No. 26-1141, 26-1195

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS; AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS – HARVARD FACULTY CHAPTER; AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS AT NEW YORK UNIVERSITY; RUTGERS AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS-AMERICAN FEDERATION OF TEACHERS; MIDDLE EAST STUDIES ASSOCIATION,

Plaintiffs-Appellees/Cross-Appellants,

v.

MARCO RUBIO, IN THE OFFICIAL CAPACITY AS SECRETARY OF STATE; U.S. DEPARTMENT OF STATE; MARKWAYNE MULLIN, IN THE OFFICIAL CAPACITY AS SECRETARY OF HOMELAND SECURITY; U.S. DEPARTMENT OF HOMELAND SECURITY; DAVID J. VENTURELLA, IN THE OFFICIAL CAPACITY AS ACTING DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; DONALD J. TRUMP, IN THE OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; UNITED STATES,

Defendants-Appellants/Cross-Appellees.

On Appeal from the United States District Court
for the District of Massachusetts
No. 1:25-cv-10685 (Young, J.)

BRIEF OF THE COMMONWEALTH OF MASSACHUSETTS, THE STATES OF WASHINGTON, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, HAWAI'I, ILLINOIS, MAINE, MARYLAND, MICHIGAN, MINNESOTA, NEW JERSEY, NEW MEXICO, NEW YORK, OREGON, RHODE ISLAND, VERMONT, AND THE DISTRICT OF COLUMBIA AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLEES/CROSS-APPELLANTS AND AFFIRMANCE OF THE RELIEF GRANTED UNDER THE APA

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TABLE OF CONTENTS

INTRODUCTION AND INTERESTS OF AMICUS 1

ARGUMENT 7

A. The Policy Inflicts Educational and Institutional Harm on Colleges and Universities Within Amici States 7

B. The Deportation Policy Harms Economic Growth, Public Safety, Public Health, and Religious Worship in Amici States 18

CONCLUSION 22

CERTIFICATES OF COMPLIANCE AND SERVICE 25

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INTRODUCTION AND INTERESTS OF AMICUS

The Commonwealth of Massachusetts, and the states of Washington, California, Colorado, Connecticut, Delaware, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and the District of Columbia (Amici States), submit this brief in support of the Plaintiffs-Appellees/Cross-Appellants' (Plaintiffs) cross-appeal and in opposition to the Deportation Policy advanced by Defendants-Appellants/Cross-Appellees (Defendants).[1] The Deportation Policy, which strips noncitizen students and faculty of their lawful immigration status when those noncitizens express viewpoints with which the current Administration disagrees, threatens our academic institutions, economic prosperity, and global leadership in education and scientific innovation.

The Trump Administration, through two executive orders, laid the groundwork for deporting noncitizens with whom it politically disagrees: "Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats," Exec. Order No. 14161, Fed. Reg. 8451 (Jan. 20, 2025), and "Additional Measures to Combat Anti-Semitism," Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025). These orders empower the federal government to

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[1] Amici States file this brief as of right pursuant to Fed. R. App. P. 29(a)(2).

monitor, investigate, and deport noncitizens—not for actions that pose direct threats to national security or public safety, but for expressions of political opinion.

To implement these Executive Orders, the Department of Homeland Security (DHS) "proactively review[ed] open-source information to identify individuals[.]"[2] DHS then communicated that open-source information to the Department of State, which makes a decision about visa or other status revocation "in reli[ance] upon the underlying information and assessment provided by DHS/ICE."[3] This "open-source" process resulted in the revocation of more than 800 visas of noncitizen students, visitors, and residents—many of whom studied and lived in Amici States.[4] In January 2026, the State Department reported that it had revoked more than 100,000 visas from international students and workers "for myriad reasons . . .

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[2] Decl. of Unit Chief Roy M. Stanley, Doc. 30-2 at ¶ 5, *Taal v. Trump*, No. 3:25-cv-00335, 2025 WL 926207 (N.D.N.Y. Mar. 27, 2025).

