

No. 25-1627

---

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

---

PRESIDENT & FELLOWS OF HARVARD COLLEGE,

*Plaintiff-Appellee,*

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY, ET AL.,

*Defendants-Appellants.*

---

On Appeal from the United States District Court  
for the District of Massachusetts

---

**BRIEF OF THE COMMONWEALTH OF MASSACHUSETTS AND THE  
STATES OF ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT,  
DELAWARE, HAWAII, ILLINOIS, MAINE, MARYLAND, MICHIGAN,  
MINNESOTA, NEVADA, NEW JERSEY, NEW MEXICO, NEW YORK,  
OREGON, RHODE ISLAND, VERMONT, WASHINGTON, AND THE  
DISTRICT OF COLUMBIA AS *AMICUS CURIAE* IN SUPPORT OF  
PLAINTIFF-APPELLEE AND AFFIRMANCE**

---

ANDREA JOY CAMPBELL  
*Attorney General*  
TASHA BAHAL  
*Deputy State Solicitor*  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2066  
tasha.bahal@mass.gov

*Counsel for Amici States*

---

## TABLE OF CONTENTS

INTRODUCTION AND INTERESTS OF AMICUS.....	1
ARGUMENT.....	7
A. The Trump Administration Is Weaponizing Immigration-Related Enforcement to Retaliate Against International Students and Academics.....	9
B. The SEVP Revocation and Proclamation Will Inflict Irreparable Harm .....	19
1. The Amici States Benefit From International Students and Will Suffer Irreparable Harm From the SEVP Revocation and Proclamation .....	21
2. The Amici States Are Harmed By the Trump Administration's Threats of Additional SEVP Revocations and Retaliatory Proclamations .....	28
3. The SEVP Revocation and Proclamation Harm Academic Freedom Across the Amici States .....	30
CONCLUSION .....	35
CERTIFICATES OF COMPLIANCE AND SERVICE .....	39

**TABLE OF AUTHORITIES**  
**CASES**

<i>AAUP v. Rubio</i> , 2025 WL 2777659, (D. Mass. Sept. 30, 2025) .....	8, 12
<i>Ajugwe v. Noem</i> , 8:25-cv-982-MSS-AEP, 2025 WL 1148689 (M.D. Fla. Apr. 18, 2025) .....	17
<i>Alduaj v. Noem</i> , 2:25-cv-00538, 2025 WL 1180743 (W.D. Pa. Apr. 23, 2025).....	17
<i>Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.</i> , 794 F.3d 168 (1st Cir. 2015) .....	7
<i>Ariwoola v. Noem</i> , 3:25-cv-03313-JDA, 2025 WL 1148491 (D.S.C. Apr. 18, 2025) .....	17
<i>Chen v. Noem</i> , 1:25-cv-00733-TWP-MG, 2025 WL 1163653 (S.D. Ind. Apr. 21, 2025).....	17
<i>Daou v. Noem</i> , 8:25-cv-976-MSS-AEP, 2025 WL 1148687 (M.D. Fla. Apr. 18, 2025).....	17
<i>Doe 1 v. Bondi</i> , 1:25-cv-01998-VMC, 2025 WL 1188469 (N.D. Ga. Apr. 18, 2025) .	17
<i>Doe v. U.S. Dept of Homeland Security, et al.</i> , 2:25-cv-00240 (D. Vermont).....	12
<i>Doe v. Noem</i> , 2:25-cv-00633-DGE, 2025 WL 1141279 (W.D. Wash. Apr. 17, 2025) .....	17

<i>Doe v. Noem,</i> 2:25-cv-01103-DAD-AC, 2025 WL 1134977 (E.D. Cal. Apr. 17, 2025) .....	17
<i>Doe v. Noem,</i> 3:25-cv-00023, 2025 WL 1161386 (W.D. Va. Apr. 21, 2025) .....	17
<i>Hinge v. Lyons,</i> 25-1087, 2025 WL 1134966 (D.D.C. Apr. 15, 2025).....	17
<i>Isserdasani v. Noem,</i> 25-cv-283-wmc, 2025 WL 1118626 (W.D. Wis. Apr. 15, 2025).....	17
<i>Keyishian v. Bd. of Regents of Univ. of N.Y.,</i> 385 U.S. 589 (1967) .....	31, 32
<i>Liu v. Noem,</i> 25-cv-133-SE, 2025 WL 1189760 (D.N.H. Apr. 10, 2025) .....	17
<i>Madan B. K. v. Noem,</i> 1:25-cv-419, 2025 WL 1171572 (W.D. Mich. Apr. 23, 2025).....	17
<i>Oruganti v. Noem,</i> 2:25-cv-00409-ALM-EPD, 2025 WL 1144560 (S.D. Ohio Apr. 18, 2025) .....	17
<i>Ozturk v. Hyde,</i> No. 1:25-cv-10695-DJC, 2025 WL 942731 (D. Mass. Mar. 28, 2025).....	11
<i>Ozturk v. Trump,</i> -- F. Supp. 3d--, 2025 WL 1009445 (D. Mass. 2025) .....	11
<i>Ozturk v. Trump,</i> No. 2:25-cv-374, 2025 WL 1355667 (D. Vt. May 9, 2025).....	11
<i>Patel v. Bondi,</i> 1:25-CV-00101, 2025 WL 1134875 (W.D. Pa. Apr. 17, 2025).....	17

<i>Patel v. Bondi</i> , 1:25-cv-00103, 2025 WL 1158708 (W.D. Pa. Apr. 21, 2025).....	17
<i>Ratsantiboon v. Noem</i> , 25-CV-01315, 2025 WL 1118645 (D. Minn. Apr. 15, 2025).....	17
<i>Roe v. Noem</i> , CV 25-40-BU-DLC, 2025 WL 1114694 (D. Mont. Apr. 15, 2025)....	17
<i>Saxena v. Noem</i> , 5:25-CV-05035-KES, 2025 WL 1149498 (D.S.D. Apr. 18, 2025)....	17
<i>Shaik v. Noem</i> , 25-1584, 2025 WL 1170447 (D. Minn. Apr. 22, 2025) .....	17
<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011) .....	32
<i>Sweezy v. State of N.H. ex rel. Wyman</i> , 354 U.S. 234 (1957) .....	31
<i>United States v. Kseniia Petrova</i> , 1:25-mj-05150 (D. Mass) .....	13
<i>Vyas v. Noem</i> , 3:25-0261, 2025 WL 1184118 (S.D.W. Va. Apr. 23, 2025) .....	17
<i>W.B. v. Noem</i> , 25-cv-03407-EMC, 2025 WL 1180296 (N.D. Cal. Apr. 23, 2025) ....	17
<i>Wieman v. Updegraff</i> , 344 U.S. 183 (1952) .....	33
<i>Yang v. Noem</i> , 25-cv-292-wmc, 2025 WL 1166521 (W.D. Wis. Apr. 22, 2025) .....	17
<b>RULES AND REGULATIONS</b>	
8 C.F.R. § 214.3(g) .....	16

