

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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| ARGHAVAN LOUHGHALAM and,           | ) | )                                  |
| MAZDAK POURABDOLLAH                | ) | )                                  |
| TOOTKABONI                         | ) | )                                  |
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| Plaintiff-Petitioners,             | ) | )                                  |
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| ZHRASADAT MIRRAZI RENANI,          | ) | )                                  |
| LEILY AMIRSARDARY, OXFAM           | ) | )                                  |
| AMERICA INC., ALI SANIE, FATEMEH   | ) | )                                  |
| YAGHOUBI MOGHADAM, and             | ) | )                                  |
| BABAK YAGHOUBI MOGHADAM            | ) | Civil Action No. 1:17-cv-10154-NMG |
|                                    | ) | )                                  |
| Plaintiffs,                        | ) | )                                  |
|                                    | ) | )                                  |
| v.                                 | ) | )                                  |
|                                    | ) | )                                  |
| DONALD J. TRUMP, U.S. CUSTOMS      | ) | )                                  |
| AND BORDER PROTECTION, JOHN KELLY, | ) | )                                  |
| KEVIN K. MCALEENAN, WILLIAM        | ) | )                                  |
| MOHALLEY, and U.S. DEPARTMENT OF   | ) | )                                  |
| HOMELAND SECURITY                  | ) | )                                  |
|                                    | ) | )                                  |
| Defendants.                        | ) | )                                  |
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**MOTION BY EIGHT MASSACHUSETTS INSTITUTIONS OF HIGHER EDUCATION  
FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF PLAINTIFFS’  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Trustees of Boston College (“Boston College”), Trustees of Boston University (“Boston University”), Brandeis University, President and Fellows of Harvard College (“Harvard University”), Massachusetts Institute of Technology (“MIT”), Northeastern University, Trustees of Tufts College (“Tufts University”), and Worcester Polytechnic Institute (“WPI”) (collectively, “*amici*”) respectfully move for leave to submit the attached *amici curiae* brief in support of the plaintiffs’ complaint for declaratory and injunctive relief.

*Amici*, eight Massachusetts institutions of higher education, educate tens of thousands of students from across the country and the world.<sup>1</sup> They employ professors, researchers, and lecturers—many of whom are citizens of other countries—to teach students, to conduct groundbreaking research, and to share their unique perspectives on a range of issues.

*Amici*'s ability to succeed as institutions of higher education depends, in large part, on the ability of students and scholars to collaborate across borders. The Executive Order at issue in this case imperils that exchange and will have damaging repercussions for *amici*, for all other similarly situated academic institutions, and, ultimately, for the nation and the world as a whole. The attached *amici curiae* brief seeks to provide insight into these repercussions from the unique perspective of institutions of higher education.

Although the local rules do not address the issue of *amicus curiae* briefs, federal district “courts have inherent authority and discretion to appoint amici.” *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at \*1 n.1 (D. Mass. June 21, 2006). Indeed, district courts “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved,” *NGV Gaming, Ltd. V. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005), particularly when the *amicus* has “unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide,” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). *Amici*'s attached brief meets these standards.

In deciding whether to permit an *amicus* to file a brief, federal courts often consider whether the potential *amicus* has attempted to obtain consent to the filing and whether in fact the

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<sup>1</sup> A more comprehensive description of each of the eight *amicus* institutions is provided in Exhibit 1. Statements from a representative of each *amicus* institution addressing the Executive Order are included in Exhibit 2.

parties have consented. *See, e.g., Cobell v. Norton*, 246 F. Supp. 2d 59, 63 (D.D.C. 2003) (denying leave to file an *amicus* brief in part because both parties submitted motions in opposition). Here, in accordance with Local Rule 7.1(a)(2), *amici* have sought and obtained consent from the plaintiffs and from the Commonwealth of Massachusetts, and the government has communicated to *amici* that it does not object to the filing.

Finally, although the local rules do not provide any guidance as to the length of an acceptable *amicus curiae* brief, we have used both the Federal Rules of Appellate Procedure (Fed. R. App. P. 29(a)(5) and 32(a)(7)(B)) and Local Rule 7.1(b)(4) for reference and have, accordingly, limited our brief to fewer than twenty pages and fewer than 6,500 words.

For all these reasons, *amici* request that the Court grant this motion and accept the attached *amicus curiae* brief for filing.

February 3, 2017

Respectfully Submitted,

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I hereby certify that on February 2, 2017 counsel for the *Amici Curiae* Massachusetts Universities conferred with counsel for the plaintiffs and the Commonwealth of Massachusetts, both of whom indicated their assent to this motion. I further certify that counsel for the *Amici Curiae* Massachusetts Universities conferred with counsel for the defendants, who do not object to the motion's filing.

/s/ Alan D. Rose \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent via mail to those indicated as non-registered participants on February 3, 2017.

/s/ Alan D. Rose \_\_\_\_\_

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**BRIEF OF AMICI CURIAE MASSACHUSETTS UNIVERSITIES  
IN SUPPORT OF PLAINTIFFS’ COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**INTRODUCTION**

*Amici* are eight private American institutions of higher education.<sup>1</sup> Although each *amicus* institution is located in Massachusetts, each has a global connection to a far greater

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<sup>1</sup> They include Trustees of Boston College (“Boston College”), Trustees of Boston University (“Boston University”), Brandeis University, President and Fellows of Harvard College (“Harvard University”), Massachusetts Institute of Technology (“MIT”), Northeastern University, Trustees of Tufts College (“Tufts University”), and Worcester Polytechnic Institute (“WPI”).



network of international learning, research, and education. Together, they enroll tens of thousands of students from all over the United States and the world in undergraduate, graduate, and professional degree and certificate programs. *Amici* also employ faculty and researchers from throughout the globe. These faculty and researchers routinely publish pioneering peer-reviewed work in virtually all fields of knowledge. Many have gone on to invent groundbreaking technology, start thriving businesses, and assume leadership roles in governments and other organizations both in this country and abroad. As one *amicus* institution's President succinctly stated:

We take great pride in the global nature of our community and have always embraced and valued our international members from around the world. They are our colleagues and friends. Our community and the world are better places because of what we learn and create together.<sup>2</sup>

Over the course of the past week, *amici* institutions have seen their students stranded abroad and their faculty members prevented from travelling to and from foreign countries. Scholars based abroad have expressed a determination to boycott academic conferences in the United States, and potential faculty recruits have expressed serious doubts about teaching at *amici*'s schools. These consequences undermine *amici*'s bedrock commitment to serving the Commonwealth of Massachusetts, the United States, and the world through innovative teaching and research. That effort depends on maintaining a consistent pipeline of the most talented students and scholars from around the world, who bring with them unique skills and perspectives

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<sup>2</sup> Letter from Tony Monaco to Members of the Tufts Community (Jan. 29, 2017), <http://president.tufts.edu/blog/2017/01/29/supporting-and-protecting-the-international-members-of-our-community/>.

Statements from leaders of other *amici* institutions are included at Exhibit 2 of the Motion for Leave To File *Amici Curiae* Brief In Support Of Plaintiffs' Complaint for Declaratory and Injunctive Relief.

that inure to the benefit of their classmates, colleagues, and society as a whole. And after receiving first-class educations in the United States, the benefits flow in the opposite direction, as those students and scholars take back to their countries the lessons and values they learned here.

At the same time, *amici* are equally committed to the security of their campuses and the United States. Each university places the highest priority on the safety of its students and scholars and recognizes that security is essential to maintaining a productive learning environment. But it is essential that our commitments to national security not unduly stifle the free flow of ideas and people that are critical to progress in a democratic society. The inquiry, innovation, and invention that take place every day within *amici*'s classrooms, libraries, and laboratories depend on the ability of scholars and students to travel to and from the United States. Without that ability, the academic achievement and the economic growth that such achievement generates are profoundly at risk.

For these reasons, *amici* submit this brief to express their concern that the January 27, 2017 Executive Order (“EO”), entitled “Protecting the Nation from Foreign Terrorist Entry into the United States,” undermines the values and contributions of open academic exchange and collaboration. *Amici* are not alone in expressing these concerns—universities and academic organizations across the United States have voiced similar views.<sup>3</sup> Like many other institutions, *amici* have been directly impacted by the EO in the week since it was issued, even despite the Temporary Restraining Order (“TRO”) the Court entered on January 28, 2017. At bottom, those

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<sup>3</sup> See International Higher Education Consulting Blog, *Running List of University/College and Higher Education Organization/Association Responses to President Trump's Executive Order Entitled “Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals” Issued Jan. 27, 2017*, <http://ihecdjc.blogspot.com/2017/01/running-list-of-universitycollege-and.html>.

adverse impacts impair the cross-border exchange of ideas that is critical to *amici*'s success as educational institutions—and to the success of the country as a whole.

