

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, et. al.

Defendants.

No. 25-cv-11472

**BRIEF OF THE COMMONWEALTH OF MASSACHUSETTS
AS AMICUS CURIAE IN SUPPORT OF HARVARD'S MOTION FOR PRELIMINARY
RELIEF**

(Leave to file granted on May 28, 2025)

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CONSTITUTIONAL PROVISIONS

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-------------------------------------	---

MISCELLANEOUS

Aidan Enright, et al., <i>International Students: Poorly Suited Immigration Pathways Stymie Formation of High Growth Businesses</i> , Pioneer Institute, (July 2024), https://files.eric.ed.gov/fulltext/ED656349.pdf	11
---	----

Adrian Florido, <i>Government says – for now – it will restore international students’ status</i> , NPR (Apr. 25, 2025), https://www.npr.org/2025/04/25/nx-sl-5377610/government-says-for-now-it-will-restore-international-students-status	8
American Immigration Council, <i>Immigrants in Massachusetts</i> , https://map.americanimmigrationcouncil.org/locations/massachusetts/	11
Brooke Hauser and Samantha J. Gross, <i>Why are so many students in Mass. losing their visas? The answer lies in a little-known database</i> , The Boston Globe (Apr. 15, 2025), https://www.bostonglobe.com/2025/04/15/metro/student-visa-ice-higher-education	7
Collin Binkley, Annie Ma, and Makiya Seminera, <i>Colleges say the Trump administration is using new tactics to expel international students</i>	7
Department of Homeland Security, <i>SEVIS Help HUB: Effects of Termination</i> , STUDY IN THE STATES, available at https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student	7
Filip Timotija, <i>Noem: Harvard international students ban a ‘warning’ to other universities</i> , THE HILL (May 23, 2025), https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/	14
<i>Harvard in Massachusetts: Facts & Impact</i> (2020), https://community.harvard.edu/files/comm/files/2020_facts_impact_a.pdf	9
Harvard Office of Technology Development, <i>Harvard Startups</i> , https://otd.harvard.edu/impact/harvard-startups/ (last visited May 27, 2025).	9
Hilary Burns, et. al, <i>Healey sounds alarm over foreign recruiting of Mass. scientists</i> , The Boston Globe (Mar. 20, 2025), https://www.bostonglobe.com/2025/03/19/metro/china-foreign-governments-recruit-massachusetts-scientists-trump-cuts/	13
Judit Kende, et al., <i>Social and institutional inclusion in multi-ethnic schools enable better intergroup relations for majority youth and higher school achievement for minority youth</i> , 103 INT’L J. OF INTERCULTURAL RELS. (Nov. 2024), https://www.sciencedirect.com/science/article/pii/S0147176724001573	10
Kayla Epstein, <i>Trump administration ends Harvard’s ability to enroll international students</i> BBC News (May 22, 2025), https://www.bbc.com/news/articles/c05768jmm11o	3
Liam Knox, <i>International Enrollment’s Precarious Moment</i> , Inside Higher Ed (Mar. 19, 2025), https://www.insidehighered.com/news/global/international-studentsus/2025/03/19/colleges-fear-decline-international-student	17