## CONSTITUTIONAL PROVISIONS

MASS. CONST. pt. 11, c. 5, § 2.....	2
-------------------------------------	---

## MISCELLANEOUS

Alan Binder, <i>New International Student Enrollments Plummeted This Fall, Survey Finds</i> , NY Times (Nov. 17, 2025), <a href="https://www.nytimes.com/2025/11/17/us/international-students-enrollment-decrease.html">https://www.nytimes.com/2025/11/17/us/international-students-enrollment-decrease.html</a> ..... 21, 26	21, 26
Aidan Enright, et al., <i>International Students: Poorly Suited Immigration Pathways Stymie Formation of High Growth Businesses</i> , Pioneer Institute, (July 2024), <a href="https://files.eric.ed.gov/fulltext/ED656349.pdf">https://files.eric.ed.gov/fulltext/ED656349.pdf</a> .....	25
Adrian Florido, <i>Government says – for now – it will restore international students’ status</i> , NPR (Apr. 25, 2025), <a href="https://www.npr.org/2025/04/25/nx-s1-5377610/government-says-for-now-it-will-restore-international-students-status">https://www.npr.org/2025/04/25/nx-s1-5377610/government-says-for-now-it-will-restore-international-students-status</a> .....	18
American Immigration Council, <i>Immigrants in Massachusetts</i> , <a href="https://map.americanimmigrationcouncil.org/locations/massachusetts">https://map.americanimmigrationcouncil.org/locations/massachusetts</a> .....	25
Boston Business Journal, <i>Largest Employers in Massachusetts</i> (2023), <a href="https://www.bizjournals.com/boston/subscriber-only/2023/08/10/largest-employers-in-massachusetts.html">https://www.bizjournals.com/boston/subscriber-only/2023/08/10/largest-employers-in-massachusetts.html</a> .....	20
Brooke Hauser and Samantha J. Gross, <i>Why are so many students in Mass. losing their visas? The answer lies in a little-known database</i> , The Boston Globe (Apr. 15, 2025), <a href="https://www.bostonglobe.com/2025/04/15/metro/student-visa-ice-higher-education">https://www.bostonglobe.com/2025/04/15/metro/student-visa-ice-higher-education</a> .....	16

Collin Binkley, Annie Ma, and Makiya Seminera, <i>Colleges say the Trump administration is using new tactics to expel international students</i> , THE BOSTON GLOBE (April 4, 2025), <a href="https://www.bostonglobe.com/2025/04/04/nation/trump-administration-tactics-expel-international-students/">https://www.bostonglobe.com/2025/04/04/nation/trump-administration-tactics-expel-international-students/</a> .....	16
Department of Homeland Security, <i>SEVIS Help HUB: Effects of Termination</i> , STUDY IN THE STATES, available at <a href="https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student">https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student</a> (last visited January 20, 2026).....	16
Filip Timotija, <i>Noem: Harvard international students ban a 'warning' to other universities</i> , THE HILL (May 23, 2025), <a href="https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/">https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/</a> . ....	28
<i>Harvard in Massachusetts: Facts &amp; Impact</i> (2020), <a href="https://community.harvard.edu/files/comm/files/2020_facts_impact_a.pdf">https://community.harvard.edu/files/comm/files/2020_facts_impact_a.pdf</a> .....	20
Harvard Office of Technology Development, <i>Harvard Startups</i> , <a href="https://otd.harvard.edu/impact/harvard-startups/">https://otd.harvard.edu/impact/harvard-startups/</a> (last visited January 20, ). .....	20
Hilary Burns, et. al, <i>Healey sounds alarm over foreign recruiting of Mass. scientists</i> , The Boston Globe (Mar. 20, 2025), <a href="https://www.bostonglobe.com/2025/03/19/metro/china-foreign-governments-recruit-massachusetts-scientists-trump-cuts/">https://www.bostonglobe.com/2025/03/19/metro/china-foreign-governments-recruit-massachusetts-scientists-trump-cuts/</a> .....	27
Jonah Bromwich & Hamed Aleaziz, <i>Columbia Student Hunted by ICE Sues to Prevent Deportation</i> , NY Times (March 26, 2025), <a href="https://www.nytimes.com/2025/03/24/nyregion/columbia-student-ice-suit-yunseo-chung.html">https://www.nytimes.com/2025/03/24/nyregion/columbia-student-ice-suit-yunseo-chung.html</a> .....	14

Judit Kende, et al., <i>Social and institutional inclusion in multi-ethnic schools enable better intergroup relations for majority youth and higher school achievement for minority youth</i> , 103 INT'L J. OF INTERCULTURAL RELS. (Nov. 2024), <a href="https://www.sciencedirect.com/science/article/pii/S0147176724001573">https://www.sciencedirect.com/science/article/pii/S0147176724001573</a> .....	23
Kayla Epstein, <i>Trump administration ends Harvard's ability to enroll international students</i> BBC News (May 22, 2025), <a href="https://www.bbc.com/news/articles/c05768jmm11o">https://www.bbc.com/news/articles/c05768jmm11o</a> .....	6
Liam Knox, <i>International Enrollment's Precarious Moment</i> , Inside Higher Ed (Mar. 19, 2025), <a href="https://www.insidehighered.com/news/global/international-students/2025/03/19/colleges-fear-decline-international-student">https://www.insidehighered.com/news/global/international-students/2025/03/19/colleges-fear-decline-international-student</a> .....	34
Melissa Quinn, <i>Trump says arrest of Palestinian activist who helped lead Columbia protests is first of "many to come"</i> , CBS News (March 10, 2025), <a href="https://www.cbsnews.com/news/trump-mahmoud-khalil-ice-columbia-university/">https://www.cbsnews.com/news/trump-mahmoud-khalil-ice-columbia-university/</a> .....	14
Michael T. Nietzel, <i>Has the Brain Drain From U.S. Universities Already Begun?</i> , Forbes (Mar. 31, 2025), <a href="https://www.forbes.com/sites/michaelnietzel/2025/03/31/has-the-brain-drain-from-us-universities-already-begun/">https://www.forbes.com/sites/michaelnietzel/2025/03/31/has-the-brain-drain-from-us-universities-already-begun/</a> .....	27
Mike Damiano, <i>Trump administration tells federal agencies: Stop doing business with Harvard</i> , The Boston Globe (May 27, 2025), <a href="https://www.bostonglobe.com/2025/05/27/metro/trump-harvard-funding-contracts-cuts/">https://www.bostonglobe.com/2025/05/27/metro/trump-harvard-funding-contracts-cuts/</a> .....	26
Miri Yemini, <i>Bridging Borders: Toward Equity in International Research Collaborations</i> , NAFSA (Nov./Dec. 2024), <a href="https://www.nafsa.org/professional-resources/research-and-trends/trends-insights/bridging-borders-novdec24">https://www.nafsa.org/professional-resources/research-and-trends/trends-insights/bridging-borders-novdec24</a> .....	33