**I. The Free Exchange of Information, Ideas, and Scholars Across Borders Is Vital to American Interests.**

**A. Universities and Their Communities Rely and Thrive on the Unhampered Exchange of Scholars and Ideas Across Borders.**

In any ranking of the world's finest institutions of higher education, colleges and universities in the United States predominate.<sup>4</sup> The consistent success and acclaim that American colleges and universities enjoy arise, in no small part, from their ability to attract the very best students and faculty, including those from other countries. By attracting the sharpest minds to work together on the world's most challenging problems, these institutions are best equipped to improve the human condition through medical advances, new political and economic insights, innovative technologies, and the rich learning experiences that an internationally diverse group of students and teachers helps cultivate.

As the statistics provided by each *amicus* reveal, universities throughout Massachusetts educate and employ tens of thousands of international students, scholars, and staff. Consider the following examples: More than 11,000 international students and scholars from 140 different countries connect on Northeastern's campus in Boston, and its faculty members collaborate with colleagues all over the world to combat global challenges in health, security, and sustainability. At MIT, 3,289 international students are enrolled in degree programs, and 2,403 international

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<sup>4</sup> See Times Higher Educ. World Univ. Rankings, [https:// www. timeshighereducation. com/world-university-rankings/2017/world-ranking#](https://www.timeshighereducation.com/world-university-rankings/2017/world-ranking#) (last visited Feb. 2, 2017).

scholars are engaged in teaching and research.<sup>5</sup> Boston University hosts more than 9,000 international students and more than 1,300 international scholars from 88 countries.<sup>6</sup> Tufts University enrolls approximately 1,500 international students each year and maintains a global footprint that includes research and academic collaborations in more than 135 countries around the world.<sup>7</sup>

*Amici*'s ability to attract these gifted, accomplished, and motivated students and scholars depends on ensuring their ability to travel freely to and from the countries they once called home—and for that matter, to other nations overseas in support of their scholarship. If *amici* and their peer institutions cannot assure their students, professors, and researchers that they can freely leave the country to visit their families, attend international symposia or conferences, or engage in overseas field research without encountering impediments to their return, then they will struggle to maintain the level of talent and experience that makes the United States the world leader in higher education and research and development.

The importance of maintaining international inclusion on our campuses cannot be overstated. Regular interactions with students and professors who come from different cultures and who have had vastly different life experiences promote both a richer understanding and a deeper appreciation of the pluralistic world in which we live. Equally important, international diversity challenges all of the members of an academic community to reevaluate their

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<sup>5</sup> *International Students and Scholars*, MIT Facts, <http://web.mit.edu/facts/international.html> (last visited Feb. 2, 2017).

<sup>6</sup> *International Students and Scholars Data*, <http://www.bu.edu/isso/about/statistics/> (last visited Feb. 2, 2017).

<sup>7</sup> *International Students and Scholars Data*, [http://provost.tufts.edu/institutionalresearch/files/Fact-Book-2015-16\\_Final.pdf](http://provost.tufts.edu/institutionalresearch/files/Fact-Book-2015-16_Final.pdf) (last visited Feb. 2, 2017).

assumptions and to reconsider their beliefs and biases. As the President of one *amicus* institution explained, our institutions are places of “rigor, ingenuity and real-world problem-solving where generations of bright young minds have come from every corner of the Earth to make something of themselves and work together to make a better world.”<sup>8</sup>

By way of example, the five Syrian students enrolled at MIT this past semester undoubtedly were able to contribute to their peers’ understanding of the wide-ranging consequences of the war in Syria in a way no textbook or lecture ever could.<sup>9</sup> Similarly, the Iranian students enrolled at *amici*’s schools could offer a unique perspective on the strengths and weaknesses of the recent nuclear deal and other aspects of the United States’ foreign policy that students could not absorb by simply reading op-eds in domestic newspapers. The presence of international scholars and students enriches the experiences of all members of *amici*’s communities. Indeed, *amici* would find it extraordinarily difficult to realize the ideals described in their respective mission statements, if students and scholars from countries around the globe could not predictably exit and enter our country.

In addition to contributing to a diversity of perspective, scholars hailing from different countries have necessarily confronted different social and political conditions and so can identify different problems to solve—and see different solutions to offer. For this reason, Harvard

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<sup>8</sup> See Letter from L. Rafael Reif to Members of MIT Community (Nov. 9, 2017), <http://president.mit.edu/speeches-writing/our-eyes-future> (last visited Feb. 2, 2017).

<sup>9</sup> *Geographic Distribution of Students*, MIT Registrar’s Office, <http://web.mit.edu/registrar/stats/geo/> (last visited Feb. 2, 2017).

operates a “Scholars at Risk” program that allows scholars from war-torn countries or who face persecution to continue their important work under safe conditions—and with greater reach.<sup>10</sup>

**B. International Scholars Bolster the American Economy and Strengthen Our Democracy.**

The benefits of a free-flowing exchange of scholars and ideas redound well beyond American colleges and universities. The United States reaps tremendous profits—both tangible and intangible—from its colleges’ and universities’ commitment to welcoming academics, researchers, and innovators from around the world.

As a matter of pure economics, few investments produce a greater return for our nation than investments in higher education, innovation, and research.<sup>11</sup> The United States economy has been fueled by foreign-born innovators who came to this country and chose to stay for extended periods of time.<sup>12</sup> According to one study by the National Foundation for American Policy (NFAP), “[i]mmigrants have started more than half (44 of 87) of America’s startup

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<sup>10</sup> See *Harvard Scholars at Risk*, <http://projects.iq.harvard.edu/scholarsatrisk/home> (last visited Feb. 2, 2017). See also *infra* p. 11–12 (describing the research projects and contributions of select international scholars from the seven nations affected by the EO).

<sup>11</sup> See, e.g., Eric A. Hanushek, et al., *Education and Economic Growth*, Education Next 62, 64 (Spring 2008) (describing the “large effect” such investments exert on a nation’s economic growth rate); Jennifer Erickson & Sean Pool, Science Progress, *The High Return on Investment for Publicly Funded Research*, <https://scienceprogress.org/2012/12/the-high-return-on-investment-for-publicly-funded-research/> (last visited Feb. 2, 2017) (estimating that a “return on investment for publicly funded scientific research and development is somewhere between 30 percent and 100 percent or more” and citing DARPA, the Apollo Project, NSF, and the Human Genome Project as examples of high ROI programs).

<sup>12</sup> See, e.g., Adams Nager, et al., Information Technology & Innovation Found., *The Demographics of Innovation in the United States* (Feb. 24, 2016), <https://itif.org/publications/2016/02/24/demographics-innovation-united-states> (suggesting that more than one third of U.S. innovators were born outside the country, and another 10 percent have at least one parent who was born abroad) (last visited Feb. 2, 2017).

companies valued at \$1 billion or more and are key members of management or product development teams in over 70 percent (62 of 87) of these companies.”<sup>13</sup> Indeed, one can only imagine how different the American economy would be if Abdul Fattah Jandali—Steve Jobs’s biological father—were not permitted to enter the United States from his original home in Homs, Syria, to study at the University of Wisconsin.<sup>14</sup> The creation of new wealth generates obvious financial benefits for the United States, as well as considerable job growth. Each of the \$1 billion startups in the NFAP study has “created an average of approximately 760 jobs . . . in the United States.” *Id.*

Finally, the education of foreign-born students and collaboration between American students and foreign-born scholars at institutions like *amici*’s present the United States with an opportunity to promote the ideals that, together, compose the social, political, and cultural fabric of this country. International students and scholars who come to the United States to engage on our academic campuses are exposed to our democratic principles, as well as to our norms of tolerance and respect. They witness American society’s steadfast commitment to human rights, our emphasis on education, and our dedication to the rule of law.

These values, in turn, are transmitted around the world when these individuals depart this country. Harvard counts twenty or more alumni who have served as heads of state of foreign countries—many in developing countries—including Liberian President Ellen Johnson-Sirleaf

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<sup>13</sup> Stuart Anderson, Nat’l Found. for American Policy, *Immigrants and Billion Dollar Startups*, <http://nfap.com/wp-content/uploads/2016/03/Immigrants-and-Billion-Dollar-Startups.NFAP-Policy-Brief.March-2016.pdf> (last visited Feb. 2, 2017).

<sup>14</sup> See Edward C. Baig, *Steve Jobs’ Biological Father Was Syrian Migrant, Some Note*, USA Today (Nov. 17, 2015), <http://www.usatoday.com/story/tech/columnist/baig/2015/11/16/steve-jobs-biological-father-syrian-migrant-some-note/75899450/> (last visited Feb. 2, 2017).