[3] *Id.*

[4] *See* Inside Higher Ed, *International Student Visas Revoked*, https://www.insidehighered.com/news/global/international-students-us/2025/04/07/where-students-have-had-their-visas-revoked (last visited Aug. 7, 2026). Secretary of State Rubio has also ordered diplomats overseas to scrutinize social media content of some applicants for student and other types of visas, as well as some current visa holders, "in an effort to bar those suspected of criticizing the United States and Israel from entering the country, U.S. officials say." Edward Wong, *Rubio Orders U.S. Diplomats to Scour Student Visa Applicants' Social Media*, N.Y. Times (Mar. 25, 2025), https://www.nytimes.com/2025/04/01/us/politics/student-visas-social-media.html. This new scrutiny appears to be tied to the start of the war in Gaza, as it applies to any applicants who previously held a student or exchange visa between October 7, 2023, and August 31, 2024, or had their visa terminated between October 7, 2023, and now. *Id.*

[including] advocacy on Palestine and criticism of conservative activist Charlie Kirk after his killing in September."[5]

Consistent with Executive Order 14188, many of the revocations have focused on supporters of Palestinian rights on college campuses. As just one example, on March 25, 2025, plain-clothes ICE agents surrounded Rümeysa Öztürk—an international Ph.D. student at Tufts University—and took her into immigration custody for co-authoring an op-ed in the school newspaper.[6] After being held in a Louisiana detention center for six weeks, Dr. Öztürk felt compelled to self-deport to Turkey in May 2026.[7] Other students have either been taken into ICE custody or felt

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[5] Andrew Kreighbaum, *Trump Administration Touts 100,000 Visa Cancellations in 2025*, Bloomberg Law (Jan. 12, 2026), https://news.bloomberglaw.com/daily-labor-report/trump-administration-touts-100-000-visa-cancellations-in-2025 (last visited Aug. 7, 2026). While not all of these visa cancellations are due to the Deportation Policy, they represent the broad effort by Defendants to revoke visas from students based on unconstitutional ideological grounds.

[6] Jake Tapper, Jennifer Hansler, *Unsealed court documents suggest Trump admin detained Tufts student for writing op-ed critical of Israel*, CNN Politics (Jan. 23, 2026), https://www.cnn.com/2026/01/23/politics/court-documents-student-israel-op-ed (last visited Aug. 7, 2026).

[7] Giulia McDonnell Nieto del Rio, *Read Rumeysa Ozturk's full statement on her return to Turkey* (Apr. 17, 2026), https://www.bostonglobe.com/2026/04/17/metro/rumeysa-ozturk-statement/. (Dr. Öztürk stated, "I am choosing to return home as planned to continue my career as a woman scholar without losing more time to the state-imposed violence and hostility I have experienced in the United States – all for nothing more than co-signing an op-ed advocating for Palestinian rights").

compelled to self-deport after the revocation of their lawful status, all for expressing support for Palestinian rights.[8]

The Executive Orders are explicit that the Administration's actions are the result of blatant viewpoint discrimination. Before the inauguration, President Trump repeatedly threatened to deport any pro-Palestinian student protestors, saying: "Any student that protests, I [will] throw them out of the country."[9] Indeed, the District Court found that the Plaintiffs had "shown that Secretaries Noem and Rubio [were] engaged in a mode of enforcement leading to detaining, deporting, and revoking noncitizens' visas solely on the basis of political speech, and with the intent of chilling such speech and that of others similarly situated." *Am. Ass'n of Univ. Professors v. Rubio*, 802 F. Supp. 3d 120, 184 (D. Mass. 2025). The federal government saw "potential grounds for deportation" in any action that "looked like the Executive Orders might have disapproved of," and observed that "key inter-

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[8] Nicole Sganga, *Cornell University student activist chooses to self-deport after U.S. visa is revoked*, CBS News (Apr. 1, 2025), https://www.cbsnews.com/news/cornell-university-student-activist-momodou-taal-self-deport-u-s-visa-revoked/ (last visited Aug. 7, 2026); Dora Gao, *Columbia doctoral candidate Ranjani Srinivasan forced to flee United States following threats from ICE, she writes in statement*, Columbia Spectator (Mar. 25, 2025), https://www.columbiaspectator.com/news/2025/03/25/columbia-doctoral-candidate-ranjani-srinivasan-forced-to-flee-united-states-following-threats-from-ice-she-writes-in-statement/ (last visited Aug. 7, 2026).

[9] Josh Dawsey, et al., *Trump told donors he will crush pro-Palestinian protests, deport demonstrators*, Washington Post (May 27, 2024), https://www.washingtonpost.com/ politics/2024/05/27/trump-israel-gaza-policy-donors/.

agency meetings [included] discussion of whether protesting alone could be grounds for visa revocation." *Id.* at 187-88. The Administration's actions reflect the unconstitutional use of immigration enforcement to deport noncitizens for expressing opinions with which the government disagrees.