NAFSA: Association of International Educators, <i>NAFSA International Student Economic Value Tool</i> (2023-24), <a href="https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2">https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2</a> (last visited January 20, 2026) .....	22
Nate Raymond, et al., <i>Trump Administration Blocks Harvard From Enrolling Foreign Students, Threatens Broader Crackdown</i> , REUTERS (May 23, 2025), <a href="https://www.reuters.com/world/us/trump-blocks-harvards-ability-enroll-international-students-nyt-reports-2025-05-22/">https://www.reuters.com/world/us/trump-blocks-harvards-ability-enroll-international-students-nyt-reports-2025-05-22/</a> .....	28
Nate Raymond, <i>Detained Russian-born Harvard scientist criminally charged with smuggling</i> , REUTERS (May 14, 2025), <a href="https://www.reuters.com/world/us/detained-russian-born-harvard-scientist-criminally-charged-with-smuggling-2025-05-14/">https://www.reuters.com/world/us/detained-russian-born-harvard-scientist-criminally-charged-with-smuggling-2025-05-14/</a> .....	13
New American Economy, <i>The Contributions of New Americans in Massachusetts</i> 7 (Aug. 2016), <a href="https://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf">https://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf</a> .....	24
Paul N'Dri Konan, et al., <i>Cultural Diversity in the Classroom and its Effects on Academic Performance: A Cross-National Perspective</i> , 41 Soc. Psych. (2010).....	23
<i>Russian National Charged with Smuggling Biological Material Into Boston</i> , U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF MASSACHUSETTS (May 14, 2025), <a href="https://www.justice.gov/usao-ma/pr/russian-national-charged-smuggling-biological-material-boston">https://www.justice.gov/usao-ma/pr/russian-national-charged-smuggling-biological-material-boston</a> .....	13
Secretary of State Maro Rubio, <i>100 Days of an America First State Department</i> , U.S. DEPARTMENT OF STATE (Apr. 30, 2025), <a href="https://statedept.substack.com/p/100-days-of-an-america-first-state">https://statedept.substack.com/p/100-days-of-an-america-first-state</a> -	

department?utm_campaign=post&utm_medium=web&triedRedirect=true .....	10
Shelley Murphy and Giulia McDonnell Nieto del Rio, <i>'It's scary': International students who fear deportation preemptively seek help from the courts</i> , The Boston Globe (Apr. 23, 2025), <a href="https://www.bostonglobe.com/2025/04/23/metro/judges-ice-international-students">https://www.bostonglobe.com/2025/04/23/metro/judges-ice-international-students</a> .....	17
UMass Amherst, <i>Global Partnerships</i> , <a href="https://www.umass.edu/global-affairs/global-partnerships">https://www.umass.edu/global-affairs/global-partnerships</a> (last visited January 20, ) .....	23
<i>VIDEO: Columbia University Student Whose Visa Was Revoked for Supporting Hamas and Terrorist Activities Used CBP Home App to Self-Deport</i> , Department of Homeland Security (March 14, 2025), <a href="https://www.dhs.gov/news/2025/03/14/video-columbia-university-student-whose-visa-was-revoked-supporting-hamas-and">https://www.dhs.gov/news/2025/03/14/video-columbia-university-student-whose-visa-was-revoked-supporting-hamas-and</a> .....	15

## **INTRODUCTION AND INTERESTS OF AMICUS**

The Commonwealth of Massachusetts, and the states of Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia (“Amici States”), submit this brief to urge the Court to affirm the District Court’s grant of the President and Fellows of Harvard College’s (Harvard) Motion for a Preliminary Injunction. This case exemplifies the Trump Administration’s unlawful attempts to wield immigration enforcement as a weapon against residents and higher education institutions in Amici States. Indeed, the Trump Administration has targeted, with striking precision, residents and educational institutions who express opinions and beliefs with which the President disagrees—including, *inter alia*, by revoking student visas, detaining student activists, and barring international students. These unlawful retaliatory actions have already inflicted profound harm across Amici States and will continue to do so unless checked.

This case centers on Harvard University. Since its founding in 1636, Harvard has been integral to the fabric and community of the

Commonwealth of Massachusetts by providing education, conducting world-class research, and sparking innovation. The Massachusetts state constitution itself imposes a duty on the Commonwealth to protect and “cherish the interests of literature and the sciences, and all seminaries of them; especially the [Harvard] university at Cambridge,” because the “[w]isdom[] and knowledge” imparted by such institutions is “necessary for the preservation of . . . rights and liberties” during “all future periods of this [C]ommonwealth.” Mass. Const. Pt. II, c. 5, § 2. Like Harvard, higher education institutions across Amici States represent the values, promises, and opportunities that draw students from around the world. And like Massachusetts, every Amici State benefits culturally, economically, and socially from having international students on their college campuses.

Amici States therefore support Harvard in this litigation because the Trump Administration’s unlawful policies have upended Harvard’s ability to enroll, educate, and employ international students. Without justification, the Trump Administration first revoked Harvard’s certification to the Student and Exchange Visitor Program (SEVP). When the District Court enjoined that revocation, the Administration

attempted to circumvent that court order by abruptly issuing a sweeping Proclamation (“Restricting Foreign Student Visas at Harvard”) suspending entry to the United States for any international student studying at Harvard on an F or J visa. These actions have thrown the academic futures of countless international students into turmoil and disrupted the operation of higher education systems within the Commonwealth and beyond. Currently enrolled international students at Harvard were told to immediately transfer colleges or risk losing their lawful immigration status. If allowed to stand, these actions would give the Administration license to shut the door on international students nationwide—with devastating consequences.

The consequences at Harvard alone are severe: the Proclamation (and the SEVP certification revocation before that) would prevent international students and academics from entering the United States to complete their studies at Harvard—and could potentially strip them of their lawful immigration status. The Administration’s actions also threaten the Commonwealth’s academic institutions, economic prosperity, and global leadership in education and scientific innovation. But the harm extends far beyond Harvard. International students make

considerable economic contributions throughout the Amici States, and their importance transcends economics; they enrich our nation's academic discourse, strengthen our research capabilities, and enhance our global competitiveness. The Trump Administration's actions targeting international students and academics sends a chilling message to talented students and academics around the world: that they risk an end to their academic career in the United States (and potentially also risk detention and deportation) at the whims of the federal government. This message weakens the Amici States' position in the global competition for talent and is antithetical to American values.

That message harms international students and the states they call home. International students are vital contributors to higher education institutions in Amici States and to our state economies. International students create concrete financial benefits; but even beyond their financial impact, international students perform essential job functions, including in on-campus research laboratories, teaching positions, and campus support services, that cannot be readily backfilled. International students constitute a significant portion of graduate researchers in STEM fields, driving innovation that benefits both academic institutions

and the broader economy. By forcing international students to transfer out of Harvard, and potentially out of the United States altogether, the Trump Administration's actions will irreparably harm the Amici States' academic institutions and economic health.

Harvard's fight is not just about one university. Although Harvard has been the Administration's most sustained and conspicuous target, its experience is not isolated. The Trump Administration has engaged in a nationwide campaign of targeting international students and institutions with policies or who hold viewpoints with which the Administration disagrees. For example, the detention of Tufts doctoral student Rümeysa Öztürk illustrates how the Administration's efforts have reached far beyond one school. In March 2025, after her F-1 visa was revoked, Öztürk was arrested without warning on a Somerville street by six masked ICE agents and transported to detention in Louisiana, all for co-authoring an op-ed in the student newspaper criticizing her university's response to the war in Gaza—a quintessential exercise of free speech. Her ordeal underscores the stakes: under this Administration, international students exercising their most basic First Amendment rights risk not only their education, but their liberty. Amici States have a particular

interest in condemning and preventing the misuse of immigration enforcement that directly harms Amici States.

