

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

| | | |
|---------------------------------------|---|------------------------------|
| TAREQ AQEL MOHAMMED AZIZ, et al., |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Civil Action No. 1:17-cv-116 |
| |) | |
| DONALD TRUMP, President of the United |) | |
| States, et al., |) | |
| |) | |
| Respondents. |) | |

DECLARATION OF W. TAYLOR REVELEY III

I, W. Taylor Reveley III, declare that the following facts are true to the best of my knowledge, information and belief:

1. I am president of the College of William & Mary (“William & Mary” or “the university”), and have served in that capacity since September 2008. I had previously served as interim president of the university for six months, and as dean of William & Mary Law School for a decade. Before joining William & Mary, I practiced law at Hunton & Williams LLP for almost three decades, including nine years as the firm’s managing partner. My academic expertise focuses on the constitutional division of the war powers between the President and Congress.

2. I am also the current Chair of the Council of Presidents, a group consisting of the presidents and chancellors of Virginia’s 14 publicly supported universities and colleges and 23 community colleges. As a member of that group for the past eight years, and now as its chair, I am keenly aware of the challenges and opportunities facing Virginia’s public institutions of higher education, including the competition for talented students and faculty, the

internationalization of the university experience, the importance of diversity on campus, and the financial realities of public education.

3. I am familiar with the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States,” signed by President Trump on January 27, 2017 (the “Executive Order”).

4. I am deeply concerned about the disruptive impact that the Executive Order has had, is having, and will have on William & Mary and Virginia’s other public universities and colleges. I am primarily concerned for three reasons.

5. First, the Executive Order imposes severe limitations on the travel of students and faculty at Virginia institutions who are from the countries covered by the Executive Order. Based on what I have learned from other university presidents and representatives, we believe that the affected graduate and undergraduate students number in the hundreds, including more than 350 at just Virginia Commonwealth University, Virginia Tech, George Mason University, the University of Virginia, and William & Mary. There are numerous other affected students in Virginia’s other public universities and community colleges, as well as dozens of affected employees and faculty.

6. The impact of the Executive Order has fallen most dramatically on the students who were abroad when the Executive Order was issued and who have now been denied reentry to the United States. I am aware of two students at Virginia schools who have been prevented from returning to the United States to resume their studies: an Iranian doctoral student who had been approved and cleared for a visa to return to the United States to defend his dissertation, but who was blocked from doing so by the Executive Order; and a Libyan undergraduate who was

traveling for family reasons and was prevented from boarding a plane from Istanbul back to the United States and remains stranded in Turkey.

7. Many other affected students must refrain from leaving the United States for fear of not being able to return. Many universities are advising their affected students and scholars not to travel abroad at all. Even if reentry were ultimately possible for foreign students who leave the country, I am concerned that the Executive Order's suspension of the Visa Interview Waiver Program will greatly prolong visa approval wait times, making travel more difficult and unpredictable. Not only will affected students and faculty not be able to travel home to see their families, they may also have to forfeit research opportunities and projects abroad. For instance, I have learned that some Iranian-born faculty and students at a Virginia university (some of whom are naturalized citizens and have given up their Iranian citizenship) have already canceled their plans to present their work at an international conference on engineering because of the Executive Order.

8. If the Executive Order is not enjoined until its requirements and constitutionality can be clarified, I am concerned that our universities will not be able to attract some of the academic talent that enriches our campuses – both faculty and students alike. Foreign-born faculty who are here on visas typically have specialized expertise that cannot easily be replaced. University hospitals and other facilities also compete for talented medical professionals, including foreign-born doctors and residents. With a national deadline approaching in mid-February for medical school graduates to “match” with academic hospitals, it is possible that they will lose excellent candidates as a result of the Executive Order, and may end up with understaffed clinical programs serving our communities.

9. Virginia universities have already felt the effect of the Executive Order on visiting scholars. For instance, in the coming weeks one university was expecting three foreign scholars from one of the affected countries. Despite having valid J-1 visas, and having visited the United States previously, they have abandoned their plans in light of the Executive Order. At another university, two other visiting scholars with J-1 visas who were scheduled to be here for the spring semester have canceled their plans.