- Michael T. Nietzel, *Has the Brain Drain From U.S. Universities Already Begun?*, Forbes (Mar. 31, 2025), <https://www.forbes.com/sites/michaelnietzel/2025/03/31/has-the-brain-drain-from-us-universities-already-begun/> 13
- Mike Damiano, *Trump administration tells federal agencies: Stop doing business with Harvard*, The Boston Globe (May 27, 2025), <https://www.bostonglobe.com/2025/05/27/metro/trump-harvard-funding-contracts-cuts/> 12
- Miri Yemini, *Bridging Borders: Toward Equity in International Research Collaborations*, NAFSA (Nov./Dec. 2024), <https://www.nafsa.org/professional-resources/research-and-trends/trends-insights/bridging-borders-novdec24> 17
- NAFSA: Association of International Educators, *NAFSA International Student Economic Value Tool* (2023-24), <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2> (last visited May 27, 2025). 10
- Nate Raymond, et al., *Trump Administration Blocks Harvard From Enrolling Foreign Students, Threatens Broader Crackdown*, REUTERS (May 23, 2025), <https://www.reuters.com/world/us/trump-blocks-harvards-ability-enroll-international-students-nyt-reports-2025-05-22/> 13
- Nate Raymond, *Detained Russian-born Harvard scientist criminally charged with smuggling*, REUTERS (May 14, 2025), <https://www.reuters.com/world/us/detained-russian-born-harvard-scientist-criminally-charged-with-smuggling-2025-05-14/> 6
- New American Economy, *The Contributions of New Americans in Massachusetts* 7 (Aug. 2016), <https://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf> 11
- Paul N'Dri Konan, et al., *Cultural Diversity in the Classroom and its Effects on Academic Performance: A Cross-National Perspective*, 41 Soc. Psych. (2010) 10
- Russian National Charged with Smuggling Biological Material Into Boston*, U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF MASSACHUSETTS (May 14, 2025), <https://www.justice.gov/usao-ma/pr/russian-national-charged-smuggling-biological-material-boston> 6
- Shelley Murphy and Giulia McDonnell Nieto del Rio, *'It's scary': International students who fear deportation preemptively seek help from the courts*, The Boston Globe (Apr. 23, 2025), <https://www.bostonglobe.com/2025/04/23/metro/judges-ice-international-students> 7
- UMass Amherst, *Global Partnerships*, <https://www.umass.edu/global-affairs/global-partnerships> (last visited Apr. 10, 2025) 11

INTRODUCTION AND INTERESTS OF AMICUS

The Commonwealth of Massachusetts submits this brief in support of the President and Fellows of Harvard College’s (Harvard) Motion for a Preliminary Injunction. Since its founding in 1636, Harvard has been integral to the fabric and community of the Commonwealth of Massachusetts by providing education, conducting world-class research, and sparking innovation. Indeed, our state constitution has imposed a duty on the Commonwealth to protect and “cherish the interests of literature and the sciences, and all seminaries of them; especially the [Harvard] university at Cambridge,” because the “[w]isdom[] and knowledge” imparted by such institutions is “necessary for the preservation of . . . rights and liberties” during “all future periods of this [C]ommonwealth.” Mass. Const. Pt. II, c. 5, § 2.

The Commonwealth benefits culturally, economically, and socially from each student who attends Harvard, including international students. Accordingly, the Commonwealth supports Harvard in this litigation because the Trump Administration’s unlawful policies have upended Harvard’s ability enroll, educate, and employ international students. Without justification, the Trump Administration has revoked Harvard’s certification to the Student and Exchange Visitor Program (SEVP). This abrupt revocation has thrown the academic futures of countless international students into turmoil and directly impacts the operation of higher education systems within the Commonwealth—for example, currently enrolled international students at Harvard were told to immediately transfer colleges or risk losing their lawful immigration status.

The SEVP revocation prevents international students and academics from completing their studies at Harvard—and potentially strips them of their lawful immigration status—and threatens the Commonwealth’s academic institutions, economic prosperity, and global leadership in education and scientific innovation. The impact of this revocation extends far beyond Harvard. International students make considerable economic contributions to the Commonwealth, but their

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

International students are vital contributors to all higher education institutions in the Commonwealth and to the state's economy. International students create concrete financial benefits to the Commonwealth; but even beyond their financial impact, international students perform essential job functions, including on-campus in research laboratories, teaching positions, and campus support services, that cannot be readily backfilled. International students constitute a significant portion of graduate researchers in STEM fields, driving innovation that benefits both academic institutions and the broader economy. By forcing international students to transfer out of Harvard, and potentially out of the Commonwealth and the United States altogether, the Trump Administration's actions will irreparably harm the Commonwealth's academic institutions and economic health.

