



PRESS RELEASE

Attorney General Frosh Joins Suit Seeking Nationwide Injunction Against New Visa Rules for International Students *New Rule is a Dramatic and Illegal Reversal from Previous Guidance; Imposes Significant Harms on Students, Schools and Economy*

BALTIMORE, MD (July 13, 2020) – Maryland Attorney General Brian E. Frosh today joined a coalition of 18 attorneys general in filing a [lawsuit](#) to stop a new federal rule that threatens to bar hundreds of thousands of international students from studying in the United States. The lawsuit, filed in the U.S. District Court in Massachusetts against the U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), challenges what the attorneys general call the federal government’s “cruel, abrupt, and unlawful action to expel international students amidst the pandemic that has wrought death and disruption across the United States.” Today’s lawsuit seeks an injunction to stop the entire rule from going into effect.

“This reversal is a cruel attempt to throw hundreds of thousands of international students out of the country,” said Attorney General Frosh. “The more than 20,000 international students attending universities in Maryland contribute \$800 million every year to Maryland’s economy, \$100 million to the University System, and support 9,500 jobs. This rule will further deepen the System’s financial losses due to COVID-19.”

Today’s lawsuit challenges an abrupt policy change by ICE to reverse guidance issued on March 13 that recognized the COVID-19 public health emergency, provided flexibility for schools, and allowed international students with F-1 and M-1 visas to take classes online for the duration of the emergency. On July 6, ICE announced that international students can no longer live in the United States and take all of their classes online during the pandemic, upending months of careful planning by colleges and universities to limit in-person instruction in favor of remote learning and adapt their coursework for the fall semester, and leaving thousands of students with no other choice but to leave the country.

ICE further demanded that educational institutions advise the federal government by July 15 whether they intend to offer only remote courses in the fall semester, and to certify by August 4 for each of the institutions’ international students that the student’s upcoming coursework this fall will be in person or a “hybrid” of in-person and online learning in order to maintain their visa status. This demand comes not only amidst an ongoing nationwide emergency, but also at a time when many faculty, staff, and students are not on campus and may not even be in the country; students may not even have registered for their classes for the fall; and schools and individual

teaching staff members may not yet have determined whether their classes will be held remotely, in person, or a combination.

“This guidance potentially disrupts the education of more than 5,300 F-1 visa-holding students enrolled at USM institutions, and undermines our universities’ efforts to reduce density on their campuses, an essential tool for inhibiting COVID-19 transmission,” said USM Chancellor Jay Perman. “We’re fighting to stop the implementation of rules that are capricious and cruel—rules that threaten the education of our international students, that effectively punish them without cause, and that jeopardize their safety and well-being. Maryland’s international students enrich the education of all of our students. Having domestic and international students learning together broadens our perspectives, challenges our thinking, deepens our global understanding, and connects us across countries and cultures. This is a foundational mission of higher education.”

The lawsuit details the substantial harms that the new rule places on schools and students. It also alleges that the federal government’s actions are arbitrary, capricious, and an abuse of discretion because they reversed previous guidance without explanation, input, or rationale – in violation of the Administrative Procedure Act – and failed to consider the need to protect public health and safety amidst the ongoing COVID-19 pandemic.

The attorneys general say the new rule and abrupt reversal of the previous guidance threatens their states in a number of ways:

- Fails to consider the health and safety of students, faculty, and staff;
- Fails to consider the tremendous costs and administrative burden it would impose on schools to readjust plans and certify students;
- Fails to consider that, for many international students, remote learning in their home countries is not possible;
- Imposes significant financial harm to schools, as international students pay hundreds of millions of dollars in tuition, housing, dining, and other fees;
- Imposes harm to schools’ academic, extracurricular, and cultural communities, as international students contribute invaluable perspectives and diverse skillsets; and
- Forces colleges and universities to offer in-person classes amid a pandemic or lose significant numbers of international students who will either have to leave the country, transfer, or disenroll from the school.

The lawsuit also alleges the new rule imposes significant economic harm by precluding thousands of international students from coming to and residing in the United States and finding employment in fields such as science, technology, biotechnology, healthcare, business and finance, and education, and contributing to the overall economy.

Today’s lawsuit also includes 40 declarations from a variety of institutions affected by the new rule, including the University System of Maryland (USM). The USM comprises 12 institutions: Bowie State University; Coppin State University; Frostburg State University; Salisbury University; Towson University; the University of Baltimore; the University of Maryland, Baltimore; the University of Maryland, Baltimore County; the University of Maryland Center for Environmental Science; the University of Maryland, College Park; the University of Maryland Eastern Shore; and the University of Maryland Global Campus. The USM also includes three regional centers—the Universities at Shady Grove, the University System of Maryland at Hagerstown, and the University System of Maryland at Southern Maryland—at which USM universities offer upper-division undergraduate and graduate courses. Systemwide,

student enrollment exceeds 172,000. The USM and its institutions compete successfully for nearly \$1.5 billion in external grants and contracts annually.

Joining Maryland in filing the suit are the attorneys general of Colorado, Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Wisconsin.