Crucially, the District Court intervened to prevent the Trump Administration's illegal actions in this case. This Court should affirm that decision. One international student aptly described what it feels like to be at Harvard right now: "International students are being used as poker chips in a battle between the White House and Harvard. It's incredibly dehumanising."<sup>1</sup> The student continued: "We came here because of what America stands for: freedom of speech, academic freedom, a vibrant intellectual community, and now Trump is threatening all those values."<sup>2</sup> Amici States, however, continue to champion these values and submit this brief to urge this Court to send a clear message that no Administration may punish academic institutions or students for their viewpoints or to chill dissenting speech.

---

<sup>1</sup> Kayla Epstein, *Trump administration ends Harvard's ability to enroll international students* BBC NEWS (May 22, 2025), <https://www.bbc.com/news/articles/c05768jmm11o>.

<sup>2</sup> *Id.*

## ARGUMENT

To obtain a preliminary injunction, Harvard must demonstrate a likelihood of success on the merits, a likelihood of irreparable harm in the absence of relief, that the balance of equities is in its favor, and that injunctive relief serves the public interest. *Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.*, 794 F.3d 168, 171 (1st Cir. 2015). Harvard amply met this standard, and the District Court correctly enjoined the government's actions. The Amici States continue to support Harvard's arguments on all four elements of the preliminary injunction standard and write here to highlight two essential points.

*First*, although the Trump Administration has relentlessly targeted Harvard through grant terminations worth billions of dollars and threats to remove Harvard's non-profit status, this attack on international students—through both the SEVP revocation and Proclamation—cannot be viewed in isolation. They fit squarely within a broader pattern of the Trump Administration's attempts to wield immigration-related enforcement against students, academics, and schools as punishment for expressing disagreement with the Administration's policies. Indeed, in late September, the District Court—in a different case that also

challenged the Trump Administration’s unlawful use of immigration enforcement as a weapon—confronted the Administration’s policy of ideological deportations of international students, calling it “intentionally viewpoint-discriminatory” and designed “in part intentionally to chill the speech of other” lawfully present noncitizens on campus.<sup>3</sup> Here, such overwhelming evidence of retaliatory intent against Harvard, combined with the sheer implausibility of the Proclamation’s asserted rationale (that an international student could be a national security threat if they attend Harvard but not if they attend any other university), overcomes any deference that might ordinarily be due.

*Second*, the retaliatory revocation of Harvard’s SEVP certification and Proclamation will inflict immediate, irreparable, and direct harm: (1) to Massachusetts and other Amici States whose economy, society, and discourse benefit from the presence of international students; (2) to Harvard’s fellow academic institutions nationwide, which now face the prospect of similar reprisals and the heavy administrative burden of advising students amid unpredictable policy shifts; and (3) to the core

---

<sup>3</sup> See *AAUP v. Rubio*, 2025 WL 2777659, at \*50 (D. Mass. Sept. 30, 2025).

mission of academic institutions across Amici States, including the freedom to pursue knowledge and express ideas without government interference.

**A. The Trump Administration Is Weaponizing Immigration-Related Enforcement to Retaliate Against International Students and Academics**

The revocation of Harvard's SEVP certification and the Proclamation restricting foreign student visas at Harvard are just the latest escalation of the Trump Administration's systematic targeting of individuals and institutions with whose policies the Administration disagrees. The cost of these actions will be felt by Harvard, of course, but the direct human toll will hit thousands upon thousands of international students who will have their lives and educations upended by these sudden, unlawful, and retaliatory actions. Sadly, this is nothing new for this Administration, which has spent its first year wielding immigration enforcement against students and academics as punishment for those who have exercised their First Amendment rights to express ideas with which the administration disagrees or whose minor offenses should not incur immigration consequences. Against that backdrop, DHS's revocation of Harvard's SEVP certification and President Trump's

Proclamation have a transparent motive: this was punitive retaliation, not normal law enforcement.

Secretary of State Marco Rubio has said as much, confirming that “[w]henever the government catches non-U.S. citizens breaking our laws, we will take action to revoke their status,” but also that the Administration’s policy “extends to the thousands of foreign students studying in the United States who abuse our hospitality.”<sup>4</sup> In his telling, the position of the Trump Administration is that even visa-holders who do not break the law but instead “abuse[] our hospitality”—language that is inherently vague and subjective—would nonetheless find that “their visas are instantly revoked.”<sup>5</sup> The Administration has moved aggressively to recast lawful behavior, or mere association with institutions like Harvard, as the sort of “abuse” worthy of punishment.

In Massachusetts alone (as elsewhere in Amici States), noncitizen students and academics at colleges and universities have experienced

---

<sup>4</sup> Secretary of State Maro Rubio, *100 Days of an America First State Department*, U.S. DEPARTMENT OF STATE (Apr. 30, 2025), [https://statedept.substack.com/p/100-days-of-an-america-first-state-department?utm\\_campaign=post&utm\\_medium=web&tryRedirect=true](https://statedept.substack.com/p/100-days-of-an-america-first-state-department?utm_campaign=post&utm_medium=web&tryRedirect=true).

<sup>5</sup> *Id.*

unlawful and devastating immigration consequences under the Trump Administration's punitive policies. As just one example, on March 25, plain-clothes ICE agents in Somerville, Massachusetts surrounded Rümeysa Öztürk—an international Ph.D. student at Tufts University—and took her into immigration custody, all apparently for co-authoring an op-ed in the school newspaper.<sup>6</sup> *Ozturk v. Trump*, -- F. Supp. 3d--, 2025 WL 1009445, at \*1-4 (D. Mass. Apr. 4, 2025). Ms. Öztürk, like other students across the country, was subjected to prolonged immigration detention as part of the Trump Administration's effort to use immigration laws to punish noncitizen students associated with pro-Palestinian beliefs. *See id.* at \*4 ("Ozturk's case is one of several cases in which the Trump Administration has implemented these Executive

---

<sup>6</sup> Ms. Öztürk filed a petition for a writ of habeas corpus in the U.S. District Court for the District of Massachusetts. *See Ozturk v. Hyde*, No. 1:25-cv-10695-DJC, 2025 WL 942731 (D. Mass. Mar. 28, 2025). The Court initially ordered that she not be removed from the United States, *see id.*, and later transferred the case to Vermont. *See Ozturk*, 2025 WL 1009445, at \*11. The Vermont Court later ordered that Ms. Öztürk be released from immigration detention. *Ozturk v. Trump*, No. 2:25-cv-374, 2025 WL 1355667, at \*1 (D. Vt. May 9, 2025).

Orders by revoking the immigration status of non-citizens who expressed support for Palestine.”).<sup>7</sup>

The Administration has also directly targeted Harvard students. For example, in February, Kseniia Petrova—a Russian national, resident of Massachusetts, and researcher at Harvard—was detained and held in immigration detention for months in Louisiana for a customs violation: failing to declare, at Boston’s Logan airport, non-toxic frog embryos. *Doe v. U.S. Dept of Homeland Security, et al.*, 2:25-cv-00240 (D. Vt), Dkt. 1, ¶¶ 35-36, 39-40. Rather than issue a fine or penalty—as applicable regulations dictate—Customs and Border Patrol purported to cancel Ms. Petrova’s visa. *Id.* ¶ 40. With her visa suddenly cancelled, Ms. Petrova was found to be inadmissible and was placed in immigration detention in Louisiana. *Id.* ¶ 49; Dkt. No. 24 at 3-5. She remained there for months—until the Administration again escalated its punitive and cruel measures: within hours after a judge heard argument in Ms. Petrova’s habeas action and set a bail hearing, the government criminally charged Ms. Petrova

---

<sup>7</sup> “ICE goes masked for a single reason—to terrorize Americans into quiescence.” *AAUP v. Rubio*, 2025 WL 2777659, at \*40 (D. Mass. Sept. 30, 2025).

with smuggling,<sup>8</sup> *United States v. Kseniia Petrova*, 1:25-mj-05150 (D. Mass), which, if convicted, provides for a sentence of up to 20 years in prison,<sup>9</sup> 18 U.S.C. § 545. This disproportionate response illustrates how far the Administration is willing to go to weaponize both immigration and criminal enforcement against international academics.