As the District Court correctly found, the Deportation Policy "violates the First Amendment right of freedom of speech," *Am. Ass'n of Univ. Professors v. Rubio*, No. CV 25-10685-WGY, 2026 WL 524753, at *1 (D. Mass. Jan. 22, 2026), as it strikes at the heart of what the First Amendment prohibits. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *W. Va. State Bd. Of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Yet the Administration sought to do precisely that—prescribe orthodoxy and punish citizens who dissent through the severe sanctions of arrest, detention, and deportation.

The Deportation Policy is antithetical to the principle of free expression that is supposed to define American higher education. It creates a pernicious dynamic whereby noncitizens may self-censor for fear of losing their immigration status and campus community members are thereby deprived of hearing their voices. *See Reno v. ACLU*, 521 U.S. 844, 845 (1997) ("the vagueness of such a content-based regulation . . . raise[s] special First Amendment concerns because of its obvious chilling effect on free speech."). Amici States have a strong interest in ensuring these

basic constitutional protections apply to all our residents, regardless of immigration status.

The use of unlawful immigration enforcement as a retaliatory action for expressing one's viewpoint—which the Deportation Policy encourages—has already inflicted concrete, measurable harm across Amici States, and Amici States fear additional harm absent affirmance. The Deportation Policy sends a chilling message to talented students and faculty around the world: that they risk detention, deportation, and an end to their academic career in the United States if they express a viewpoint that displeases the Administration. This message weakens Amici States' position in the global competition for talent.

Amici States have a profound interest in protecting our noncitizen students and faculty, the institutions they enrich, and the communities that realize far-reaching benefits from their decision to study in the United States. As detailed, *infra*, noncitizen students and faculty make substantial economic contributions to Amici States. But their importance transcends economies; they enrich our academic discourse, strengthen our research capabilities, and enhance our global competitiveness. The Deportation Policy targets our noncitizen residents for investigation, surveillance, arrest, detention, and deportation based upon their beliefs and expression. We urge this Court to recognize benefits brought by our noncitizens'

contributions to Amici States and the corresponding concrete harms this Policy inflicts.

ARGUMENT

The Deportation Policy inflicts severe and irreparable harm on Amici States and is contrary to the public interest. It negatively impacts Amici States' colleges and universities by creating an atmosphere of fear that results in self-censorship, unequal educational opportunities, and reduced enrollment. And it has ripple effects extending far beyond campuses, harming economic growth, public safety, public health, and religious worship in Amici States. The Deportation Policy is unlawful, discriminatory, and incompatible with the rule of law.

A. The Policy Inflicts Educational and Institutional Harm on Colleges and Universities Within Amici States

International students and faculty are invaluable members of our campus communities and are vital to the success of our academic institutions. During the 2024 to 2025 academic year, international students studying at U.S. colleges and universities contributed $42.9 billion to the U.S. economy and supported 355,736 jobs.[10] Such students and faculty enrich higher education by contributing diverse

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[10] *See* NAFSA: Association of International Educators, NAFSA International Student Economic Value Tool (2024-2025), https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2 (last visited Aug. 7, 2026).

perspectives that strengthen classroom discussions, advance research and innovation, and foster the free exchange of ideas.

The Deportation Policy directly threatens these contributions by creating an atmosphere of fear across Amici States. Despite the District Court's order, these harms have already begun to manifest as noncitizens in Amici States feel compelled to "self-deport" or remove themselves from academic life.[11] Amici States fear damage to every aspect of the academic ecosystem. As the Supreme Court has observed, "[s]cholarship cannot flourish in an atmosphere of suspicion and distrust" and to impose such an atmosphere "would imperil the future of our Nation." *See Sweezy v. N.H. ex rel. Wyman*, 354 U.S. 234, 250 (1957). "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us[.]" *Keyishian v. Bd. Of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

Academic inquiry is compromised when scholars fear retaliatory conduct by its government—including immigration consequences for the institution's students. When noncitizen students and faculty face potential deportation based on their expressed viewpoints, classroom discussions become artificially constrained. International participants either stop attending altogether or self-censor to avoid expressing perspectives on issues that might be deemed controversial, especially on

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11 *See supra* note 8.

topics of public interest and import. In fact, speech on topics of public interest enjoys greater constitutional protection, not less.[12] That heightened protection is most necessary in the classroom, where students must challenge one another's assumptions, broaden one another's perspectives, and ultimately educate one another through the collision of diverse viewpoints.[13] That is why the First Amendment simply "does not tolerate laws that cast a pall of orthodoxy over the classroom" because "[t]he classroom is peculiarly the 'marketplace of ideas.'" *Keyishian*, 385 U.S. at 603 (citation omitted).