(who studied economics and public policy) and former Prime Minister of Pakistan Benazir Bhutto (who studied comparative government).<sup>15</sup> Former Secretary-General of the United Nations Kofi Annan earned a Master’s degree in management from MIT. These world leaders, along with countless other individuals from the *amici* institutions, have come to the United States, engaged in the vigorous exchange of ideas for which this country is known, and then returned to their countries steeped in American culture and American principles.<sup>16</sup>

The importance of a free-flowing exchange of students, scholars, and ideas is reflected in longstanding federal law and policy. In 1961, the government established a special non-immigrant visa program to encourage young leaders, entrepreneurs, research scholars, and professors to come to the United States and engage in “educational and cultural exchange[.]”<sup>17</sup> This program, called the J-1 Visa Program, expressly instructs visitors who have completed the program to “return to their home country . . . to share their exchange experiences.” *Id.* Given the important role these exchanges play in maintaining American relationships and influence

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<sup>15</sup> *Heads of State*, <http://www.harvard.edu/about-harvard/harvard-glance/honors/heads-state> (visited Feb. 1, 2017).

<sup>16</sup> What is more, the wide array of executive education programs offered by *amici* allow for direct instruction to foreign public servants, government officials, and business leaders. For example, students from all over the world—including several of the countries specified in the EO—have recently participated in programs that are conducted by Harvard Kennedy School (HKS). See HKS Executive Education, Participant Mix, [https://exed.hks.harvard.edu/HKS\\_Advantage/Participant\\_Mix.aspx](https://exed.hks.harvard.edu/HKS_Advantage/Participant_Mix.aspx) (last visited Feb. 2, 2017). Similarly, HKS and Harvard’s T.H. Chan School of Public Health offer an annual Harvard Ministerial Leadership Program, in which ten to twelve “serving education, health, and finance ministers from Africa, Southeast Asia and Latin America” are invited into a rigorous summer course in Cambridge for leadership enhancement. *Harvard Ministerial Leadership Program*, <https://ministerialleadership.harvard.edu/the-program/> (last visited Feb. 2, 2017).

<sup>17</sup> U.S. Dep’t of State, J-1 Visa Exchange Visitor Program, *Common Questions*, <https://j1visa.state.gov/basics/common-questions/> (last visited Feb. 2, 2017).



abroad, it is no surprise that administration of the J-1 program is entrusted to the Department of State. And yet the EO notably did not include J-1 visa holders in its list of foreign nationals exempted from its entry ban. *See* EO, § 3(c).

Other provisions of law advance Congress’s intention that, notwithstanding the national security interest, borders should not constrain the dissemination of knowledge. *See, e.g.*, 50 U.S.C. § 5(b)(4) (the “Berman Amendment”); 50 U.S.C. § 1702(b)(3) (the “Free Trade in Ideas Act”) (barring the President from restricting the importation or exportation of “any information or informational materials” to or from any country, including in times of war). Similarly, pursuant to *National Security Research Directive 189, National Policy on the Transfer of Scientific, Technical, and Engineering Information*, the government has taken steps to ensure that “any basic or applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community,” is exempted from export controls. *See* 15 C.F.R. § 734.8(a) (applying the fundamental research exclusion to Department of Commerce export control regulations); 22 C.F.R. § 120.11(a) (defining the scope of the exclusion in State Department International Trafficking in Arms Regulations).

## **II. The Executive Order Endangers Academic Exchange with International Students and Scholars.**

By “suspend[ing] entry into the United States, as immigrants and nonimmigrants,” of persons from Iran, Iraq, Syria, Sudan, Yemen, Libya and Somalia for at least 90 days, EO § 3(c), the EO stands in the way of the open academic exchange that is so vital to modern higher education and our national interests. All eight *amici* have students and scholars with non-immigrant visas from the countries specified in the EO:

- Boston College counts 8 students and 5 scholars;
- Boston University counts 97 students and 16 scholars;

- Brandeis University counts 12 students and 10 scholars;
- Harvard University counts 49 students and 62 scholars;
- MIT counts 47 students and 69 scholars;
- Northeastern counts 250 students and 30 scholars;
- Tufts University counts 32 students and 25 scholars;
- WPI counts 40 students.

*Amici* also host and employ numerous nationals of the seven specified countries, including:

- An activist and journalist who helped galvanize Yemeni support for the Arab Spring and has been appointed a visiting lecturer on public policy;
- A Syrian trauma surgeon who was instrumental in coordinating NGO support for medical care to casualties of the civil war and is now assessing the relative availability and quality of trauma care at Syrian hospitals;
- An Iranian professor who previously worked at a leading European architectural firm, taught throughout Europe, and has received numerous prestigious awards and appointments for her contributions to the field;
- A Sudanese medical professor (and practicing physician at a local hospital) who has received awards and public acclaim for her work on female genital cutting;
- An Iranian medical professor who has developed novel methods for studying the long-term risks of myocardial infarction and stroke following blood infection;
- An Iranian postdoctoral student whose stem cell research has broad implications for lung regeneration and precision medicine approaches to treating children and adults with lung disease;
- A Syrian professor and recipient of a MacArthur “Genius” grant who has, among other things, founded a company that develops systems to monitor vital signs to detect the onset of illness in the elderly;
- An Iranian professor, widely-regarded as a leader in the exploration of the Earth, who has worked closely with NASA and received numerous awards in his field; and

- An Iranian postdoctoral researcher whose research will contribute to the development of next-generation therapeutics for cancer patients.

From the moment the EO was signed, *amici*'s students and scholars like these have acutely felt its negative effects.

**A. Students and Scholars At *Amici* Universities Have Been Directly Impacted by the EO.**

At the moment the EO took effect, members of the Massachusetts academic community were both locked out of and locked into the United States. Numerous students and scholars from *amici* institutions who were outside of the United States at the time the EO was signed have been barred from returning to the United States to continue their studies and work. These include undergraduates who were simply trying to return to campus after spending their winter breaks with their families.<sup>18</sup> Many students and scholars were barred from travelling to Boston, even after this Court's entry of a TRO.<sup>19</sup> To take just one case, a Ph.D. student at an *amicus* institution traveled home to Iran in December for a family emergency. The EO has prevented her from returning to the United States to resume her coursework, so her progress toward her degree has stalled. In another case, a research scientist who holds a Ph.D. in theoretical physics received a fellowship from the New England Complex Systems Institute to study the behavior of complex social networks. That scholar had planned to arrive last weekend, but has had to remain

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<sup>18</sup> See, e.g., Stephanie Ebbert, *MIT Engineering Student From Iran Not Allowed To Reenter US*, Boston Globe, Jan. 31, 2017, <http://www.bostonglobe.com/metro/2017/01/31/mit-engineering-student-from-iran-barred-entry-into/fQBJ7kLlhY7P79YNKVKtTN/story.html>; Anya Kamenetz, *Students Stranded Worldwide By Trump Order*, NPR (Jan. 30, 2017), <http://www.npr.org/sections/ed/2017/01/30/512431112/students-stranded-worldwide-by-trump-order>.

<sup>19</sup> See Stephanie Ebbert, *MIT Engineering Student From Iran Not Allowed To Reenter US*, Boston Globe, Jan. 31, 2017, <http://www.bostonglobe.com/metro/2017/01/31/mit-engineering-student-from-iran-barred-entry-into/fQBJ7kLlhY7P79YNKVKtTN/story.html>.

in Iran because of the EO. It is now unclear when, if ever, she will be able to travel to the United States for her project. In a third case, a postdoctoral scholar at another *amicus* university was visiting family in Iran when the EO took effect and has since been unable to return to the United States despite repeated efforts to board flights bound for Logan Airport through no fewer than three international cities. Another Iranian researcher with a joint appointment at Harvard Medical School and Brigham & Women's Hospital was unable to board a flight from Zurich to Logan Airport—even with the TRO in effect—and filed a lawsuit yesterday to gain entry to start her work.<sup>20</sup>

Just as many individuals have been kept out of the United States in the wake of the EO, others are effectively kept in. Those scholars and students from the seven countries covered by the EO who were fortunate enough to be in the United States at the time the EO took effect cannot confidently travel outside of the United States and expect reentry. This means that, despite having valid visas, faculty members from the seven countries covered by the EO cannot attend academic conferences, give lectures to colleagues at sister universities, or conduct field research in foreign nations. Others are cancelling both their personal and professional travel plans.

The experience of a professor at one *amicus* institution exemplifies these adverse academic and personal consequences. Prior to settling in Massachusetts, this professor taught at universities around the world and maintained close ties with academic colleagues at these foreign institutions. The EO struck a sudden, significant blow to these connections, casting in doubt the

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<sup>20</sup> See Milton J. Valencia, Boston-Bound Iranian Scientist with Visa Sues US over Ban, *Boston Globe*, Feb. 2, 2017, <https://www.bostonglobe.com/metro/2017/02/01/iranian-scientist-with-visa-and-bound-for-boston-sues-over-ban/v0rRMIatsOfTTzY0sr8EvL/story.html> (last visited Feb. 2, 2017).

professor's ability to present as scheduled at upcoming conferences overseas, because her return to the United States is not guaranteed. The professor also has concerns about traveling abroad to visit and care for her mother, who is terminally ill, while the EO remains in place. This case illustrates how significantly the EO upends both lives and learning.

