
his official capacity as Acting Director of  
U.S. Customs and Immigration  
Enforcement,

16 Defendants.

17  
18 I, Asif Chaudhry, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

19 1. I am the Vice President for International Programs at Washington State  
20 University (WSU or University), Washington State's land grant institution and the second largest  
21 public research university in the Pacific Northwest. I have held this position since June 2015.  
22 Prior to my current role at WSU, I spent my career working for the United States Government  
23 as a Senior Foreign Service Officer, holding numerous leadership positions in the Departments  
24 of State, Defense, and Agriculture. These positions included Vice President of the Commodity  
25 Credit Corporation, Foreign Policy Advisor to the Chief of the United States Navy at the  
26

1 Pentagon, and U.S. Ambassador to the Republic of Moldova. I have personal knowledge of the  
2 facts set forth in this declaration, and I am competent to testify about them.

3 2. As Vice President for International Programs at WSU, I have responsibility for  
4 WSU's international research activities, study abroad programs, international students, and  
5 student and faculty exchanges. I am the chief international relations officer at WSU and am  
6 responsible for the role of International Programs in carrying out WSU's mission of global  
7 engagement, which is "To apply knowledge through local and global engagement that will  
8 improve quality of life and enhance the economy of the state, nation, and world." I also manage  
9 WSU's programs focusing on establishing strategic partnerships with governments and  
10 educational institutions across the globe.

11 3. I submit this declaration in support of the State of Washington's litigation  
12 challenging the policies announced on July 6, 2020 by "Broadcast Message" and to be published  
13 as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program  
14 ("SEVP") (the "Rule").

15 4. I have compiled the information set forth below through personal knowledge as  
16 well as through University personnel who have assisted me in gathering this information from  
17 WSU. I have also familiarized myself with the Rule in order to understand its immediate impact  
18 on the University.

19 5. WSU was founded in 1890 as Washington's original land-grant university. WSU  
20 is chartered by the state of Washington, and is governed by the Board of Regents, whose  
21 members are appointed by the governor, which provides direction to the WSU President. The  
22 Washington state legislature also approves annual operating and capital budgets for WSU,  
23 including state funding for WSU. For the fiscal year 2020-21, the state legislature appropriated  
24 over \$277 million dollars to WSU. Due to COVID-19 budget reductions, the state informed  
25 WSU that this amount will be reduced by at least \$7M.  
26

1           6.       WSU serves citizens and students throughout the State of Washington, with  
2 educational sites in Pullman, Spokane, Tri-Cities, Vancouver, Everett, Bremerton, and through  
3 its online Global Campus, as well as over 500 study abroad programs in over 48 countries. WSU  
4 serves 31,607 students and employs over 7000 employees system-wide. Following the IPEDS  
5 definition for total enrollment (which excludes students in Education Abroad), WSU has 52.6%  
6 female students and 27.7% minority students (defined per IPEDS as including Asian Americans,  
7 Black or African Americans, American Indian or Alaskan Native, Hispanics of any race, Native  
8 Hawaiian or Pacific Islander, or Two or More Races) enrolled system-wide; 35.6% of students  
9 are the first in their families to attend college. WSU's main campus is in Pullman, Washington,  
10 where it serves 20,976 students (30% multicultural) representing 48 states and 106 countries.  
11 WSU offers 98 undergraduate majors, 78 master's degree programs, 65 doctoral degree  
12 programs, and 3 professional degree programs in medicine, pharmacy, and veterinary medicine.  
13 WSU has 11 colleges, advancing knowledge in hundreds of disciplines.

14           7.       WSU currently has 1869 enrolled students who have F-1 visas. WSU has zero  
15 enrolled students who have M-1 visas. These students represent more than 100 countries. Of  
16 these students, approximately 70% of them are currently in the United States.

17           8.       In addition to the 1869 currently enrolled F-1 visa students, WSU has 681 newly  
18 admitted international undergraduate students expected to attend WSU in the Fall 2020 semester  
19 who will require F-1 or M-1 visas. Of these students, only 206 are currently in the United States  
20 and 475 are currently living outside the United States and require a visa to enter the country for  
21 study. These students will contribute up to \$6 million in tuition, fees, housing and dining for  
22 the university if they are able to get to the United States. Another 172 international graduate  
23 students plan to start their degree at WSU under an F-1 visa this fall if they are able to travel to  
24 Washington.