Moreover, the Trump Administration's revocation of Harvard's SEVP certification is just the latest act in its campaign of targeting international students and institutions with policies or viewpoints with which the Administration disagrees. One international student aptly described what it feels like to be at Harvard right now: "International students are being used as poker chips

in a battle between the White House and Harvard. It's incredibly dehumanising.”¹ The student continued: “We came here because of what America stands for: freedom of speech, academic freedom, a vibrant intellectual community, and now Trump is threatening all those values.”² Massachusetts, however, continues to proudly stand for these values and submits this brief to urge the Court to restore Harvard's SEVP certification.

ARGUMENT

To obtain a preliminary injunction, Harvard must demonstrate a likelihood of success on the merits, a likelihood of irreparable harm in the absence of relief, that the balance of equities is in its favor, and that injunctive relief serves the public interest. *Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.*, 794 F.3d 168, 171 (1st Cir. 2015). Massachusetts supports Harvard's arguments on all four elements but writes here to highlight two essential points.

First, the Trump Administration has relentlessly targeted Harvard through grant terminations worth billions of dollars and threats to remove Harvard's non-profit status, but this SEVP revocation must also be viewed through the wider lens of the Trump Administration's policy of wielding immigration-related enforcement against students, academics, and schools as punishment for expressing disagreement with the Administration's policies. *Second*, the retaliatory revocation will inflict irreparable harm on (1) Massachusetts—because international students are a benefit to the Massachusetts economy, society, and discourse; (2) Massachusetts institutions of higher education who fear threats by the Trump Administration for future SEVP

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

² *Id.*

revocations and who bear the weight of the administrative burdens to prepare and advise students in uncertain and chaotic times; and (3) the very notion of academic freedom.

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

The revocation of Harvard’s SEVP certification is just the latest escalation of the Trump Administration’s systematic targeting of individuals and institutions with whose policies the Administration disagrees. The cost of the SEVP revocation will be felt by Harvard, of course, but the direct human toll will hit thousands upon thousands of international students who will have their lives and educations upended by this sudden, unlawful, and retaliatory action. Sadly, this is nothing new for this Administration. The Administration has spent its first few months wielding immigration enforcement against students and academics as punishment for those who have exercised their First Amendment rights to express ideas with which the administration disagrees or whose minor offenses should not incur immigration consequences. For example, while Secretary of State Marco Rubio confirmed that “[w]henEVER the government catches non-U.S. citizens breaking our laws, we will take action to revoke their status,”³ the Trump Administration has not confined its actions to those who violate the law. In Secretary Rubio’s words, its policy “extends to the thousands of foreign students studying in the United States who abuse our hospitality.”⁴ The position of the Trump Administration is that even visa-holders who do not break the law but instead “abuse[] our hospitality”—language that is inherently vague and subjective—

³ Secretary of State Maro Rubio, *100 Days of an America First State Department*, U.S. DEPARTMENT OF STATE (Apr. 30, 2025), https://statedept.substack.com/p/100-days-of-an-america-first-state-department?utm_campaign=post&utm_medium=web&triedRedirect=true.

⁴ *Id.*

would nonetheless find that “their visas are instantly revoked.”⁵ The Administration has moved aggressively to recast lawful behavior, or mere association with institutions like Harvard, as the sort of “abuse” to be punished.