As a result of the Deportation Policy, student organizations, publications, and campus activism—all training grounds for inclusive, democratic participation—are now divided between students who can speak freely and students who cannot because they fear retaliation. This division creates a separate and unequal

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[12] *See Snyder v. Phelps*, 562 U.S. 443, 452 (2011) ("[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." (citation omitted)).

[13] *See*, *e.g.*, Regent Policy No. 32 – Policy on Admission of the University of Washington, https://policy.uw.edu/directory/brg/regent-policies/policy-on-admission/ (last visited Aug 7., 2026) ("Students educate each other, in the classroom and in many informal settings; they challenge one another's assumptions, they broaden one another's range of experience, and they teach one another to see the world from varied perspectives."); Mission of the California State University, https://www.calstate.edu/csu-system/about-the-csu/Pages/mission.aspx (last visited Aug. 7, 2026) ("[T]he California State University . . . [e]ncourages free scholarly inquiry and protects the University as a forum for the discussion and critical examination of ideas, findings, and conclusions.").

educational environment, including at Amici States' public colleges and universities, in which some students can participate in campus life and develop their intellectual identities while others fear reprisal for expressing certain viewpoints. Where even a small number of students self-censor, the educational experience of all suffers. This harm is exacerbated by the arbitrariness of the government's Policy.[14] Though crystal clear in its ideological and censorial nature, the Policy does not specify which particular views will subject students to its consequences.

Beyond the classroom, "[s]cholarship cannot flourish in an atmosphere of suspicion and distrust." *Sweezy*, 354 U.S. at 250. Academic inquiry is compromised when scholars must weigh immigration consequences alongside intellectual pursuits. International academics might abandon promising areas of research, decline to challenge prevailing orthodoxies, or temper their findings to avoid conclusions that might be dissatisfactory to the federal government.[15] *See Wieman v.*

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[14] *See Cramp v. Bd. of Pub. Instruction of Orange Cnty.*, 368 U.S. 278, 287 (1961) ("The vice of unconstitutional vagueness is further aggravated where, as here, the [policy] . . . inhibit[s] the exercise of individual freedoms affirmatively protected by the Constitution.").

[15] See Miri Yemini, *Bridging Borders: Toward Equity in International Research Collaborations NAFSA* (Nov./Dec. 2024), https://www.nafsa.org/professional-resources/research-and-trends/trends-insights/bridging-borders-novdec24 (last visited Aug. 7, 2026) ("International research collaborations have become essential tools in advancing knowledge, offering benefits to researchers, practitioners, higher education institutions, nation-states, international organizations, and funding agencies.").

Updegraff, 344 U.S. 183, 221-22 (1952) (Frankfurter, J., concurring) (noting a university "will function for the benefit of society, provided it is a center of independent thought"). Such constraints will stifle innovation. Self-censorship also undermines the peer review process, which depends on honest and robust critique. And academic conferences—essential for the exchange of ideas on campus—lose their vitality when international participants must either cancel or temper their contributions. The Policy not only deprives the academic community of diverse insights but also sends a message that certain perspectives are unwelcome as part of the intellectual discourse on college campuses within Amici States.

Censorship thus threatens the First Amendment rights of both speaker and audience, as "[t]he right of freedom of speech . . . necessarily protects the right to receive it." *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943). Indeed, this is precisely the reason why "[v]iewpoint discrimination is . . . an egregious form of content discrimination" and "[t]he government *must* abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (emphasis added). That holds true whether those viewpoint-based restrictions on speech are achieved through explicit government censorship, a deliberately ambiguous enforcement policy, or the more insidious mechanism of selective vulnerability of the speaker to government retaliation.