Equally to the point, students cannot pursue their own research in foreign libraries or laboratories, participate in study abroad programs, or attend satellite campuses in other countries.<sup>21</sup> Nor can they travel home for personal reasons, whether to celebrate a family member's marriage or to mourn a loved one's death at a funeral. Two Iranian graduate students

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<sup>21</sup> *Amici* have invested significant resources in study abroad programs, foreign satellite campuses, and global experiential learning opportunities. The EO imperils the success of innovative international programs like these. For example, *amicus* Northeastern's cooperative experiential learning model integrates study with professional work, research, and service opportunities in more than 130 countries around the world and with more than 3,300 global partners. In addition to global co-op, the university offers the "N.U.in" program, an experiential academic program that expands Northeastern students' education into worldwide locations. The Nu.in Program, <https://www.northeastern.edu/nuin/> (last visited Feb. 2, 2017). Launched in 2007, the program provides educational opportunities in eight different countries. *Amicus* Boston University offers more than 100 study abroad opportunities in more than 20 countries and on six continents, including at its campus in London. *See* Study Abroad, <http://www.bu.edu/abroad/find> (last visited Feb. 2, 2017). *Amicus* MIT's Sloan Management School allows students to enroll in "Action Learning Labs," where they are assigned to real-world company partners and work on projects for those companies, often on-site, during an academic term. The school offers Labs in China, India, and Israel, as well as a Global Entrepreneurship Lab, in which students are sent to emerging markets across the globe, "from Argentina to Zambia." MIT-Sloan, Action Learning, <http://mitsloan.mit.edu/actionlearning/> (last visited Feb. 2, 2017). Finally, the Human Rights Program at Harvard Law School works to protect the rights of clients and communities around the world through a variety of international projects. *See* Human Rights@Harvard Law, <http://hrp.law.harvard.edu> (last visited Feb. 2, 2017). The Program's clinical projects regularly involve work in several of the countries identified in the EO. For example, in the past five years the Clinic has undertaken work related to the threat posed to civilians in Libya by abandoned weapons. More recently, one clinical project has been engaging with the challenges that Syrian refugees living outside refugee camps encounter when attempting to obtain official documents from the Government of Jordan. Over the past year, another ongoing clinical initiative focused on climate change displacement and included a case study on Somalia.

who are studying global health at an *amicus* institution may not be able to complete field research and training because of the EO's travel ban. One Ph.D. student at an *amicus* university, moreover, cannot travel to conduct research on changes in family life in urban Iran. And one Harvard graduate student recently published an eloquent editorial in the *New York Times*—worth reading in its entirety—describing how he is now afraid to leave the country and sorrowful about the effects that the EO will have on “thousands who, unlike me, might never get to experience America at its best.”<sup>22</sup> These examples demonstrate just how disruptive the EO has been to universities across the Commonwealth in one short week.

Needless to say, fruitful academic exchange does not only occur abroad. It also takes place within the United States. Foreign scholars frequently travel to *amici* universities for conferences and to collaborate with academic and research colleagues. For example, the Boston College Islamic Civilization Program plans to host an international conference in the fall of 2017. However, plans for the program are in jeopardy, as one key speaker from the Middle East has already cancelled, and there is considerable uncertainty whether other scholars from the Middle East will submit an adequate number of papers. And the EO also burdens foreign academics who wish to come to the United States to foster collaborative study. As more than 20,000 scholars—including 44 Nobel Laureates; 45 recipients of prestigious awards like the Fields Medal, Pulitzer Prize, and MacArthur Fellowship; and 273 Members of the National Academies of Sciences, Engineering, and Arts—explained in an online petition:

The proposed EO limits collaborations with researchers from these nations by restricting entry of these researchers to the US and can potentially lead to departure of many

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<sup>22</sup> Ziad Reslan, *Harvard Student: 'I Worry If I Leave, I Won't Be Let Back In'*, N.Y. Times (Feb. 2, 2017), [https://kristof.blogs.nytimes.com/2017/02/02/harvard-student-i-worry-if-i-leave-i-wont-be-let-back-in/?\\_r=2](https://kristof.blogs.nytimes.com/2017/02/02/harvard-student-i-worry-if-i-leave-i-wont-be-let-back-in/?_r=2) (last visited Feb. 2, 2017).

talented individuals who are current and future researchers and entrepreneurs in the US. We strongly believe the immediate and long term consequences of this EO do not serve our national interests.<sup>23</sup>

**B. The EO Will Have Continuing Adverse Effects on Open Academic Exchange and, by Extension, National Interests.**

In addition to the direct effects on *amici*'s existing students and scholars, the EO promises to have indirect deleterious effects on academic exchange going forward. Shortly after the EO's signing was announced, for example, more than 3,000 international scholars signed a petition to "boycott international academic conferences held in the United States in solidarity with those affected by" the EO.<sup>24</sup> This proposed boycott was not a hollow threat. One faculty member at an *amicus* institution had signed an agreement to host an international conference in the fall of 2017. This faculty member recently received correspondence from the funding source calling for all planning for the conference to be suspended, given the large number of expected attendees who have signed the boycott petition. The conference likely will be moved out of the United States or postponed as a result.

Foreign countries have also started cancelling their own conferences in response to the EO. One faculty member at an *amicus* institution has already been informed that an academic conference she was planning to attend in March has been cancelled. That conference, sponsored by the Association for the Study of Persianate Societies and scheduled to take place in Shiraz, Iran, could not proceed due to the travel difficulties posed by the EO and the related uncertainty

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<sup>23</sup> *Academics Against Immigration Executive Order*, <https://notoimmigrationban.com/> (last visited Feb. 2, 2017).

<sup>24</sup> Elizabeth Redden, *Boycotting the U.S.*, Inside Higher Ed (Jan. 31, 2017), <https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-are-boycotting-us-based-conferences> (last visited Feb. 2, 2017).

around who (if anyone) would be able to attend. This professor had planned to participate in the conference to consult with her academic colleagues in her unique field of study, but she will now be unable to do so.

It is difficult to overstate the importance of conferences, colloquia, and symposia to scholarly communication. They enable intellectual give-and-take and real-time digestion and discussion of research. Conferences also allow for in-person encounters and discussions that may give rise to important future collaborations. The prospect of barred entry, and of retaliation and boycotts, means lost opportunities for the expansion of knowledge. Moreover, American universities risk removal from the epicenter of where cutting-edge ideas are discussed. The EO puts all of these benefits in jeopardy.

The EO will also impair *amici*'s ability to recruit foreign faculty and scholars. Collectively, *amici* universities already employ dozens of faculty members from the seven nations currently covered in the EO. But the aforementioned petitioning scholars offer a powerful reason why foreign academics may be unwilling to teach at an American university in the future:

The implementation of this EO will necessarily tear families apart by restricting entry for family members who live outside of the US and limiting the ability to travel for those who reside and work in the US.<sup>25</sup>

Given those working conditions, scholars often will not choose to teach in this country. In fact, one *amicus* institution's current recruit to fill a full-time faculty position has disclosed that he is married to a national from one of the seven countries covered in the EO; that recruit has expressed concerns about accepting a position in light of the EO. Another *amicus* institution is

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<sup>25</sup> See Academics Against Immigration Executive Order, <https://notoimmigrationban.com/> (last visited Feb. 2, 2017).



conducting two important faculty searches and has identified highly desirable candidates from the affected countries. The EO has created significant uncertainty regarding whether these candidates would be able to obtain visas. Similar problems have arisen at other *amici* institutions, which may lose highly competitive candidates from the affected countries to institutions outside the United States. In addition, the suspension of visa processing under the EO may have financial implications for our students and scholars through the loss of research funding and the loss of job opportunities if they are unable to obtain or extend work authorizations during this time period.

Likewise, the EO will prevent *amici* universities from attracting and educating the best and brightest foreign students. For example, while the regular admissions process is still underway at MIT, at least two prospective students from the identified countries have already been admitted for the fall, via early action. One, an 18-year-old from Damascus, was reported on in the media.<sup>26</sup> After dreaming for years of earning an engineering degree from MIT, the student was recently accepted for the class of 2021. But when the EO was signed, his ability to attend MIT became uncertain. As he puts it: “My dreams are basically ruined.”<sup>27</sup> Regrettably, this young man is not the only talented applicant whose dreams may be dashed. Tufts University has already observed a drop in applications for one of its international scholarship programs. In fact, one of the program’s most highly qualified applicants withdrew his application after the EO issued, saying that he was not ready to commit to the program “under the current climate.” This withdrawal is causing concern about the pipeline of future applicants for the scholarship

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<sup>26</sup> See Justin Lear, A Syrian teen was headed to MIT and then came the ban (Jan. 29, 2017), <http://www.cnn.com/2017/01/29/us/mit-syria-student-ban-trnd/> (last visited Feb. 2, 2017).