25           9.       In response to the COVID-19 outbreak in Washington at the beginning of the  
26 year, WSU stood up its Incident Command System (ICS) in late February, when Washington

1 Governor Jay Inslee declared a state of emergency on February 29, 2020. The ICS leadership  
2 was supported by an Executive Policy Group (EPG) that served a coordinating role, and also  
3 functioned as an emergency policy-setting group in support of the ICS commander and WSU  
4 President Kirk Schulz. Since that time, WSU has streamlined the ICS structure and the EPG  
5 function has been placed into the full President's Cabinet (Vice Presidents and campus  
6 Chancellors). Various task groups have been charged with planning the COVID-19 response  
7 within the various functional elements of the university, for example, dining, residential life,  
8 classroom instruction.

9 10. As the EPG monitored the progression of COVID-19 in early March, it became  
10 apparent that the rise of the pandemic meant that WSU should minimize students returning to  
11 the Pullman campus after spring break, which was the week of March 16, 2020. WSU made the  
12 decision to shift to distance instruction (online instruction) the week before spring break so that  
13 when students left campus, they knew they were strongly discouraged from returning and that  
14 all of their courses would finish the last six weeks of instruction and week of final examinations  
15 via distance learning approaches. WSU immediately started preparation for the switch to  
16 distance instruction when classes resumed on March 23. This gave us two full week for that  
17 preparation. During that time professional staff and educators in WSU's Office of Academic  
18 Outreach and Innovation (AOI) offered over 60 training sessions, seven days a week, and into  
19 evening hours, that were attended by over 700 faculty. Although not flawless, the shift worked  
20 well, according to both student and faculty assessment surveys, and performance of students  
21 with respect to academic progress, course withdrawals, grades, and other indicators being on par  
22 with the Spring Semester 2019.

23 11. Consistent with our strategy around spring break, for their health and safety, most  
24 students did not return to Pullman. WSU has complied with all World Health Organization,  
25 Center for Disease Control, and State of Washington proclamations and planning guidance with  
26 respect to basic campus operations, student housing and dining, instruction, and all other campus

1 activities. Telework has been the norm where possible. All recruiting and new student  
2 orientation programs have gone online. To more broadly promote student success and retain  
3 them in progress toward their education, WSU liberalized its academic regulations to permit  
4 more course withdrawals and more use, if desired by a student, of pass/fail grading, with the  
5 deadline extended beyond when grades were due. There was increased use of pass/fail grading,  
6 but no more use of course or semester withdrawal. All indicators (surveys, academic  
7 regulations) are that the switch to distance education had little material impact on student  
8 educational achievement. In a survey the Office of International Programs released, 80% of  
9 WSU international students indicated they had a positive experience learning online and  
10 expected to continue to do so until such time as we are no longer in an emergency.

11 12. To monitor the COVID-19 pandemic and in preparation for the fall semester,  
12 WSU government relations staff are constantly engaged with the Governor's Office and relevant  
13 department secretaries (e.g., Health, Agriculture, Commerce), King County Public Health,  
14 Whitman County Public Health, Challenge Seattle (a high-level public-private partnership), and  
15 other relevant authorities. In addition, the Washington Higher Education Council of Presidents  
16 and its various working groups coordinate and share information regularly. Fall planning is in  
17 the hands of the relevant senior administrators, often supported by task-specific working groups.

18 13. In addition to the interactions described above in paragraph 12, WSU Pullman  
19 personnel meet regularly with local planning authorities (e.g., city government, Whitman County  
20 Public Health, the Palouse Physician Pandemic Taskforce) to coordinate activities. The WSU  
21 Public Health Emergency Taskforce is a major channel of communication to Whitman County  
22 Public Health, as is WSU's Office of Environmental Health and Safety. As a multi-campus  
23 system, similar local coordination is carried out in the communities of other WSU campuses. In  
24 eastern Washington, WSU is engaging jointly with Whitman County Public Health and the  
25 Spokane County Health District to coordinate planning. In addition, each member of WSU  
26 Executive Leadership connects regularly with their peers at other institutions of higher education

1 to share expertise and best practices – for example, monthly conference calls of the PAC-12  
2 conference provosts, and similarly for the presidents and others. In addition, normal academic  
3 connections with national organizations like the Association of Public and Land Grant  
4 Universities provide sharing of information, plans, guidance, and best practices.

5 14. Public health of the University community and the communities surrounding  
6 WSU’s campuses is of the utmost concern to the University. This is especially true in Pullman,  
7 where WSU’s student population represents over half of the cities total population. An outbreak  
8 of COVID-19 on the level of community spread as is currently being seen elsewhere in the  
9 country (and recently at several fraternity houses at the University of Washington) could have  
10 disastrous effects on Pullman’s rural medical infrastructure—only twenty-five hospital beds are  
11 available at the Pullman hospital.