These harms derive from core First Amendment principles, and they are not abstract. International students and faculty across Amici States fear the Deportation Policy, and have censored their expression, studies, and research as a result.[16] Before it was enjoined by the District Court, the impact of the Deportation Policy was felt across Amici States in myriad ways. At Massachusetts state colleges and university, for example, faculty members decided not to attend international conferences out of fear of re-entry denial, and at least one international panelist withdrew from a

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[16] *See*, *e.g.*, Emma Johnson, *'SCARED TO LEAVE MY HOUSE' Mavericks react to ICE-detained student, what's being done*, The Reporter (Apr. 8, 2025), https://www.msureporter.com/2025/04/08/scared-to-leave-myhouse/ (last visited Aug. 7, 2026); Anvee Bhutani, *US student journalists go dark fearing Trump crusade against pro-Palestinian speech*, The Guardian (Apr. 7, 2025), https://www.theguardian.com/usnews/2025/apr/07/student-journalists-remove-stories-trump (last visited Aug. 7, 2026); Jeff Tollefson, *International PhD students make emergency plans in fear of US immigration raids*, Nature (Apr. 4, 2025), https://www.nature.com/articles/d41586-025-01056-5 (last visited Aug. 7, 2026); Lexi Lonas Cochran, *Trump crackdown casts chill over international student programs*, The Hill (Apr. 3, 2025), https://thehill.com/homenews/education/5226292-trump-immigration-crackdown-international-students-collegecampus-protests-ice-rubio-deportation-khalil/(last visited Aug. 7, 2026); Benjamin Bardman, *Trump Immigration Actions are Likely to Have a Chilling Effect on Online Speech*, Vanderbilt J. of Ent. & Tech. L. (Mar. 31, 2025), https://www.vanderbilt.edu/jetlaw/2025/03/31/trump-immigration-actions/ (last visited Aug. 7, 2026); Olivia Ebertz, *Deportations and detainments are having a chilling effect at Brown*, Rhode Island PBS (Mar. 27, 2025), https://thepublicsradio.org/education/deportations-and-detainments-arehaving-a-chilling-effect-at-brown/ (last visited Aug. 7, 2026); Liam Knox, *'Palpable Fear' Hangs Over International Students*, Inside Higher Ed (Mar. 18, 2025), https://www.insidehighered.com/news/global/international-students-us/2025/03/18/international-students-navigate-escalating-threats (last visited Aug. 7, 2026).

domestic conference. International students report that they are afraid to speak up in class out of concern that they will be reported to ICE; others have asked to attend classes virtually to reduce the possibility of contact with ICE; and still others have chosen to withdraw from their classes altogether and relocate.[17] Student groups have stopped hosting events for fear that individual student members might be targeted. When events do go forward, Massachusetts schools have seen a noticeable decline in international student attendance. Doctoral students have requested that their dissertations be embargoed and shielded from public release out of fear that their topic of study will be used as a basis for ideologically based immigration action.

Similarly, University of Washington officials report that noncitizen medical trainees are concerned about their ability to continue training in the United States or obtain future positions due to immigration changes. And in New York, State University of New York (SUNY) institutions report a reduced willingness among international scholars to teach, engage in public discourse, or participate in any United States-based research. As visa revocations accelerated across Amici States every day under the Deportation Policy, the chilling effects continued to multiply.[18]

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[17] Brandon Drenon and Robin Levinson-King, *Anxiety at US colleges as foreign students are detained and visas revoked*, BBC (Apr. 18, 2025), https://www.bbc.com/news/articles/c20xq5nd8jeo (last visited Aug. 7, 2026).

[18] Between late March and April 2025, Massachusetts saw nearly 100 such revocations in its public and private colleges, with little or no explanation. See Inside

These examples are emblematic of the sweeping impact the Deportation Policy and the weaponization of immigration enforcement has had on noncitizen students and scholars across Amici States.[19]

If international students and faculty are afraid to speak freely in the United States, they will no longer seek to study here. Talented scholars will view our country and Amici States as an unpredictable and potentially hostile educational environment, driving them toward opportunities in peer countries with more inclusive policies.[20] Indeed, public colleges and universities in Amici States are

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Higher Ed, *International Student Visas Revoked*, *supra* note 4. As of April 18, 2025, the University of Washington experienced 23 such revocations. *Id.*, KIRO 7 News Staff, *Number of UW students' visas revoked increases to 23*, KIRO 7 (Apr. 18, 2025), https://www.kiro7.com/news/local/number-uw-students-visas-revoked-increases-23/AJX2IEJMFVGMRK5YAIU3PP2VHQ/ (last visited Aug. 7, 2026). In California, between late March and April 2025, the federal government revoked over 200 student visas. *Id.*