<sup>27</sup> *Id.*

program. Tufts' experience suggests that fewer students from the seven affected nations will continue to apply to American universities so long as the EO's restrictions remain in effect.

Finally, the uncertainty of the current situation likely will deter international scholars and students from countries *not* currently listed in the EO from visiting the United States for academic purposes. To give one example, an *amicus* had recently extended a postdoctoral offer to a prospective student from Ukraine, but the student has indicated that she is unlikely to accept due to the unpredictable environment. Although there are reportedly no current plans in place to expand the EO's current list of seven countries, high-ranking Executive Branch officials have suggested that an expansion may well occur in the future.<sup>28</sup> Given those statements and the abruptness with which the existing EO was issued, foreign scholars and students may not be willing to risk being stranded here or abroad with hopes of simply gaining an education or educating young minds in the United States.

### CONCLUSION

For the foregoing reasons, the EO poses serious risks that *amici* will not be able to remain the successful institutions of higher learning that they are today. Accordingly, the Court should grant the declaratory and injunctive relief requested by the Plaintiffs.

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<sup>28</sup> See Face the Nation Transcript, January 29, 2017, <http://www.cbsnews.com/news/face-the-nation-transcript-january-29-2017-priebus-mccain-ellison/> ("Now, you can point to other countries that have similar problems, like Pakistan and others. Perhaps we need to take it further.").

February 3, 2017

Respectfully Submitted,

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# EXHIBIT 1

**EXHIBIT 1: AMICI MASSACHUSETTS INSTITUTIONS OF HIGHER EDUCATION**

The following institutions are signatories to this *amici curiae* brief:

- Trustees of Boston College** (“Boston College”) is a non-profit educational institution founded by the Society of Jesus in 1857 and chartered by the Commonwealth in 1863. Boston Coll., *The University Statutes*, <http://www.bc.edu/offices/bylaws/statutes.html> (“Preamble”) (visited Feb. 1, 2017). Boston College’s mission statement states, in part, that the college advances its mission “by fostering the rigorous intellectual development and the religious, ethical and personal formation of its undergraduate, graduate and professional students in order to prepare them for citizenship, service and leadership in a global society,” and that “the University regards the contribution of different religious traditions and value systems as essential to the fullness of its intellectual life.” <http://www.bc.edu/offices/bylaws/mission.html> (last visited Feb. 2, 2017). At present Boston College enrolls 14,250 students and employs 805 full-time faculty members across its eight colleges and schools. Boston Coll., *About BC*, <https://www.bc.edu/bc-web/about/bc-facts.html> (visited Feb. 1, 2017). According to its Office of International Students and Scholars, Boston College currently enrolls 1606 international students and hosts 270 international scholars and a further 327 foreign nationals pursuing practical training. Boston Coll., *Statistics: International Students, Faculty and Research Scholars 2016–2017*, at 3. <http://www.bc.edu/content/dam/files/offices/oiss/pdf/2014%20pdf/OISS%20Stats%20Book%202016-2017%20-%20Official.pdf> (visited Feb. 1, 2017). Nine of these students, three practical trainees, and one scholar are nationals of countries subject to travel restrictions under the Executive Order (“Affected Countries”). *Id.* at 8, 11–12.
- Trustees of Boston University** (“Boston University”) was founded in 1839 and today has more than 33,000 undergraduate and graduate students from more than 130 countries and nearly 10,000 faculty and staff. Boston Univ., *About BU*, <http://www.bu.edu/info/about/> (last visited Feb. 1, 2017). Boston University’s mission is to educate students “to be reflective, resourceful individuals ready to live, adapt and lead in an interconnected world. Boston University is committed to generating new knowledge to benefit society.” Boston Univ., *Mission Statement*, <http://www.bu.edu/info/about/mission-statement/> (last visited Feb. 1, 2017). The University offers more than 100 study abroad opportunities in more than 20 countries and on six continents, including at its campus in London. Boston Univ., *Boston University Global Programs: Study Abroad*, <http://www.bu.edu/abroad/find> (last visited Feb 1, 2017). In 2015, Boston University had nearly 8500 international students and in 2016, the University had more than 1300 international scholars who hailed from 88 countries. Boston Univ., *Boston University Global Programs: International Students and Scholars Office*, <http://www.bu.edu/isso/about/statistics/student-15/> (last visited Feb. 1, 2017). Boston University’s International Student and Scholars Office, which processes visas for students and scholars, counts 97 students and 16 scholars from the Affected Countries.
- Brandeis University** was founded in 1948 and is today “the only non-sectarian Jewish-sponsored college or University in the country.” Brandeis Univ., *Defining Brandeis*, <http://www.brandeis.edu/about/defining.html> (visited Feb. 1, 2017). Brandeis describes itself as a “community of scholars and students united by their commitment to the pursuit

of knowledge and its transmission from generation to generation.” Brandeis Univ., *Mission and Diversity Statement*, <http://www.brandeis.edu/about/mission.html> (visited Feb. 1, 2017) (“Brandeis ... strives to reflect the heterogeneity of the United States and of the world community whose ideas and concerns it shares.”). Brandeis currently employs 649 faculty, Brandeis Univ., *Overview*, <http://www.brandeis.edu/about/facts/index.html> (visited Feb. 1, 2017), and in 2015 enrolled some 5657 students total in its undergraduate, graduate, and professional schools, Brandeis Univ., *Schools and Enrollment*, <http://www.brandeis.edu/about/facts/schools.html> (visited Feb. 1, 2017). International students comprised 20 percent of Brandeis’s undergraduate population and 33.9 percent of its graduate student population in the fall 2015 term. *Id.* Twelve of Brandeis’s students and ten of its scholars are nationals of Affected Countries.

- **President and Fellows of Harvard College**, (“Harvard University”) was founded in 1636 and granted a Charter in 1650. As stated in the 1650 Charter, Harvard’s mission includes “the advancement of all good literature, arts, and sciences . . . .” Harvard Univ., *The Charter of the President and Fellows of Harvard College, Under the Seal of the Colony of Massachusetts Bay, and Bearing the Date May 31st, A.D. 1650*, <http://library.harvard.edu/university-archives/using-the-collections/online-resources/charter-of-1650> (visited Feb. 1, 2017). Harvard has approximately 22,000 students currently enrolled in its undergraduate, graduate, and professional schools. Harvard Univ., *Harvard at a Glance*, <http://www.harvard.edu/about-harvard/harvard-glance> (visited Feb. 1, 2017). Harvard employs more than 2400 faculty, with more than 10,000 additional faculty appointments at Harvard Medical School’s research affiliates and teaching hospitals. *Id.* Harvard’s International Office, which processes visas for the University’s students and scholars, counts some 49 student visa holders who are nationals of Affected Countries, along with 62 such scholars. Harvard currently has 21 additional visa applications pending with CIS for scholars who are nationals of Affected Countries.
- **Massachusetts Institute of Technology** (“MIT”) was incorporated by the Commonwealth of Massachusetts in 1861. MIT’s mission is to “advance knowledge and educate students in science, technology, and other areas of scholarship that will best serve the nation and the world in the 21st century.” Mass. Inst. of Tech., *MIT Facts*, <http://web.mit.edu/facts/mission.html> (visited Feb. 1, 2017). MIT currently has approximately 11,000 students enrolled in its undergraduate and graduate programs. Mass. Inst. of Tech., *MIT Facts*, <http://web.mit.edu/facts/enrollment.html> (visited Feb. 1, 2017). MIT employs approximately 12,000 individuals, including over 1000 faculty. *Id.* MIT’s students, staff, scholars, and faculty hail from all 50 states and from 134 countries. Over 40 percent of MIT’s faculty is international. Of its students, 40 percent of MIT’s graduate students and 10 percent of MIT’s undergraduate students are international. MIT has 69 scholars and 47 students who are nationals of the Affected Countries here on non-immigrant visas. At the time the EO issued, MIT had been working on visa applications for additional scholars from the Affected Countries.
- Established in 1898, **Northeastern University** is located in Boston, with regional campuses in Charlotte, North Carolina; Seattle; Silicon Valley; and Toronto. Northeastern University, <http://www.northeastern.edu/> (visited Feb. 1, 2017). Northeastern’s express mission is, in part, to “[c]reate and translate knowledge to meet



global and societal needs.” Northeastern University, *Mission Statement*, <https://www.northeastern.edu/cssh/polisci/about/mission-statement/> (visited Feb. 1, 2017).