12 15. In preparation for fall semester, the team in the Office of the Provost has worked  
13 with the colleges and academic program leadership (Deans, Associate Deans, Department  
14 Chairs) to prepare for fall teaching in a mix of face-to-face and distance courses as dictated by  
15 safety considerations and inventory of lecture halls, teaching labs, and equipment needed to  
16 support education. WSU intends a hybrid of face-to-face and distance instruction. Decisions on  
17 which classes will be face-to-face is ongoing, with consideration being given to class size (no  
18 class larger than 50 will be face-to-face), prioritizing classes that benefit more from face-to-face  
19 (e.g. labs, studio, and discussion), and faculty safety and availability. At this time, the University  
20 is finalizing room scheduling with the goal that students will know by August 1 which classes  
21 will be face-to-face and which will be distance. Seating capacities in classrooms have been  
22 reduce to keep physical distancing of at least 6 feet; disinfection protocols are in place for  
23 changeover between classes; traffic patterns in buildings will be controlled to facilitate  
24 circulation, entry, and egress with minimal close interactions; and facial coverings are required  
25 for all instructional staff and students in classrooms.  
26

1           16.     As a research-intensive institution, not only is research a major mission element,  
2 research education and training for both graduate students and undergraduate students is a key  
3 strategic goal. In conjunction with the planning noted in paragraph 15, WSU is developing a  
4 safe-return to research plan to guide ramping up research activities after an initial slow-down.  
5 The return plan will incorporate guidance about lab safety as necessary to add in biosecurity with  
6 respect to COVID-19, as well as maintaining the ability to work remotely when possible. Safely  
7 engaging students in research is a critical part of WSU's educational mission.

8           17.     Before instruction begins next month, WSU must finalize its comprehensive  
9 biosecurity plan for the Pullman campus, and the other campuses. Major common elements are  
10 in place (e.g. disinfection protocols, attestation, and temperature checks). Others are in advanced  
11 stages of planning (e.g. quarantine facilities in Pullman on campus and in the community and a  
12 contact-tracing program). The final piece of an overall plan is the selection and implementation  
13 of an active surveillance program (and one option is to select not having such a plan). A team  
14 of faculty experts has advised leadership of their simulation results (and assumptions) that  
15 suggest a variety of options. It remains to select an option then put in place the logistics to collect  
16 samples on a daily basis around campus and the community. WSU Pullman has on-campus  
17 testing capacity well in excess of the needs of an active surveillance program.

18           18.     WSU has not altered the start date for instruction for the Fall Semester 2020,  
19 which is August 24, 2020, but did move up the move-in period for incoming freshman to begin  
20 August 3, 2020. WSU will have a regular length (17 weeks) academic semester, which includes  
21 a week-long break at Thanksgiving, two weeks of instruction after Thanksgiving, and a week of  
22 final examinations. When Thanksgiving break begins after week 13 of instruction, students will  
23 be asked to leave the Pullman community/campus and not return (those students who must stay  
24 in Pullman because they have no other, or no safe, place to go, such as international students,  
25 will be allowed to stay). The final two weeks of instruction and final examinations after  
26 Thanksgiving will be all by distance, and there will be no face-to-face instruction during this

1 period. This is done to minimize the time we must attempt to control COVID-19 spread,  
2 minimize travel throughout the state, and to avoid the start of the heart of influenza “season” to  
3 take pressure off campus and community health-care resources. No decisions have been made  
4 about potentially altered semester structure for Spring Semester 2021. Under the Rule, all of  
5 WSU’s F-1 international students will be forced to leave the country after Thanksgiving break,  
6 cutting off their ability to finish the semester just weeks from its completion.

7 19. The announcement of the Rule had an immediate and ongoing effect on the  
8 University and its students. At the time the Rule was announced, the Department of International  
9 Student and Scholar Services within the Office of International Programs immediately received  
10 hundreds of e-mails and phone calls from faculty, staff, and students across the WSU system and  
11 from abroad. The general sentiment was shock, fear, outrage and extreme anxiety. A number of  
12 students called in tears on Zoom meetings and we had parents reach out to us asking if they  
13 should plan to get their students on an international flight back home, if it was even possible. On  
14 July 8, 2020, WSU held an impromptu town hall for its international students and announced it  
15 two hours prior. With only two hours’ notice, 300+ attended the town hall on the Rule, listing  
16 over 100+ questions and directly expressing their anxiety and concern regarding the Rule. Our  
17 advising team fielded more than 500 e-mails within the first 24 hours of the Rule being released,  
18 with each adviser receiving 100-200 e-mails from students per day since.