10. Bringing international students to campus is a key aspect of efforts to make our universities global in caliber and perspective. William & Mary, for instance, has been recognized by NAFSA: Association of International Educators for its commitment to international education. More than 800 international students and scholars from over 65 countries came to William & Mary in 2016. The limitations imposed by the Executive Order threaten to undo some of the progress we, and other public universities in Virginia, have made in this area.

11. Second, I am concerned about the financial impact that the Executive Order will have on Virginia's public institutions of higher learning, whose budgets are already strained. We depend on tuition dollars from out-of-state and out-of-country students, so the loss of revenue – whether due to an affected student's decision to withdraw in light of the travel restrictions, or the inability even to reenter the country – could have an effect. For instance, the two students stranded abroad may be forced to withdraw from their programs if they are not allowed to reenter. At other schools, I am aware that two Sudanese applicants have had to abandon plans to enroll in language programs here, and that a handful of Iranian students have withdrawn applications to engineering programs. While I expect to learn of other specific examples, the amount of lost tuition revenue as a result of the Executive Order is not quantifiable, given that

many foreign students may not apply to Virginia schools in the first place due to uncertainty about the reach of the Executive Order.

12. Continued enforcement of the Executive Order may also jeopardize some of the grants and contracts that fund the research conducted at William & Mary and Virginia's other research universities. Because State support for higher education is dependent on sometimes unstable economic conditions, we increasingly look to grants (as one of a number of revenue streams) to sustain ongoing research and programs that fund the work not only of faculty but also graduate students. William & Mary and other schools will need to investigate and confront the Executive Order's ramifications on these programs. But many administrators are concerned that restrictions on some scholars' ability to travel will cause a gradual but significant decline in research collaborations and funding. I fear that will further erode public universities' ability to attract compelling talent to our universities.

13. On a related note, I am also conscious of the financial impact that foreign students bring to our local and State economies, not just during their periods of study but after graduation. Many foreign students remain here following graduation, sometimes in Optional Practical Training programs, working in (and even starting) businesses, as well as in academia. One notable foreign student who continues to contribute to Virginia's economy is my colleague Ángel Cabrera, the president of George Mason University, the largest public university in Virginia. The Executive Order risks our ability to retain foreign students' talents and expertise, both in the short run as well as long term.

14. Finally, there is the anxiety, confusion, and distress the Executive Order has caused in university communities. Affected faculty and students are unsure whether they should take the trips they had planned to visit family and fulfill research obligations, whether future trips

should be planned, and whether members of their family or research partners will be able to visit the United States. Their concern is heightened by the potential that the list of countries covered by the Executive Order will grow to include other Middle Eastern or majority-Muslim countries. Indeed, since the Executive Order was issued, some universities have experienced an uptick in students, employees, and faculty using their counseling services. The cost of providing these additional services is another financial impact.

15. There is also anxiety among administrators that the Executive Order will undermine the safety of our many American students studying abroad. William & Mary alone sends more than 750 undergraduates abroad each year, to over 50 countries; about half of our college students study abroad by the time they graduate. Other Virginia schools also have active study-abroad programs, and Virginia Commonwealth University has an entire campus in Qatar that hosts exchange programs with students in the United States. Concern exists that the Executive Order, by barring certain foreign students and scholars from entering the United States, will inflame anti-American sentiment and jeopardize not only our relationships with programs in host countries but also the safety of our students studying abroad. I am aware of several universities that are reviewing their study-abroad programs in light of this concern.

16. Although the concerns described above are the primary ones that I and other leaders in the university community are facing, I emphasize that they are not the only ones. Daily we discover ways, large and small, in which the Executive Order is disrupting our operations. The amount of administrators' time and attention that must be devoted to addressing these issues, instead of to other productive uses, is a final negative consequence of the Executive Order.

Pursuant to 28 U.S.C. § 1746, I, W. Taylor Reveley III, declare under the penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2017.


W. TAYLOR REVELEY III