Experiential learning, anchored by the university’s renowned cooperative education program, lies at the heart of academic life at Northeastern. The integration of study with professional work, research, and service in more than 130 countries around the world and with more than 3300 global partners gives students real-world opportunities and responsibilities. Northeastern University, <https://www.northeastern.edu/> (“Experiential Learning” and “Global” tabs) (visited Feb. 1, 2017). As of fall 2015, Northeastern enrolled nearly 25,000 students in full-time degree programs and employed more than 1200 full-time faculty. *Northeastern University, supra*. Northeastern hosts more than 11,000 international students and scholars from 140 different countries. Nearly 300 members of the university community are foreign nationals from the seven Affected Countries.

- Established in 1852, **Trustees of Tufts College** (“Tufts University”) expresses a commitment in its mission statement “to providing transformative experiences for students and faculty in an inclusive and collaborative environment where creative scholars generate bold ideas, innovate in the face of complex challenges and distinguish themselves as active citizens of the world.” Tufts, *Mission, Vision and Themes*, <https://www.tufts.edu/about/mission-vision> (visited Feb. 1, 2017). In the fall term of 2015, Tufts had nearly 12,000 enrolled undergraduate and graduate students and employed 1423 total faculty. Tufts, *Tufts at a Glance*, <https://www.tufts.edu/about/tufts-at-a-glance> (visited Feb. 1, 2017). 1577 of its students in that term were international students. The Tufts International Center, which processes visas for international students and scholars, reports that at least 103 countries are represented at Tufts University. Tufts Int’l Ctr., *About Us*, <http://ase.tufts.edu/icenter/about/statistics.asp> (visited Feb. 1., 2017). Seventy-three individuals (39 students and 34 scholars) affiliated with Tufts University are from Affected Countries, including Iran, Iraq, Syria, and Libya. Additionally, Tufts University has a global presence and active research programs in approximately 135 countries worldwide, including personnel working at sites located in fifteen different countries.
- Founded in 1865 in Worcester, Massachusetts, **Worcester Polytechnic Institute** is one of the nation’s first engineering and technology universities. WPI’s 14 academic departments offer more than 50 undergraduate and graduate degree programs in science, engineering, technology, business, the social sciences, and the humanities and arts, leading to bachelor’s, master’s and doctoral degrees. WPI has been a pioneer in project-based education since 1970 when, building upon its core philosophy of balancing theory and practice in education, the university adopted a revolutionary new undergraduate program known as the WPI Plan—a flexible and academically challenging program aimed at helping students learn how to learn by synthesizing classroom experience in projects that solve real-world problems within important professional and social contexts. The WPI Plan allows students to master critical thinking, sharpen research skills, fine-tune written and oral communication skills, and connect their learning to local and global issues. In 1974, WPI launched a global component and now sends approximately 70 percent of its students to more than 40 project centers around the world, including throughout the Americas, Africa, Asia-Pacific, and Europe. At these centers, students work in teams to focus on issues such as energy, food, health, and urban sustainability—

tackling real problems, developing an understanding of other cultures, and seeing how their lives and work can make a real impact. At present, there are 40 students within WPI's undergraduate and graduate student population from the seven Affected Countries who are unable to travel and whose families are unable to visit them in the United States. This includes students from Iran, Iraq, and Syria. As of February 1, there are 56 students from Affected Countries who have applied for admission for the coming academic year.

# EXHIBIT 2

## **EXHIBIT 2: STATEMENTS FROM EACH *AMICUS* INSTITUTION**

The following are statements from representatives of each *amicus* institution addressing the Executive Order.

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### **Trustees of Boston College (“Boston College”)**

*Boston College President William P. Leahy, S.J., Executive Vice President Michael Lochhead, and Provost and Dean of Faculties David Quigley sent the following letter to the University community on January 29, 2017.*

Dear Members of the Boston College Community:

As you know, the Executive Order signed by President Trump on January 27 immediately suspended entry to the United States by citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for at least 90 days, and halted the U.S. Refugee Admissions Program for 120 days.

We write as senior leaders at Boston College to object to this directive, which has already had disturbing effects on individuals and families.

This Order undermines a key strength of our higher education system, as it turns away talented faculty and students who seek to immigrate to the United States. For decades, colleges and universities in America have benefited from such individuals, and our nation has enjoyed the fruits of having the world’s greatest post-secondary education system. The Order is also contrary to American understandings of this nation’s role as a refuge and its place as a society that does not discriminate on the basis of religion or national origin.

This decision also conflicts with the religious and educational heritage, beliefs, and values of Boston College. The Judeo-Christian faith tradition emphasizes the necessity of caring for strangers and those in need. As Pope Francis recently reminded us, "It's hypocrisy to call yourself a Christian and chase away a refugee or someone seeking help, someone who is hungry or thirsty, toss out someone who is in need of my help. . . In putting ourselves at the service of the neediest, we will experience that we are already united; it is God's mercy that unites us."

Boston College was founded in 1863 to educate the children of immigrants and, like our nation, has gained so much from the presence and contributions of faculty, students, and staff born in other countries.

We are committed to ensuring that all at Boston College feel safe and valued, and that they are aware of the many resources available to them on campus. In particular, the staff from the Office of International Students and Scholars has been and will continue working to assist members of our community who are affected by the President’s directive. Student Affairs and University Mission and Ministry personnel will also be available to provide assistance. For now we advise citizens of these seven nations to postpone travel outside the United States, as their reentry cannot be guaranteed.

We ask all members of the University community to be especially mindful of those among us who are most vulnerable as a result of this Executive Order, and to join us in reaffirming our core values of respect, welcome, and compassion for all.

Sincerely,

William P. Leahy, S.J., President  
Michael Lochhead, Executive Vice President  
David Quigley, Provost and Dean of Faculties

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**Trustees of Boston University (“Boston University”)**

*President Trump’s Executive Order and BU*  
BY ROBERT A. BROWN | JANUARY 29, 2017

To Members of the Boston University Community:

As you have heard, the President of the United States has issued an Executive Order that impacts the issuance of visas and immediately suspends the entry into the United States by individuals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for 90 days.

We believe this Executive Order is fundamentally inconsistent with the values that are the bedrock of Boston University and, indeed, of our pluralistic, welcoming society. The Executive Order diminishes our nation as a beacon for freedom and opportunity. As an academic community, we must stand together to support each other at this time of uncertainty and use a clear voice to affirm our principles and voice our deep concern.

Because of our concern about how this Executive Order will affect members of our community, the International Students & Scholars Office, ISSO, has been reaching out to all students, scholars, and faculty who we believe may be directly affected. Any international student or scholar who has questions or concerns should contact the ISSO.

Importantly, for those from the countries listed above, regardless of one’s non-immigrant classification, we advise against travel outside of the United States at this time, as it places one at risk of not being readmitted to the US.

Global Programs is monitoring emerging developments closely and will update our community on any changes in laws and practices that relate to international students and scholars as well as undocumented students. This week, Global Programs, in partnership with the Dean of Students office, will be holding a town meeting at which ISSO, other University staff, and additional immigration experts will be present to answer questions from our community. Please watch for an announcement of the time and place at BU Today.

The situation is extremely fluid, as is clear from the restraining order issued by Boston federal court early Sunday morning, which halts certain actions of the Executive Order for 7 days. We will keep the community apprised of further federal actions that impact our students, faculty, and staff.

Sincerely,

Robert A. Brown, President  
Jean Morrison, University Provost and Chief Academic Officer  
Willis G. Wang, Vice President and Associate Provost for Global Programs

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## **Brandeis University**

*In Response to Friday's Executive Order*

Jan. 29, 2017

Dear Students, Faculty, and Staff,

The United States has always been a beacon of education, welcoming scholars from around the world to study, teach, and conduct research. The rich academic environment in Greater Boston and on our campus would be far poorer without the immeasurable contributions international scholars make.

This is why Brandeis joins with academic institutions across the country in voicing our deep concern and dismay about the U.S. administration's new executive order restricting people from certain countries from entering or returning to the United States. There are already reports that this order has begun to disrupt students, faculty, and staff from traveling for their studies, work, or research.

Brandeis is closely monitoring the unfolding situation, including the legal challenges, particularly with regard to members of our community from the countries named in the new directive. Like many other universities, we are advising undergraduate and graduate students, faculty, and staff who might be affected not to travel outside the country until there is more clarity on how the executive order will be implemented.

Our International Students and Scholars Office (ISSO) is contacting individuals at Brandeis who are potentially affected by the executive order, and the doors of ISSO are open to anyone with questions. We remind you that Brandeis has comprehensive counseling services and chaplains who can provide moral and spiritual guidance and support.

Last November, we detailed our current practices regarding the sharing of information about immigration status, which we re-affirm here:

- Brandeis University will not permit immigration enforcement on our campus with respect to our students, faculty, or staff without a warrant or a clear demonstration of exigent circumstances, such as imminent risk to the health and safety of others.
- Brandeis University Public Safety officers will not act on behalf of federal agents in the enforcement of immigration laws.
- Brandeis University will not release immigration-status information with respect to students, faculty, or staff to the federal government unless mandated by court order or another valid legal instrument.