[19] This chilling effect has only increased since the events of this case. *See* Liam Knox, *How ICE Targeted International Students*, Inside Higher Ed (May 1, 2025), https://www.insidehighered.com/news/quick-takes/2025/05/01/ice-reveals-how-it-targeted-international-students (last visited Aug. 7, 2026); Tara Watson, *How the Trump Administration is Eroding the Immigrant Talent Pipeline*, Brookings Institution (May 21, 2026), https://www.brookings.edu/articles/how-the-trump-administration-is-eroding-the-immigrant-talent-pipeline/ (last visited Aug. 7, 2026); Presidents' Alliance on Higher Education and Immigration, *Latest Developments Impacting International Students and Scholars* (modified June 3, 2026), https://www.presidentsalliance.org/directories-2-directories-international-students/ (last visited Aug. 7, 2026).

[20] See Liam Knox, *International Enrollment's Precarious Moment*, Inside Higher Ed (Mar. 19, 2025), https://www.insidehighered.com/news/global/international-studentsus/2025/03/19/colleges-fear-decline-international-student (last visited Aug. 7, 2026).

already experiencing significant declines in enrollment interest from international students as compared to 2024 and 2025. Available data shows downward shifts in international student enrollment and their contributions to the U.S. economy beginning in the fall of 2025, with a reported $662.2 million of lost revenue in Amici States.[21] One Massachusetts public university estimates—based on analysis undertaken since the challenged Deportation Policy went into effect—that there will be a 21% drop in prospective international students for the 2025 to 2026 academic year. Another reports that completed applications for first-year international students are down 12%. SUNY institutions are reporting similarly significant declines in international applications, visa approvals, and continued enrollment by students. One SUNY campus reported a significant reduction in new and continuing international enrollments in its Master's degree programs for the Fall 2025 semester as compared to the same date last year. From March 2025 to March 2026, New York saw a decline of 7,431 international students; Massachusetts lost 5,021 students across public and private universities; California saw a decline of 4,741 students;

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[21] See NAFSA: Association of International Educators, *Updated Economic Analysis: Fall 2025 International Student Enrollment Decline Reveals Drop of $1.1 Billion and Nearly 23,000 Jobs*, NAFSA (Nov. 2025), https://www.nafsa.org/fall-2025-international-student-enrollment-snapshot-economic-impact (last visited Aug. 7, 2026).

and Washington a loss of 4,330 active students.[22] These recruitment and retention challenges will result in a "brain drain" from the United States that will reverberate through our economy and society.[23] The exodus of current talent means a loss of current and future innovation. If allowed to continue, the Deportation Policy will create a legacy of international distrust that could take generations to repair.

Our schools themselves will be devastated. The loss of prospective students—and current students who abandon their studies—will severely weaken American universities' global competitiveness, research capabilities, and financial stability. International students contribute billions of dollars annually to the U.S. economy while bringing unique perspectives to the classroom that enrich the educational experience for everyone.[24] Loss of these contributions will cause declining research

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[22] Haley Davidson, *The U.S. States Losing the Most International Students*, Manifest Law (Apr. 28, 2026), https://manifestlaw.com/blog/states-losing-most-international-students/ (last visited Aug. 7, 2026).

[23] Robin Hattersley, *Visa Revocations Leave Hundreds of International College Students in Limbo*, Campus Safety Magazine (Apr. 8, 2025), https://www.campussafetymagazine.com/news/visa-revocations-leave-international-college-students-in-limbo/169053/ (last visited Aug. 7, 2026). See Aatish Bhatia and Amy Fam, *Nearly 20 Percent Fewer International Students Traveled to the U.S. in August*, New York Times (Oct. 6, 2025), https://www.nytimes.com/interactive/2025/10/06/upshot/us-international-student-travel.html (last visited Aug. 7, 2026) ("The problem isn't that the students have lost confidence in the quality of U.S. education. They have lost confidence in our administration's commitment to international students").

[24] See Erica L. Stewart, *U.S. Economy Could Suffer a $7 Billion Loss from Precipitous Drop in International Students*, NAFSA (July 29, 2025),

output, diminished global rankings, and significant budget shortfalls that could trigger program cuts, reduce scholarships, and increase tuition for all students.[25] The Deportation Policy will also jeopardize existing international collaborations, study abroad programs, and faculty exchange initiatives—as it already has—because partner institutions in other countries will hesitate to engage with a system where students or faculty fear speaking their minds. The long-term consequence will be catastrophic: the erosion of America's position as a global leader in higher education.[26]

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https://www.nafsa.org/about/about-nafsa/us-economy-could-suffer-7-billion-loss-precipitous-drop-international-students (last visited Aug. 7, 2026).