These are not isolated incidents. Several high-profile and politicized immigration enforcement operations in New York City this Spring further destabilized international students' sense of safety. On March 8, ICE officials arrested Mahmoud Khalil, a lawful permanent resident and recent graduate of Columbia University's School for International and Public Affairs, based on his involvement in protests criticizing Israel's actions in Gaza. After Mr. Khalil's arrest, President Trump threatened:

---

<sup>8</sup> Nate Raymond, *Detained Russian-born Harvard scientist criminally charged with smuggling*, REUTERS (May 14, 2025), <https://www.reuters.com/world/us/detained-russian-born-harvard-scientist-criminally-charged-with-smuggling-2025-05-14/>.

<sup>9</sup> *Russian National Charged with Smuggling Biological Material Into Boston*, U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF MASSACHUSETTS (May 14, 2025), <https://www.justice.gov/usao-ma/pr/russian-national-charged-smuggling-biological-material-boston>.

“This is the first arrest of many to come.”<sup>10</sup> On March 9 and March 13, 2025, ICE attempted to arrest lawful permanent resident Yunseo Chung, a Columbia University undergraduate student who has lived in the United States since she was seven. The immigration enforcement action appeared to be based on Ms. Chung’s involvement in a protest outside of a Barnard College building where pro-Palestinian student demonstrators were holding a sit-in.<sup>11</sup> Also in March, the State Department revoked the student visa of Ranjani Srinivasan, a doctoral student at Columbia University and Fulbright scholar, apparently based on her signature on a letter in support of Palestine and her presence near a pro-Palestinian protest. DHS has accused Srinivasan of advocating violence and being

---

<sup>10</sup> Melissa Quinn, *Trump says arrest of Palestinian activist who helped lead Columbia protests is first of “many to come”*, CBS News (March 10, 2025), <https://www.cbsnews.com/news/trump-mahmoud-khalil-ice-columbia-university/>.

<sup>11</sup> Jonah Bromwich & Hamed Aleaziz, *Columbia Student Hunted by ICE Sues to Prevent Deportation*, NY Times (March 26, 2025), <https://www.nytimes.com/2025/03/24/nyregion/columbia-student-ice-suit-yunseo-chung.html>.

“involved in activities supporting Hamas.”<sup>12</sup> On or around March 11, fearing detention by ICE, Srinivasan fled the United States.<sup>13</sup>

Even though these actions were taken against students at private universities, international faculty and students at public universities have expressed fear about being subjected to immigration enforcement without notice. Unsurprisingly, this has chilled their academic and professional participation. Some now actively avoid professional travel, decline research opportunities, or reconsider their academic plans altogether for fear of re-entry denial or detention.

At the same time it was attacking Harvard and other international students across Amici States, the Trump Administration was also wielding the SEVP program itself as a weapon against students (before turning it against the schools). Last spring, schools across the country suddenly found—without warning—that the Administration had arbitrarily and unlawfully terminated the Student and Exchange Visitor

---

<sup>12</sup> *VIDEO: Columbia University Student Whose Visa Was Revoked for Supporting Hamas and Terrorist Activities Used CBP Home App to Self-Deport*, Department of Homeland Security (March 14, 2025), <https://www.dhs.gov/news/2025/03/14/video-columbia-university-student-whose-visa-was-revoked-supporting-hamas-and>.

<sup>13</sup> *Id.*

Information System (SEVIS) records of numerous international students.<sup>14</sup> SEVIS, the online database used to administer the SEVP and track the status of those participating in the program, is central to lawful status. *See* 8 C.F.R. § 214.3(g). Under longstanding agency policy and practice, terminating a SEVIS record imposed direct and immediate adverse administrative consequences for schools and students, including but not limited to the inability to re-enter the country, loss of employment authorizations, and in some cases, a requirement that the impacted student leave the country.<sup>15</sup> Understandably, the mass-termination of SEVIS records without explanation caused panic and confusion as schools and students struggled to understand the rationale and

---

<sup>14</sup> Brooke Hauser and Samantha J. Gross, *Why are so many students in Mass. losing their visas? The answer lies in a little-known database*, THE BOSTON GLOBE (Apr. 15, 2025), <https://www.bostonglobe.com/2025/04/15/metro/student-visa-ice-higher-education>; Collin Binkley, Annie Ma, and Makiya Seminera, *Colleges say the Trump administration is using new tactics to expel international students*, THE BOSTON GLOBE (April 4, 2025), <https://www.bostonglobe.com/2025/04/04/nation/trump-administration-tactics-expel-international-students/>.

<sup>15</sup> *See, e.g.*, Department of Homeland Security, *SEVIS Help HUB: Effects of Termination*, STUDY IN THE STATES, available at <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student> (last visited January 20, 2026).

consequences of the terminations.<sup>16</sup> One former trial attorney for the Justice Department described the SEVIS terminations as “an attack on students” and described an effort by the current administration “to tag anyone they don’t like as a criminal alien.”<sup>17</sup> The Trump Administration had no lawful basis for the mass termination of international students’ SEVIS records, which triggered a tsunami of litigation from affected students that resulted in preliminary relief.<sup>18</sup> Unable to defend its

---

<sup>16</sup> Shelley Murphy and Giulia McDonnell Nieto del Rio, *‘It’s scary’: International students who fear deportation preemptively seek help from the courts*, THE BOSTON GLOBE (Apr. 23, 2025), <https://www.bostonglobe.com/2025/04/23/metro/judges-ice-international-students>.

<sup>17</sup> *Id.*

<sup>18</sup> See, e.g., *Madan B. K. v. Noem*, 1:25-cv-419, 2025 WL 1171572 (W.D. Mich. Apr. 23, 2025); *W.B. v. Noem*, 25-cv-03407-EMC, 2025 WL 1180296 (N.D. Cal. Apr. 23, 2025); *Alduaij v. Noem*, 2:25-cv-00538, 2025 WL 1180743 (W.D. Pa. Apr. 23, 2025); *Vyas v. Noem*, 3:25-0261, 2025 WL 1184118 (S.D.W. Va. Apr. 23, 2025); *Yang v. Noem*, 25-cv-292-wmc, 2025 WL 1166521 (W.D. Wis. Apr. 22, 2025); *Shaik v. Noem*, 25-1584, 2025 WL 1170447 (D. Minn. Apr. 22, 2025); *Doe v. Noem*, 3:25-cv-00023, 2025 WL 1161386 (W.D. Va. Apr. 21, 2025); *Chen v. Noem*, 1:25-cv-00733-TWP-MG, 2025 WL 1163653 (S.D. Ind. Apr. 21, 2025); *Patel v. Bondi*, 1:25-cv-00103, 2025 WL 1158708 (W.D. Pa. Apr. 21, 2025); *Ajugwe v. Noem*, 8:25-cv-982-MSS-AEP, 2025 WL 1148689 (M.D. Fla. Apr. 18, 2025); *Oruganti v. Noem*, 2:25-cv-00409-ALM-EPD, 2025 WL 1144560 (S.D. Ohio Apr. 18, 2025); *Daou v. Noem*, 8:25-cv-976-MSS-AEP, 2025 WL 1148687 (M.D. Fla. Apr. 18, 2025); *Saxena v. Noem*, 5:25-CV-05035-KES, 2025 WL 1149498 (D.S.D. Apr. 18, 2025); *Ariwoola v. Noem*, 3:25-cv-03313-JDA,

actions in court, the Trump Administration opted to reinstate most of the terminated SEVIS records.<sup>19</sup>