In Massachusetts alone (as elsewhere), noncitizen students and academics at our colleges and universities have experienced unlawful and devastating immigration consequences under the Trump Administration’s punitive policies. As just one example, on March 25, plain-clothes ICE agents in Somerville, Massachusetts surrounded Rümeyşa Öztürk—an international Ph.D. student at Tufts University—and took her into immigration custody, apparently for co-authoring an op-ed in the school newspaper.⁶ *Ozturk v. Trump*, -- F. Supp. 3d.--, 2025 WL 1009445, at *1-4 (D. Mass. Apr. 4, 2025). Ms. Öztürk, like other students across the country, was subjected to prolonged immigration detention as part of the Trump Administration’s effort to use immigration laws to punish noncitizen students associated with pro-Palestinian beliefs. *See id.* at *4 (“Ozturk’s case is one of several cases in which the Trump Administration has implemented these Executive Orders by revoking the immigration status of non-citizens who expressed support for Palestine.”).

The Administration has also directly targeted Harvard students. For example, in February, Kseniia Petrova—a Russian national, resident of Massachusetts, and researcher at Harvard—was detained and held in immigration detention for months in Louisiana for a customs violation: failing to declare, at Boston’s Logan airport, non-toxic frog embryos that Ms. Petrova was transporting

⁵ *Id.*

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

for research purposes at the request of her supervisor. *Doe v. U.S. Dept of Homeland Security, et al.*, 2:25-cv-00240 (D. Vt), Dkt. 1, ¶¶ 35-36, 39-40. Rather than issue a fine or penalty—as applicable regulations dictate for proceeding through customs without properly declaring items—Customs and Border Patrol disregarded standard practice and instead purported to cancel Ms. Petrova’s visa. *Id.* ¶ 40. With her visa suddenly cancelled, Ms. Petrova was found to be inadmissible and was placed in immigration detention in Louisiana. *Id.* ¶ 49; Dkt. No. 24 at 3-5. She remained there for months—until recently, when again the Administration escalated its punitive and cruel measures. Within hours after a judge heard argument in Ms. Petrova’s habeas action and set a bail hearing, the government charged Ms. Petrova criminally with smuggling. *United States v. Kseniia Petrova*, 1:25-mj-05150 (D. Mass).⁷ The charge of smuggling goods into the United States provides for a sentence of up to 20 years in prison, a term of up to five years of supervised release, and a fine of up to \$250,000.⁸ 18 U.S.C. § 545. This punitive and disproportionate response starkly illustrates the Administration’s willingness to weaponize both immigration and criminal enforcement against international academics.

The Trump Administration has targeted international students in other ways too, including by wielding the SEVP program as a weapon against students (before now turning it against the schools). Schools in Massachusetts (and across the country) recently found that the Trump Administration had arbitrarily and unlawfully terminated the Student and Exchange Visitor Information System (SEVIS) records of numerous international students without warning or

⁷ Nate Raymond, *Detained Russian-born Harvard scientist criminally charged with smuggling*, REUTERS (May 14, 2025), <https://www.reuters.com/world/us/detained-russian-born-harvard-scientist-criminally-charged-with-smuggling-2025-05-14/>

⁸ *Russian National Charged with Smuggling Biological Material Into Boston*, U.S. ATTORNEY’S OFFICE FOR THE DISTRICT OF MASSACHUSETTS (May 14, 2025), <https://www.justice.gov/usao-ma/pr/russian-national-charged-smuggling-biological-material-boston>.

notice.⁹ SEVIS is the interactive online database ICE uses to administer the SEVP and track the status of nonimmigrant students participating in the program. *See* 8 C.F.R. § 214.3(g). Under longstanding agency policy and practice, the termination of a SEVIS record imposed direct and immediate adverse administrative consequences for schools and students, including but not limited to the inability to re-enter the country, loss of employment authorizations, and in some cases, a requirement that the impacted student leave the country.¹⁰ Understandably, the mass-termination of SEVIS records without explanation caused panic and confusion as schools and students struggled to understand the rationale and consequences of the terminations.¹¹ One former trial attorney for the Justice Department described the SEVIS terminations as “an attack on students” and described an effort by the current administration “to tag anyone they don’t like as a criminal alien.”¹² The Trump Administration had no lawful basis for the mass termination of international students’ SEVIS records, which triggered a tsunami of litigation from affected students that resulted in preliminary relief.¹³ Unable to defend its actions in court, the Trump Administration