[25] See Liam Knox, *Student Visa Dragnet Reaches Small Colleges*, Inside Higher Ed (Apr. 8, 2025), https://www.insidehighered.com/news/global/international-students-us/2025/04/08/trump-admin-broadens-scope-student-visa (last visited Aug. 7, 2026) ("Many of the small colleges struggling to respond to student visa revocations have come to rely on international tuition dollars to support flagging revenue from shrinking domestic enrollment or declines in state funding.").

[26] The short-term consequence has been chaos on campuses across Amici States. Specifically, institutions of higher education are expending significant time and effort attempting to advise and support noncitizen students and faculty. For example, colleges and universities are advising individual students about possible changes to their academic plans due to actual or potential changes in visa status, reviewing students' visa statuses more frequently than usual to determine which students may be at risk, attempting to understand the federal government's evolving visa requirements, and responding to increased mental health concerns associated with uncertainty about individuals' continued presence in the United States. Individual institutions have likely spent hundreds of personnel hours attempting to navigate these issues— time that is taken away from managing the regular operations of a campus including, but not limited to, instruction.

B. The Deportation Policy Harms Economic Growth, Public Safety, Public Health, and Religious Worship in Amici States

Beyond college campuses, noncitizen residents contribute substantially to Amici States' economies, public health infrastructure, and cultural vitality. They generate significant tax revenue, fill critical workforce gaps, and start businesses that create jobs. They play an essential role in public health, comprising a meaningful share of the healthcare workforce, including essential healthcare professionals. And they enrich communities by fostering cross-cultural exchanges and promoting mutual understanding.

In Massachusetts, 47% of immigrants are noncitizens. The contributions of both naturalized and noncitizen immigrants are substantial. For example, immigrant-led households in Massachusetts earned over 15% of all income earned in the Commonwealth in 2014.[27] "With those earnings, the state's foreign-born households were able to contribute more than one in every seven dollars paid by Massachusetts residents in state and local tax revenues, payments that support important public

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[27] New American Economy, *The Contributions of New Americans in Massachusetts* (Aug. 2016), https://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf (last visited Aug. 10, 2026); *see also Immigrants in Massachusetts*, American Immigration Council, , https://map.americanimmigrationcouncil.org/locations/massachusetts/ (last visited Aug. 10, 2026).

services such as public schools and police."[28] Immigrants make up a large portion of the Massachusetts labor force (21.9%) and a disproportionate share of the Commonwealth's entrepreneurs (27%), STEM workers (29.3%), and health aides (38.6%).[29]

Likewise, in Washington, 52.6% of immigrants are noncitizens, and the collective contribution by immigrants is significant.[30] As one of the major food producing states in the nation, Washington relies heavily on its large immigrant population. *Id.* Immigrants make up 15% of Washington's population, and they disproportionately make up several work fields.[31] For example, they make up about 49.1% of the state's agricultural workforce and account for 32.8% of STEM workers,

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28 *Id.*

29 *Id.* See generally, Aidan Enright, et al., *International Students: Poorly Suited Immigration Pathways Stymie Formation of High Growth Businesses*, Pioneer Institute, (July 2024), https://files.eric.ed.gov/fulltext/ED656349.pdf (last visited Aug. 10, 2026 ("A significant body of research has found that immigrants are more likely to start businesses than those born in the U.S., and the propensity of international students to concentrate in STEM fields indicates enormous potential for economic contributions.").

30 *See*, *Immigrants in Washington*, American Immigration Council, https://map.americanimmigrationcouncil.org/locations/washington/ (last visited Aug. 10, 2026).

31 Katie Dong, *Data reveals immigrants are vital to Washington's economy*, Washington State Budget and Policy Center, (December 14, 2023), https://budgetandpolicy.org/schmudget/data-reveals-immigrants-are-vital-to-washingtons-economy/ (last visited Aug. 10, 2026).