19 20. As a result of the Rule, WSU will be forced spend significant administrative  
20 resources. There is significant complexity and challenge to implement a system to monitor live  
21 versus remote instruction, to re-issue I-20s (is a minimum of 1900), and to-re-evaluate  
22 instructional modality to comply with the Rule; to do all of this within less than six weeks is a  
23 nearly impossible task. The Rule requires our Primary Designated School Official to do  
24 additional reporting and work within the 10-day required update period of change and that is an  
25 extremely short window in which to report changes necessary to ensure the health and safety of  
26 WSU should there be a need to transition to distance delivery. Thus, WSU anticipates an

1 immediate need to allow our designated school officials overtime and to hire staff to support the  
2 international community in response to the Rule. WSU anticipates the cost of doing so to be  
3 between \$15,000 and \$20,000.

4 21. The Rule will require all of WSU's F-1 students to depart the United States with  
5 only three weeks left in the semester. This will have untold consequences on students who  
6 choose to stay enrolled at WSU for the fall semester. A more likely scenario however, is that F-  
7 1 students will choose not to enroll in the fall with the knowledge that they will be forced to  
8 either leave the United States or fall out of compliance with their visa status at the end of the fall  
9 semester. Per an internal survey, International Programs estimates that a minimum of 25% of  
10 WSU's enrolled international students plan to leave the University as a direct result of the Rule.  
11 A loss of a substantial number of international students, either prior to or during the semester,  
12 would be extremely damaging to WSU.

13 22. The absence of international students on the WSU campus would be a tremendous  
14 detriment; the internationalization goal for the university would be severely compromised, as  
15 well as the opportunities to provide programming that prepare domestic students for their roles  
16 as future global citizens. A decrease or lack of international diversity deprives our domestic  
17 students of the exposure of internationalization and the related opportunities of peace and  
18 understanding, which are so critical in today's global and interconnected world. The  
19 International Programs-International Center (IC) is a perfect example of the direct impact this  
20 would have. In just the past year, the IC provided cultural programming for over 2000 students  
21 and community members; it reached over 5,000 people in the area through social media and  
22 newsletters, provided nearly 500 hours of academic support to both domestic and international  
23 students, and worked with more than 20 community partners, including the public schools,  
24 Rotary Club and retirement centers. This work is in large part the result of the efforts of the  
25 international students who manage the IC. In the same way, the International Students' Council  
26 (the ISC) is a high-functioning Registered Student Organization that falls under the umbrella of

1 the Associated Students of Washington State University (ASWSU). The ISC is responsible for  
2 developing and facilitating International Education Week(s) each year, advocating for  
3 international student concerns such as health insurance, career opportunities, and immigration  
4 issues. The cabinet also provides support for the 19 international RSOs that comprise the  
5 membership of the ISC as they plan events and activities. The cabinet develops orientations,  
6 retreats, and a multitude of cultural activities each semester to bring students and the community  
7 together to share cultures, and to promote understanding tolerance and acceptance. These  
8 organizations would not exist without the presence of international students.

9         23. If international students from other countries fear coming to the United States due  
10 to major disruptions in their education or living situation (see paragraph 19), it will take many  
11 years to recover from that sense of fear. Without students traveling and experiencing exchange  
12 opportunities, there will be a gap in peer-to-peer marketing and it will take years to rebuild those  
13 connections. Exchange students, both coming and going for the U.S., are essentially  
14 ambassadors for their country, helping build rapport and setting the groundwork for future  
15 interactions and connections between the two countries. This groundwork often becomes the  
16 foothold Washington businesses need to expand into or create connections in foreign  
17 countries. Thus, cultural exchange is highly important for both countries and for the state of  
18 Washington and its businesses. Without incoming students, WSU cannot send outgoing students  
19 under its exchange agreements, thus limiting current and future domestic student opportunities  
20 and risking the termination of exchange agreements with other institutions. This represents a  
21 major loss in the good will gained over decades of student exchange and facilitating international  
22 student interest along with the opportunities it grants for increased cultural competency growth  
23 for students on both sides of the exchange.

24         24. As stated in paragraph 21, the Rule is certain to have a detrimental effect on  
25 WSU's retention of international students. WSU's retention for international students is  
26 currently upwards of 80%. This retention and the international student population, contribute to

1 WSU's overall institutional ranking. Any decrease in international enrollment and, as a result,  
2 retention, and change to overall student academic performance, brought up by international  
3 students, would directly decrease WSU's rankings.