Taken together, the Trump Administration's policy of punitive immigration enforcement—whether seizing and detaining students for protected speech (like Ms. Öztürk), imprisoning academics for customs violations (like Ms. Petrova), or wiping out student records en masse (which it could not even defend)—has created an atmosphere of fear among all immigrants, including students and academics in Massachusetts and across Amici States. It is unlawful, discriminatory, and incompatible with the rule of law.

---

2025 WL 1148491 (D.S.C. Apr. 18, 2025); *Doe 1 v. Bondi*, 1:25-cv-01998-VMC, 2025 WL 1188469 (N.D. Ga. Apr. 18, 2025); *Doe v. Noem*, 2:25-cv-01103-DAD-AC, 2025 WL 1134977 (E.D. Cal. Apr. 17, 2025); *Doe v. Noem*, 2:25-cv-00633-DGE, 2025 WL 1141279 (W.D. Wash. Apr. 17, 2025); *Patel v. Bondi*, 1:25-CV-00101, 2025 WL 1134875 (W.D. Pa. Apr. 17, 2025); *Roe v. Noem*, CV 25-40-BU-DLC, 2025 WL 1114694 (D. Mont. Apr. 15, 2025); *Isserdasani v. Noem*, 25-cv-283-wmc, 2025 WL 1118626 (W.D. Wis. Apr. 15, 2025); *Ratsantiboon v. Noem*, 25-CV-01315, 2025 WL 1118645 (D. Minn. Apr. 15, 2025); *Hinge v. Lyons*, 25-1087, 2025 WL 1134966 (D.D.C. Apr. 15, 2025); *Liu v. Noem*, 25-cv-133-SE, 2025 WL 1189760 (D.N.H. Apr. 10, 2025).

<sup>19</sup> Adrian Florido, *Government says – for now – it will restore international students' status*, NPR (Apr. 25, 2025), <https://www.npr.org/2025/04/25/nx-s1-5377610/government-says-for-now-it-will-restore-international-students-status>.

## **B. The SEVP Revocation and Proclamation Will Inflict Irreparable Harm**

The Trump Administration’s revocation of Harvard’s SEVP certification and its sweeping Proclamation do not merely harm one university; they strike at the economic, academic, and civic strength of every Amici State. Colleges and universities across the country—public and private—depend on the steady presence of international students and scholars to sustain local economies, drive innovation, and enrich campus and community life. When a single institution loses these students, the consequences radiate outward: States lose revenue and employers lose talent. Harvard offers a vivid illustration of these harms, but the injury is not Harvard’s alone. The effects fall on all Amici States, whose higher-education systems depend on international students to remain globally competitive.

Harvard’s impact in Massachusetts is illustrative. Harvard serves as a major economic driver, hub of innovation, and leading global institution that attracts talent and investment to Massachusetts. Harvard’s presence contributes to the Commonwealth’s economy in myriad ways, including through employment, research funding, and

tourism.<sup>20</sup> Indeed, Harvard is the fourth largest employer in Massachusetts.<sup>21</sup> Its groundbreaking research initiatives drive technological advances, medical breakthroughs, and scientific discoveries that directly benefit Massachusetts businesses, healthcare institutions, and the broader community.<sup>22</sup> Further, Harvard attracts talented individuals who often remain in Massachusetts after they leave school, enhancing the state's workforce, starting new businesses, and contributing to local communities. Harvard-affiliated startups and ventures bolster Massachusetts' thriving technology, biotechnology, and healthcare sectors.<sup>23</sup> And Harvard is a significant contributor to Massachusetts' reputation as an international educational leader, helping attract students and academics from around the globe. Thus, any

---

<sup>20</sup> See, e.g., *Harvard in Massachusetts: Facts & Impact* (2020), [https://community.harvard.edu/files/comm/files/2020\\_facts\\_impact\\_a.pdf](https://community.harvard.edu/files/comm/files/2020_facts_impact_a.pdf).

<sup>21</sup> Boston Business Journal, *Largest Employers in Massachusetts* (2023), <https://www.bizjournals.com/boston/subscriber-only/2023/08/10/largest-employers-in-massachusetts.html>.

<sup>22</sup> *Id.*

<sup>23</sup> See generally Harvard Office of Technology Development, *Harvard Startups*, <https://otd.harvard.edu/impact/harvard-startups/> (last visited January 20, 2026).

harm to Harvard’s ability to attract and retain top global talent translates directly into tangible and lasting harm on the Commonwealth itself—and, by extension, to every Amici State whose own institutions play similar roles.

#### **1. The Amici States Benefit From International Students and Will Suffer Irreparable Harm From the SEVP Revocation and Proclamation**

The Trump administration’s revocation of Harvard’s SEVP certification and its Proclamation—its latest efforts to target Harvard for its so-called “anti-American” values—severely disrupts the lives of thousands of international students who will lose their ability to attend the school. Currently enrolled international students were told to transfer schools or face losing their lawful immigration status, creating abrupt disruption to their education, research, careers, and lives.

The fallout extends far beyond Harvard. International enrollment has already plummeted as international students reconsider whether the United States is a reliable and welcoming place to study.<sup>24</sup> That is a

---

<sup>24</sup> See Alan Blinder, *New International Student Enrollments Plummeted This Fall, Survey Finds*, NY Times (Nov. 17, 2025), <https://www.nytimes.com/2025/11/17/us/international-students-enrollment-decrease.html> (citing 17% decrease in first-time international college student enrollment).

devastating loss. International students and academics contribute substantially to the economic, cultural, and intellectual vitality of the Amici States. They enrich campus life through their diverse perspectives and contributions to innovation and research advancements that help maintain the competitiveness and prestige of our colleges and universities. Their presence deepens relationships that create long-term advantages for the Amici States's economic development, cultural enrichment, and international standing. International students and academics also generate significant tax revenue, fill critical workforce gaps, and start businesses that create jobs.

International students are vital to the success of the Amici States' academic institutions. They deliver concrete economic benefits. During the 2024-2025 school year, Amici States hosted 631,291 international students who supported more than 200,000 jobs and contributed approximately \$26.8 billion annually to the economy through tuition, living expenses, and related spending.<sup>25</sup> These students and academics

---

<sup>25</sup> See NAFSA: Association of International Educators, *NAFSA International Student Economic Value Tool* (2024-25), <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa->

also bring diverse perspectives that enhance the Amici States' educational environments, with international students and scholars fostering global awareness and cross-cultural understanding in classrooms and research settings.<sup>26</sup> These interactions expand students' worldviews, build cultural empathy, and help develop them into global leaders. The Amici States' public colleges and universities are deeply committed to global engagement, partnering with international counterparts to facilitate research projects and academic programs all over the world.<sup>27</sup> These programs reflect the reciprocal benefits conferred

---

[international-student-economic-value-tool-v2](#) (last visited January 20, 2026).