We wish to reassure our community that every person on our campus, whoever they are and from wherever they come, is a valued member of our community. Brandeis was founded on the principle of openness to all, and with a core belief that the free exchange of ideas is essential to and consistent with our mission. We remain guided by these values.

Ron Liebowitz, President

Lisa M. Lynch, Provost

Andrew Flagel, Senior Vice President for Students and Enrollment

Mark Brimhall-Vargas, Chief Diversity Officer and Vice President for Diversity, Equity and Inclusion

Susan Birren, Dean, Arts and Sciences

Eric Chasalow, Dean, Graduate School of Arts and Sciences

Marty Krauss, Interim Dean, Heller School for Social Policy and Management

Karen Muncaster, Vice President, Rabb School of Continuing Studies

Peter Petri, Interim Dean, Brandeis International Business School

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### **President and Fellows of Harvard College (“Harvard University”)**

*We Are All Harvard*

January 29, 2017

CAMBRIDGE, MASS.

Dear Members of the Harvard Community,

Last Friday’s executive order imposing restrictions on travel to the United States has provoked uncertainty and escalating anxiety among many people in our own University and others. Although the situation remains in flux and doubt, I write to share information about resources available to students and faculty and to underscore that our international students and scholars are essential to our identity and excellence. We are all Harvard.

In times of unsettling change, we look toward our deepest values and ideals. Among them is the recognition that drawing people together from across the nation and around the world is a paramount source of our University’s strength. Thousands of students and scholars and visitors come to Harvard each year from all over the globe—to study, to teach, to propel our research

enterprise, to join in conferences and colloquia, to share insights and abilities that transcend nationality. Thousands more leave Harvard each year to travel abroad, learning from experiences they could not replicate here, gaining insight into cultures and perspectives different from their own, visiting colleagues and family and friends, forming and sustaining the human bonds essential to mutual understanding.

Our robust commitment to internationalism is not an incidental or dispensable accessory. It is integral to all we do, in the laboratory, in the classroom, in the conference hall, in the world. It fuels the capacity of universities to spur innovation, to advance scholarship and scientific discovery, and to help address society's hardest challenges. It is a crucial ingredient in making American higher education a singular national asset, the destination of choice for countless scholars and students whose contributions serve our nation and our world. Especially at a time of sharp divisions at home and abroad, we must do all we can to sustain the ability of U.S. universities to bring people from around the world to our campuses and to enable people from our campuses to engage the world. Nearly half of the deans of Harvard's schools are immigrants—from India, China, Northern Ireland, Jamaica, and Iran. Benefiting from the talents and energy, the knowledge and ideas of people from nations around the globe is not just a vital interest of the University; it long has been, and it fully remains, a vital interest of our nation.

As I write, we are still working to understand the concrete implications of the new travel restrictions, and we are following related developments in the courts. But the disruption and disorientation flowing from these restrictions are palpable and distressing. While questions may at this point be far more apparent than answers, the restrictions are already posing barriers to scholars and students seeking to enter the country and are inhibiting others from pursuing important travel abroad, fearful about their ability to return. Amid this widespread doubt and unease, we will continue to insist that policymakers take full account of how fundamentally our universities depend on the ability of people to travel across borders without undue constraint. National security is, of course, an essential element of our nation's immigration policy. But we are confident those considerations can be fairly addressed while avoiding the large-scale disruption and distress that the new restrictions portend—and while honoring the ideals of openness, nondiscrimination, and opportunity that our universities and our nation hold dear. We urge the administration, the Congress, and the courts to address these concerns without delay.

Meanwhile, we are taking immediate steps to better inform and assist the members of our community in the face of the new restraints on travel. The Harvard International Office (HIO) has written to Harvard's international students, faculty, and staff offering immediate advice in light of the executive order. The HIO is available as a resource to all community members with questions or concerns. The University's Global Support Services has likewise offered guidance and stands ready to assist community members who are already abroad and may experience difficulties in seeking to return. This Wednesday at 4:00 p.m., the University will hold a town hall in Science Center B, where representatives of the HIO, the Office of the Vice Provost for International Affairs, and Harvard Law School's Immigration and Refugee Clinic will offer information and perspectives on the present situation and take questions from all interested members of the Harvard community. Our federal relations staff are aggressively pursuing these issues with contacts in Washington and locally, and have been in touch directly with the Massachusetts congressional delegation, state leaders, and city officials in Boston and



Cambridge to convey our grave concern. HIO staff are working assiduously to develop travel guidance with whatever clarity can be achieved given the circumstances. This weekend, the Association of American Universities, of which Harvard is a member, issued a statement expressing deep concern about the new executive order. I intend to keep working vigorously with my counterparts in other universities—both to share information and to advocate approaches meant to sustain the international flow of students and scholars, and thereby safeguard a vital national interest.

Our undocumented students are also experiencing the present moment with anxiety, even fear, in view of reports that federal policy toward them may change. Having strongly advocated for the DREAM Act, I have joined other college and university presidents in urging that the federal government preserve DACA—the program prescribing Deferred Action for Childhood Arrivals—and that Congress incorporate its protections into the proposed legislation known as the BRIDGE Act. With others in the higher education community, we will continue to press this case, hopeful that the rumored changes will not come to pass. At the same time, we are strengthening our efforts to aid students potentially affected by such changes. I detailed our expanding efforts in a letter to the community on November 28.

Since then, with support from my office, Harvard Law School's Immigration and Refugee Clinic has amplified its capacity in this area by engaging a new, full-time staff attorney specially focused on representing and advising undocumented students in the Harvard community. We have launched and are further developing a website pointing toward resources of particular interest to undocumented students and their friends and colleagues. We have initiated several in-person information sessions and webinars, as well as training sessions to inform key staff about the concerns facing undocumented students and about how they can help. This work will continue, and we will calibrate our next steps as circumstances evolve.

Let me also take this opportunity to note the anxieties and concerns prevalent among members of our community who are also members of the Islamic faith. Ours is a nation founded and built on the bedrock of religious pluralism and religious freedom. Our University embraces that commitment, in the spirit not of mere tolerance but of genuine inclusion. We must not and will not conflate people of a venerable faith with people predisposed to acts of terrorism and violence. And, recognizing the special concerns of the Muslims among us at this moment in our national life, I believe we must pursue more tangible ways to support their distinctive needs. With this in mind, at the recommendation of the Pusey Minister in the Memorial Church, I have initiated a search for Harvard's first Muslim chaplain, who will serve full-time to provide guidance and support to members of the Islamic faith and to join colleagues in promoting a wider sense of community and understanding among members of different spiritual traditions at Harvard. I hope that this new appointment will bring a welcome measure of further institutional support for valued members of our University who have particular reason to feel a sense of vulnerability at this time.

I have focused this letter on just a few of the issues and challenges brought to the fore by Friday's executive order and related developments. As we address those matters, we have a close eye on other potential changes in the policy landscape affecting universities, and we must work energetically to advance a far wider range of vital interests—in the progress of university-based

science and in the vitality of the humanities and the arts, in the expansion of educational opportunity and in the effort to redress inequality, in seeking ways for people with starkly different views to speak and to listen across widening divides, and in striving for a shared commitment to the pursuit of truth. These and other present concerns are anything but endnotes; they lie at the core of our University.

In these times of change, I hope and trust that all of us committed to the strength of American higher education can pursue these efforts together. Let us do so—to borrow the words of the poet Seamus Heaney, one of Harvard’s most beloved visitors from other shores—with our gates unbarred.

Sincerely,  
Drew Faust

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**Massachusetts Institute of Technology (“MIT”)**

*Letter to the community: Update regarding Executive Order, thoughts on moving forward*

MIT News Office  
January 30, 2017

*The following email was sent today to the MIT community by President L. Rafael Reif.*

To the members of the MIT community,

First, an update:

I was hoping to write to you today with some uplifting news. Yet, as I write, we continue to push hard to bring back to MIT those members of our community, including two undergraduates, who were barred from the US because of the January 27 Executive Order on immigration. We are working personally with each of the affected individuals we are aware of. If you know of others who are directly affected, please inform us immediately so we can try to help:

International Students Office, David Elwell  
International Scholars Office, Penny Rosser

Over and over since the order was issued, I have been moved by the outpouring of support from hundreds across our community. I could not be more proud, and I am certain that you join me in thanking everyone inside and outside of MIT whose extraordinary efforts have helped us address this difficult situation. We hope we can welcome everyone back to MIT very soon.

*MIT, the nation and the world*

I found the events of the past few days deeply disturbing. The difficulty we have encountered in seeking to help the individuals from our community heightens our overall sense of concern. I would like to reflect on the situation we find ourselves in, as an institution and as a country.