4 25. Many international students enter the University through direct entry for these  
5 activities but some also start with English as a Second Language at the WSU CEA-accredited  
6 program taught by the Intensive American Language Center faculty. Due to the Rule, if WSU is  
7 not able to offer Academic English/ESL and pathways programs "live," WSU will loss all of  
8 those students immediately. In spring 2020, that was a total of nearly 200 students. This would  
9 cause the Academic English and pathways programs to potentially close entirely, thus shutting  
10 off that funnel of students into the University and causing significant loss of future enrollment  
11 and revenue as 98% of those students matriculate into the WSU system as degree-seeking  
12 international students after completion of Academic English or pathways.

13 26. The negative effects of the Rule reach beyond the University. F-1 immigration  
14 status comes with the ability to seek practical training with United State employers. Practical  
15 training both in its curricular practical training (CPT) and/or optional practical training (OPT)  
16 form is in high-demand in a state such as Washington that houses such companies as Amazon,  
17 Boeing, Starbucks, Microsoft, and a multitude of others that frequently host such students. The  
18 state of Washington will likely lose out on this vital human resource if the Rule is allowed to go  
19 into effect.

20 27. In addition to the qualitative harm to the University and Washington State, the  
21 Rule will have a severe financial impact on the University and the communities in which it is  
22 physically present. WSU projects a total net revenue from international tuition and fees for  
23 AY20-21 to be \$17.8 million. Since international students pay full-freight non-resident tuition,  
24 the financial impact of losing any international students is magnified. On the Pullman campus,  
25 University Recreation estimates that these students will contribute \$565 thousand in fees for the  
26

1 upcoming while House and Dinning estimates it would lose \$13.3 million dollars if no  
2 international students came this next academic year.

3 28. There is potential that entire programs could shut down at the graduate level that  
4 heavily rely on international enrollments. WSU anticipates 7-12 graduate level programs that  
5 rely heavily on international enrollment could close as a result of the Rule. These program in  
6 key areas critical to the mission of the University include Physics, Astronomy, Chemistry,  
7 Electrical Engineering, Computer Science, Applied Economics, Math, Statistics, and Biology.

8 29. In addition to potentially closing programs or courses, there is the potential for a  
9 direct impact to teaching due to the loss of international graduate teaching assistants.  
10 International teaching assistants make up a sizable portion of instructors for undergraduate level  
11 courses. The chart below, organized by course subject, summarizes the number of international  
12 teaching assistants teaching WSU undergraduate courses. Currently, there are 348 international  
13 teaching assistants contributing invaluable instruction to undergraduate level students. At this  
14 late date, it would be impossible for the University to replace all the instructional hours these  
15 TAs provide, meaning programs may not be able to be sustained. The Carson College, for  
16 instance, estimates it would not be able to teach at least six courses this fall without its  
17 international students, thus disrupting the entire educational experience to its students (domestic  
18 and international).

19 **International Teaching Assistants, Spring 2020**

20 Accounting	3
21 AFS	1
22 AMDT	2
23 Animal Science	2
24 Anthropology	6
25 Architecture	1
26 Astronomy	4
Business Administration	4
Biology	12
Civil Engineering	5
Chemical Engineering	3

1	Chemistry	5
2	Communications	11
3	Computer Science	25
4	Criminal Justice	2
5	Electrical Engineering	23
6	Economics	28
7	Education / Sp Ed	5
8	English	2
9	Entomology	1
10	Entrepreneurship	4
11	Environmental Science	5
12	Foreign Language	5
13	Human Development	10
14	Hospitality Business Management	9
15	History	4
16	IPM	2
17	Math/Stat	15
18	Mechanical Engineering/Materials Science	40
19	Marketing	9
20	Pharmacy	6
21	Philosophy	1
22	Physics	21
23	Political Science	5
24	Psychology	2
25	Soil Science	1
26	Vet Med	1
	Women's Studies	2
	Other	61
		348

30. The Rule could also have disastrous effects on University Athletics. Currently, WSU has forty-three returning and twenty incoming student athletes on F-1 visas. If these students cannot enroll or the Rules forces these students to leave the country, five varsity sports teams would not meet NCAA size requirements. This includes the women's tennis team (89% F-1 students), the women's basketball team (69%), and the women's golf team (63%). This would put the University at risk of falling out of compliance with NCAA, Pac-12, and Title IX rules and regulations.