<sup>26</sup> Empirical research suggests that academic performance improves as the percentage of immigrant students increases. See Paul N'Dri Konan, et al., *Cultural Diversity in the Classroom and its Effects on Academic Performance: A Cross-National Perspective*, 41 SOC. PSYCH. 230-37 (2010). See also Judit Kende, et al., *Social and institutional inclusion in multi-ethnic schools enable better intergroup relations for majority youth and higher school achievement for minority youth*, 103 INT'L J. OF INTERCULTURAL RELS. (Nov. 2024), <https://www.sciencedirect.com/science/article/pii/S0147176724001573>

<sup>27</sup> See, e.g., University of Massachusetts Amherst, *Global Partnerships*, <https://www.umass.edu/global-affairs/global-partnerships> (last visited January 20, 2026).

by foreign exchange: the Amici States gain economically, socially, and culturally from the presence of international students and academics while the international community benefits immensely by the knowledge-sharing and global problem-solving these exchanges allow.

International students and academics also bolster the Amici States' economies, labor forces, and local communities in several important ways. Immigrant-led households in Massachusetts, for example, earned over 15% of all income earned in the Commonwealth in 2014.<sup>28</sup> "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 services such as public schools and police."<sup>29</sup> Immigrants make up a large portion of the Massachusetts labor force (21.9%) and a disproportionate share of the Commonwealth's

---

<sup>28</sup> New American Economy, *The Contributions of New Americans in Massachusetts* 7 (Aug. 2016), <https://www.newamericanconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf>.

<sup>29</sup> *Id.*

entrepreneurs (27%), STEM workers (29.3%), and health aides (38.6%).<sup>30</sup>

Simply put, noncitizen residents provide an enormous benefit to the Amici States' fiscal health and global competitiveness.

The Trump Administration's punitive immigration-related enforcement threatens all these benefits. International students who are being forced to transfer schools may have to leave the Commonwealth (or the country entirely) or be unable to continue their scholarship to the detriment of their peers and the larger academic landscape. They deserve the stability and freedom to pursue their educations without being used as poker chips in a battle they did nothing to invite.

The effect on prospective students is equally dire. International students face a calamitous choice of abandoning their education at one of the world's most renowned schools (and dream of attending Harvard, a

---

<sup>30</sup>American Immigration Council, *Immigrants in Massachusetts*, <https://map.americanimmigrationcouncil.org/locations/massachusetts/> (last visited January 20, 2026). See generally, Aidan Enright, et al., *International Students: Poorly Suited Immigration Pathways Stymie Formation of High Growth Businesses* 4, Pioneer Institute, (July 2024), <https://files.eric.ed.gov/fulltext/ED656349.pdf> (“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.”).

school they likely worked their entire lives to gain admission) or leaving their world-class education vulnerable to the whims of an Administration intent on targeting and punishing Harvard.<sup>31</sup> And prospective students will not want to chance traveling to the United States to attend college or university only to be told their school can no longer sponsor them. The SEVP revocation and Proclamation thus also threatens Harvard's ability to recruit and retain international talent as prospective students express concerns about visa stability, weakening institutional diversity and global competitiveness. Despite the District Court's order, this harm has already begun to manifest as international enrollment drops across the country.<sup>32</sup>

---

<sup>31</sup> For example, in May, the Trump Administration continued its attacks on Harvard by announcing it was canceling the remaining government contracts with Harvard, worth an estimated \$100 million. *See* Mike Damiano, *Trump administration tells federal agencies: Stop doing business with Harvard*, THE BOSTON GLOBE (May 27, 2025), <https://www.bostonglobe.com/2025/05/27/metro/trump-harvard-funding-contracts-cuts/> (describing the Trump Administration's directive to all federal agencies to terminate any existing contracts with Harvard).

<sup>32</sup> *See* Alan Blinder, *New International Student Enrollments Plummeted This Fall, Survey Finds*, NY Times (Nov. 17, 2025), <https://www.nytimes.com/2025/11/17/us/international-students-enrollment-decrease.html> (citing 17% decrease in first-time international college student enrollment).

The United States is facing an impending brain drain as a result of the Trump Administration's actions: in a recent survey of 690 postgraduate students, 548 had considered leaving the United States.<sup>33</sup> Other countries are already using this opportunity to recruit talented students and academics to study and work abroad rather than in the United States.<sup>34</sup> For example, scientists in Massachusetts are already "receiving overtures" from countries in the Middle East, Europe, and China.<sup>35</sup> The Amici States would be significantly harmed by the loss of top scientific talent and the resulting loss of competitive advantage in key subject areas, such as artificial intelligence, biomedical industries, and defense research.<sup>36</sup>

---

<sup>33</sup> Michael T. Nietzel, *Has the Brain Drain From U.S. Universities Already Begun?*, FORBES (Mar. 31, 2025), <https://www.forbes.com/sites/michaelnietzel/2025/03/31/has-the-brain-drain-from-us-universities-already-begun/>.

<sup>34</sup> Hilary Burns, et al., *Healey sounds alarm over foreign recruiting of Mass. scientists*, THE BOSTON GLOBE (Mar. 20, 2025), <https://www.bostonglobe.com/2025/03/19/metro/china-foreign-governments-recruit-massachusetts-scientists-trump-cuts/>.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

## 2. The Amici States Are Harmed By the Trump Administration's Threats of Additional SEVP Revocations and Retaliatory Proclamations

Through Harvard's SEVP revocation and the Proclamation, the Trump Administration has threatened the Commonwealth's communities, economy, and standing as a research hub and a leader in higher education. But the threat does not end there. Secretary Noem has made clear that the attack on international students at Harvard is just the beginning and warned other schools that the same fate could befall them.<sup>37</sup> She publicly threatened similar revocations for other colleges and universities: "This should be a warning to every other university to get your act together. Get your act together, because we are coming to make sure that you are facilitating an environment where students can learn, where they're safe and that they're not discriminated against based on their race or their religion."<sup>38</sup> But rather than provide that safe

---

<sup>37</sup> Nate Raymond, et al., *Trump Administration Blocks Harvard From Enrolling Foreign Students, Threatens Broader Crackdown*, REUTERS (May 23, 2025), <https://www.reuters.com/world/us/trump-blocks-harvards-ability-enroll-international-students-nyt-reports-2025-05-22/>.

<sup>38</sup> *Id.*; see also Filip Timotija, *Noem: Harvard international students ban a 'warning' to other universities*, THE HILL (May 23, 2025),

environment, the Administration is punishing institutions precisely because they are committed to protecting their students and academic freedom. If this pattern continues, the consequences for higher education in Amici States will be far-reaching.

The Amici States's higher-education systems—both public and private—would be devastated by the loss of international students at any institution. For public universities in particular, the loss of international students would mean immediate, severe reductions in tuition revenues for the school. And students may transfer out of the United States or disenroll from school out of fear of the immigration consequences that might follow. Departing students would no longer pay tuition, housing, dining, and other fees that support services for all students, directly threatening the financial stability of a public institution. That loss would be particularly acute because international students pay higher tuition rates, which enhances public universities' ability to serve lower-income

---

<https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/>

in-state students by subsidizing reduced tuition rates for domestic students.