33.2% of health aides, and 22.6% of entrepreneurs. Annually, immigrants in Washington contribute over $22 billion dollars in taxes.[32]

Similarly, 49.3% of immigrants in California are noncitizens, and immigrants make enormous contributions to the state. California has over 880,000 immigrant entrepreneurs, who contribute $28.4 billion in business income; 28 Fortune 500 companies in California were founded by immigrants or the children of immigrants.[33] Simply put, the contributions of these residents strengthen our states' fiscal health and global competitiveness, and the Deportation Policy directly undermines these benefits.

The Deportation Policy also threatens other vital public interests as well—such as public safety, public health, and free religious worship. From a public safety perspective, the Deportation Policy causes noncitizens to avoid engaging with law enforcement if they fear deportation, hampering crime reporting, witness participation, and community policing.[34] From a public health perspective, Amici

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[32] *See Immigrants in Washington*, American Immigration Council, https://map.americanimmigrationcouncil.org/locations/washington/ (last visited Aug. 10, 2026).

[33] *Immigrants in California*, American Immigration Council, https://map.americanimmigrationcouncil.org/locations/california/ (last visited Aug 10, 2026).

[34] Meg Anderson, *Police say ICE Tactics are eroding public trust in local law enforcement*, NPR (Mar. 30, 2025), https://www.npr.org/2025/03/30/nx-s1-5304236/police-say-ice-tactics-areeroding-public-trust-in-local-law-enforcement

States depend on noncitizen healthcare workers, including those at risk of deportation.[35] This could exacerbate staffing shortages and "especially compromise long-term care, where immigrants play a large role."[36] These shortages "could reverberate through emergency departments and hospitals, leading to the inability to discharge patients and tying up nurses and other staff."[37].

Finally, the Deportation Policy undermines religious worship. As many religious beliefs have ideological components, freedom of worship requires free speech: the right to articulate beliefs, share religious teachings, and conduct discussions. Religious freedom would be quashed if certain religious beliefs become grounds for deportation or exclusion. Noncitizens will hesitate to speak freely at (or

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(last visited Aug. 10, 2026); Gabriel R. Sanchez and Rashawn Ray, *ICE is disrupting societal norms and democratic ideals*, The Brookings Institution (Mar. 30, 2026), https://www.brookings.edu/articles/ice-is-disrupting-societal-norms-and-democratic-ideals/ (last visited Aug. 10, 2026).

[35] Nicole Lou, *Over 350K Health Workers Face Deportation Risk*, MedPageToday.com (Apr. 3, 2025), https://www.medpagetoday.com/publichealthpolicy/workforce/114947 (last visited Aug. 10, 2026); Vanessa G. Sánchez & Daniel Chang, *Immigration crackdowns disrupt caregivers. Families are paying the price.*, NBC News (Apr. 3, 2025), https://www.nbcnews.com/health/health-news/trumpimmigration-crackdowns-threaten-health-caregiving-us-families-rcna199383 (last visited Aug. 10, 2026).

[36] Lenore S. Azaroff, MD, ScD, et. al., *Deporting Immigrants May Further Shrink the Health Care Workforce*, https://jamanetwork.com/journals/jama/fullarticle/2832246?utm_campaign=articlePDF&utm_medium=articlePDFlink&utm_source=articlePDF&utm_content=jama.2025.3544 (last visited Aug. 10, 2026).

[37] *Id.*

even attend) religious ceremonies. Houses of worship—historically sanctuaries for open expression—will become spaces of suspicion and fear, particularly affecting minority religious groups.[38] When free expression is attacked, the public interest suffers alongside it.

CONCLUSION

The Deportation Policy inflicts widespread harm on Amici States' higher educational institutions, economies, and public health systems. For the foregoing reasons, Amici States respectfully request that this Court affirm the District Court's grant of declaratory relief and vacatur under the APA.

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[38] See Kanishka Singh, *Trump crackdown on protests and immigration led to Islamophobia, Muslim group says*, Reuters (Mar. 10, 2026), https://www.reuters.com/world/us/trump-crackdown-protests-immigration-led-islamophobia-muslim-group-says-2026-03-10/ (last visited Aug. 10, 2026) ("Record high Islamophobia in the U.S. in 2025 was driven in part by President Donald Trump's crackdown against pro-Palestinian protests and immigration, [The Council on American-Islamic Relations (CAIR)] said"); See Melissa Rogers, *A shameful double standard on religious freedom*, The Brookings Institution (Mar. 20, 2026), https://www.brookings.edu/articles/a-shameful-double-standard-on-religious-freedom/ (last visited Aug. 10, 2026).

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