MIT is profoundly American. The Institute was founded deliberately to accelerate the nation's industrial revolution. With classic American ingenuity and drive, our graduates have invented fundamental technologies, launched new industries and created millions of American jobs. Our history of national service stretches back to World War I; especially through the work of Lincoln Lab, we are engaged every day in keeping America safe. We embody the American passion for boldness, big ideas, hard work and hands-on problem-solving. Our students come to us from every faith, culture and background and from all fifty states. And, like other institutions rooted in science and engineering, we are proud that, for many of our students, MIT supplies their ladder to the middle class, and sometimes beyond. We are as American as the flag on the Moon.

At the same time, and without the slightest sense of contradiction, MIT is profoundly global. Like the United States, and thanks to the United States, MIT gains tremendous strength by being a magnet for talent from around the world. More than 40% of our faculty, 40% of our graduate students and 10% of our undergraduates are international. Faculty, students, post-docs and staff from 134 other nations join us here because they love our mission, our values and our community. And – as I have – a great many stay in this country for life, repaying the American promise of freedom with their energy and their ideas. Together, through teaching, research and innovation, MIT's magnificently global, absolutely American community pursues its mission of service to the nation and the world.

*What the moment demands of us*

The Executive Order on Friday appeared to me a stunning violation of our deepest American values, the values of a nation of immigrants: fairness, equality, openness, generosity, courage. The Statue of Liberty is the "Mother of Exiles"; how can we slam the door on desperate refugees? Religious liberty is a founding American value; how can our government discriminate against people of any religion? In a nation made rich by immigrants, why would we signal to the world that we no longer welcome new talent? In a nation of laws, how can we reject students and others who have established legal rights to be here? And if we accept this injustice, where will it end? Which group will be singled out for suspicion tomorrow?

On Sunday, many members of our campus community joined a protest in Boston to make plain their rejection of these policies and their support for our Muslim friends and colleagues. As an immigrant and the child of refugees, I join them, with deep feeling, in believing that the policies announced Friday tear at the very fabric of our society.

I encourage anyone who shares that view to work constructively to improve the situation. Institutionally, though we may not be vocal in every instance, you can be confident we are paying attention; as we strive to protect our community, sustain our mission and advance our shared values, we will speak and act when and where we judge we can be most effective.

Yet I would like us to think seriously about the fact that both within the MIT community and the nation at large, there are people of goodwill who see the measures in the Executive Order as a reasonable path to make the country safer. We would all like our nation to be safe. I am convinced that the Executive Order will make us less safe. Yet all of us, across the spectrum of opinion, are Americans.

In this heated moment, I urge every one of us to avoid with all our might the forces that are driving America into two camps. If we love America, and if we believe in America, we cannot allow those divisions to grow worse. We need to imagine a shared future together, if we hope to have one. I am certain our community can help work on this great problem, too, by starting right here at home.

Sincerely,  
L. Rafael Reif

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**Northeastern University**

*Embracing Our Global Community*  
January 28, 2017

To Members of the Northeastern Community:

On Friday evening, the President of the United States signed an executive order that restricts people from seven specific countries from entering the United States. Due to the global nature of the Northeastern community, this executive order could disrupt the lives of many students, faculty, and staff.

While this situation is fluid and uncertain, let us be certain about our commitment to each other. Let us strengthen our resolve to be a welcoming community that embraces the immeasurable benefits of diversity and inclusion. All in our community—especially those who feel vulnerable as a result of this new paradigm—should feel safe and secure at Northeastern. We, the leadership of the university, stand with you and will pursue every means available to safeguard each of you—students, faculty, and staff.

In anticipation of this action, we have already reached out to students and others we believe may be adversely affected. Our Office of Global Services stands ready to assist anyone in need of assistance and support ([ogs@northeastern.edu](mailto:ogs@northeastern.edu) or 617-373-2310). Other departments such as WeCare ([wecare@northeastern.edu](mailto:wecare@northeastern.edu)) and our Office of General Counsel (617-373-2157) are also available.

In times of distressing change and uncertainty, it is tempting to retreat to base emotions such as anger and fear. Let us transcend these impulses and continue to serve as a model for society. By finding strength in each other, we can turn this difficult time into an opportunity. We can show the world what a truly global, pluralistic, and inclusive community can be.

Sincerely,

Joseph E. Aoun, President  
Michael Armini, Senior Vice President for External Affairs  
James C. Bean, Provost and Senior Vice President for Academic Affairs  
James Hackney, Chief of Staff and Senior Strategy Advisor to the President  
Diane MacGillivray, Senior Vice President for University Advancement  
Philomena Mantella, Senior Vice President and CEO of the Professional Advancement Network  
Ralph C. Martin II, Senior Vice President and General Counsel  
Thomas Nedell, Senior Vice President and Treasurer

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**Trustees of Tufts College (“Tufts University”)**

*Supporting and Protecting the International Members of Our Community*  
January 29, 2017

Dear Members of the Tufts Community:

On Friday, President Trump signed an Executive Order restricting immigration into the United States by citizens of the following seven countries—Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen. The restrictions will be in place for at least the next 90 days.

We are deeply concerned about the impact of this Executive Order. We take great pride in the global nature of our community and have always embraced and valued our international members from around the world. They are our colleagues and friends. Our community and the world are better places because of what we learn and create together. Let me assure you that will not change. We remain committed to protecting the international members of our Tufts community, regardless of national origin, religion or citizenship status. Treating all members of our community with respect is a fundamental principle of our university. Now more than ever we must adhere to that core value.

Information about this new order is very fluid but, for now, we are recommending that any members of our international community from these seven countries avoid any travel outside the United States out of concern that they may not be able to return. We are also gathering information about international members of our community who may be out of the country and facing difficulty re-entering the United States. We will also provide legal assistance to any member of our community to advise them of their legal rights.

As we have stated previously in support of our undocumented and DACA students, we will not provide information or assist in the enforcement of immigration laws except as mandated by a subpoena, warrant, or court order. We will continue to cooperate with law enforcement investigations into serious criminal activity or threats to public safety or security.

If you have questions about how this order may affect you or any members of our community or academic programs please contact Diana Chigas, Associate Provost and Senior International Officer, who is working with the University Counsel to respond to questions. We will continue to monitor developments closely.

These are unsettling times and emotions are understandably running very high. I ask everyone in our community to reach out to those students and colleagues who may be impacted by the order to offer your support. Let us show the strength of our caring community, where people from all walks of life and many corners of the world are treated with the dignity and respect they deserve.

Best wishes,  
Tony Monaco

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### **Worcester Polytechnic Institute**

*Statement by President Laurie Leshin*

Dear WPI Community:

I am writing to share information and thoughts on the recent Executive Order barring refugees and immigrants from seven specific countries from entering the United States. Let me state clearly, this Executive Order is in direct conflict with the inclusive values of Worcester Polytechnic Institute.

I know that many in our community are feeling uncertain and vulnerable. I want to stress to you that WPI greatly values each of our students, faculty, and staff—no matter their race, religion, or country of origin—and we remain fully committed to fostering and defending an inclusive environment in which all are able to do their best work. As a university with a significant and growing global presence and impact, WPI is home to students and faculty who actively use their knowledge, skills, and training to address challenges around the world. The capabilities and perspective of students and faculty from different countries and cultures is critical to our success.

By now many of us have heard stories of professors, students, and researchers from the impacted countries who were traveling abroad when the ban was enacted and are now unsure about their ability to reenter the United States. Currently, we are aware of one WPI graduate student and one postdoctoral fellow immediately impacted by the Executive Order, and we are doing all we can to support their rightful return to their studies and work here. In addition, we will provide guidance to our students, faculty and staff who may be impacted in the future by this action.

This is a dynamic situation with many legal challenges taking place across the country. Please be assured that we are following the developments closely and will communicate with and assist affected individuals as the situation unfolds. Until there is greater clarity about the legality of the Executive Order and all of its ramifications, we strongly advise students, faculty, and scholars from the affected nations, regardless of immigration status, to reconsider travel plans outside the

US. Those in need of specific advice can reach out to the International Students and Scholars Office or to our General Counsel, David Bunis.

This is a time of increased stress and uncertainty for many in our community, even those who are not directly impacted by this specific Executive Order. Please do not hesitate to take advantage of the helpful resources here on campus. For students, I urge you to contact Counseling Services if you need support. Faculty and staff members should use the Employee Assistance Program.

**Recognizing that members of the community may wish to come together to talk about this situation, we will have an open forum this evening at 4:30 PM in the Rubin Campus Center Odeum. We welcome your participation.**

Finally, please continue to act with understanding and compassion towards one another. I was at a professional conference last week where many college and university leaders voiced heightened concern that the core values shared across higher education are under significant threat. Be assured that we will continue to stand up for free inquiry and expression, inclusive excellence, and evidence-based reasoning—all of which are fundamental to WPI's past success and future promise.

Thank you for your support,

-Laurie