Indeed, administrative burdens have already surged at colleges and universities across Amici States because of the Trump Administration's actions with respect to the SEVP. Institutions are now actively monitoring individual student SEVIS records because the administration began abruptly terminating them without formal notification and then reversed course suddenly, again without notification. And now schools are on high alert regarding their own SEVP certifications. Institutions of higher education are spending significant time and effort attempting to provide proper guidance and support to international students, who rightly have many questions and fear for their ability to continue with their education. 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.

### **3. The SEVP Revocation and Proclamation Harm Academic Freedom Across the Amici States**

The Amici States recognize that the SEVP revocation and Proclamation is part of a continuum of punitive and retaliatory attacks

against Harvard and higher education generally. Harvard's ability to challenge these attacks is integral to the preservation of academic independence and integrity. If allowed to stand, the 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).

Targeting international students and researchers for their views inflicts harm at every level. At the individual level, classroom discussions become artificially constrained as international participants either stop attending altogether or self-censor to avoid expressing perspectives on issues that might be deemed controversial, especially on topics of public interest and import. “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Sweezy*, 354 U.S. at 250. In fact, speech on topics of public interest enjoys greater

constitutional protection, not less. *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)). 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. 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.

At the institutional level, as a direct result of losing international students, Harvard faces multifaceted harm to its academic programs, research initiatives, extracurricular activities, teaching responsibilities, and overall institutional mission. This includes disruption to essential research and teaching activities when international students working in vital academic positions, including curriculum-related training and practical training programs, must abruptly depart. Securing qualified

replacements will be difficult (or impossible) in the timeframe required to maintain research continuity and grant funding.<sup>39</sup>

Moreover, academic inquiry is compromised when scholars fear retaliatory conduct by its government (including immigration consequences for the institution's students). That fear erodes intellectual pursuits. For example, a college or university may 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.<sup>40</sup> *See Wieman v. 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").

---

<sup>39</sup> Beyond the classroom itself, the loss of international students will also harm campus operations when student workers in critical non-academic roles—such as dining halls, libraries, and residence halls—are abruptly removed with little opportunity for planned transition. These harms, too, will hamper Harvard's ability to carry out its core mission.

<sup>40</sup> *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> ("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.").

These harms ripple outward: courses canceled, employees terminated, services reduced, and the educational environment degraded for all students, domestic and international alike. These attacks on international students, and higher education in general, thus cause both immediate and lasting harm to the institution and to the pursuit of academia.

\* \* \*

If the Administration's actions are allowed to stand, international students may not come to Massachusetts, and the Commonwealth's colleges and universities—Harvard and beyond—will lose their academic freedom and standing as global beacons for education. And this will not stop with Harvard. The Amici States fear that allowing the President's Proclamation (or SEVP revocation) to proceed would set a dangerous precedent, imperiling academic freedom and inviting future abuses of power against our own universities. The law does not permit that result, and our States cannot afford it.<sup>41</sup>

---

<sup>41</sup> See Liam Knox, *International Enrollment's Precarious Moment*, Inside Higher Ed (Mar. 19, 2025), <https://www.insidehighered.com/news/global/international-students/2025/03/19/colleges-fear-decline-international-student>.

## **CONCLUSION**

For the foregoing reasons, Amici States respectfully request that this Court affirm the District Court's grant of Harvard's Motion for a Preliminary Injunction.

Respectfully submitted,

Dated: January 20, 2026

**ANDREA JOY CAMPBELL**  
*Attorney General of  
Massachusetts*

By: /s/ Tasha Bahal

Tasha Bahal, BBO# 675935  
*Deputy State Solicitor*  
One Ashburton Place  
Boston, MA 02108  
Office of the Attorney General  
1 Ashburton Pl.  
Boston, MA 02108  
(617) 963-2066  
Tasha.Bahal@mass.gov

*Counsel for the Commonwealth of  
Massachusetts*

KRISTIN K. MAYES  
*Attorney General*  
*State of Arizona*  
2005 N. Central Ave.  
Phoenix, AZ 85004

ROB BONTA  
*Attorney General*  
*State of California*  
1300 "I" St.  
Sacramento, CA 95814

DANA NESSEL  
*Attorney General*  
*State of Michigan*  
P.O. Box 30212  
Lansing, Michigan 48909

KEITH ELLISON  
*Attorney General*  
*State of Minnesota*  
102 State Capitol  
75 Rev. Dr. Martin Luther  
King Jr. Blvd.  
St. Paul, MN 55155

**PHILIP J. WEISER**  
*Attorney General*  
*State of Colorado*  
1300 Broadway  
Denver, CO 80203

**WILLIAM TONG**  
*Attorney General*  
*State of Connecticut*  
165 Capitol Avenue  
Hartford, CT 06106

**KATHLEEN JENNINGS**  
*Attorney General*  
*State of Delaware*  
Delaware Department of  
Justice  
820 N. French Street  
Wilmington, DE 19801

**BRIAN L. SCHWALB**  
*Attorney General*  
*District of Columbia*  
400 6th Street, NW, Suite  
8100  
Washington, D.C. 20001

**ANNE E. LOPEZ**  
*Attorney General*  
*State of Hawai‘i*  
425 Queen Street  
Honolulu, HI 96813

**AARON D. FORD**  
*Attorney General*  
*State of Nevada*  
100 North Carson Street  
Carson City, NV 89701

**JENNIFER DAVENPORT**  
*Acting Attorney General*  
*State of New Jersey*  
Richard J. Hughes Justice  
Complex  
25 Market Street  
Trenton, NJ 08625

**RAÚL TORREZ**  
*Attorney General*  
*State of New Mexico*  
New Mexico Department of  
Justice  
408 Galisteo Street  
Santa Fe, NM 87501

**LETITIA JAMES**  
*Attorney General*  
*State of New York*  
28 Liberty Street  
New York, NY 10005

**DAN RAYFIELD**  
*Attorney General*  
*State of Oregon*  
1162 Court Street NE  
Salem, OR 97301

**KWAME RAOUL**  
*Attorney General*  
*State of Illinois*  
115 South LaSalle Street  
Chicago, IL 60601

**AARON M. FREY**  
*Attorney General*  
*State of Maine*  
6 State House Station  
Augusta, ME 04333-0006

**ANTHONEY G. BROWN**  
*Attorney General*  
*State of Maryland*  
200 Saint Paul Place  
Baltimore, Maryland 21202

**PETER F. NERONHA**  
*Attorney General*  
*State of Rhode Island*  
150 South Main Street  
Providence, RI 02903

**CHARITY R. CLARK**  
*Attorney General*  
*State of Vermont*  
109 State Street  
Montpelier, VT 05609

**NICHOLAS W. BROWN**  
*Attorney General*  
*State of Washington*  
P.O. Box 40100  
Olympia, WA 98504

## **CERTIFICATES OF COMPLIANCE AND SERVICE**

### **Certificate of Compliance with Rule 32(a)**

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) and 32(a)(7)(B) because this brief contains 6,033 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

/s/ Tasha Bahal \_\_\_\_\_

### **Certificate of Service**

I hereby certify that on January 20, 2026, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. Counsel of record for all parties are registered as ECF Filers and will therefore be served by the CM/ECF system.

/s/ Tasha Bahal \_\_\_\_\_