⁹ Brooke Hauser and Samantha J. Gross, *Why are so many students in Mass. losing their visas? The answer lies in a little-known database*, THE BOSTON GLOBE (Apr. 15, 2025), <https://www.bostonglobe.com/2025/04/15/metro/student-visa-ice-higher-education>; Collin Binkley, Annie Ma, and Makiya Seminera, *Colleges say the Trump administration is using new tactics to expel international students*, THE BOSTON GLOBE (April 4, 2025), <https://www.bostonglobe.com/2025/04/04/nation/trump-administration-tactics-expel-international-students/>.

¹⁰ *See, e.g.*, Department of Homeland Security, *SEVIS Help HUB: Effects of Termination*, STUDY IN THE STATES, available at <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student> (last visited May 27, 2025).

¹¹ Shelley Murphy and Giulia McDonnell Nieto del Rio, *‘It’s scary’: International students who fear deportation preemptively seek help from the courts*, THE BOSTON GLOBE (Apr. 23, 2025), <https://www.bostonglobe.com/2025/04/23/metro/judges-ice-international-students>.

¹² *Id.*

¹³ *See, e.g.*, *Madan B. K. v. Noem*, 1:25-cv-419, 2025 WL 1171572 (W.D. Mich. Apr. 23, 2025); *W.B. v. Noem*, 25-cv-03407-EMC, 2025 WL 1180296 (N.D. Cal. Apr. 23, 2025); *Alduaij v. Noem*,

opted to reinstate most of the terminated SEVIS records.¹⁴

The Trump Administration’s policy of punitive immigration enforcement—whether through seizing and detaining students whose political views it disagrees with, like Ms. Öztürk; detaining academics who fail to declare nontoxic substances, like Ms. Petrova; or effecting mass-terminations of student records, which the administration could not even defend—is unlawful and creates an atmosphere of fear amongst all immigrants, including students and academics, in Massachusetts.

B. The SEVP Revocation Will Inflict Irreparable Harm

The harm inflicted on Harvard, *see* Dkt. 9 at 46-48, directly impacts the Commonwealth because Harvard serves as a major economic driver, hub of innovation, and leading global institution that attracts talent and investment to Massachusetts. Harvard’s presence significantly

2:25-cv-00538, 2025 WL 1180743 (W.D. Pa. Apr. 23, 2025); *Vyas v. Noem*, 3:25-0261, 2025 WL 1184118 (S.D.W. Va. Apr. 23, 2025); *Yang v. Noem*, 25-cv-292-wmc, 2025 WL 1166521 (W.D. Wis. Apr. 22, 2025); *Shaik v. Noem*, 25-1584, 2025 WL 1170447 (D. Minn. Apr. 22, 2025); *Doe v. Noem*, 3:25-cv-00023, 2025 WL 1161386 (W.D. Va. Apr. 21, 2025); *Chen v. Noem*, 1:25-cv-00733-TWP-MG, 2025 WL 1163653 (S.D. Ind. Apr. 21, 2025); *Patel v. Bondi*, 1:25-cv-00103, 2025 WL 1158708 (W.D. Pa. Apr. 21, 2025); *Ajugwe v. Noem*, 8:25-cv-982-MSS-AEP, 2025 WL 1148689 (M.D. Fla. Apr. 18, 2025); *Oruganti v. Noem*, 2:25-cv-00409-ALM-EPD, 2025 WL 1144560 (S.D. Ohio Apr. 18, 2025); *Daou v. Noem*, 8:25-cv-976-MSS-AEP, 2025 WL 1148687 (M.D. Fla. Apr. 18, 2025); *Saxena v. Noem*, 5:25-CV-05035-KES, 2025 WL 1149498 (D.S.D. Apr. 18, 2025); *Ariwoola v. Noem*, 3:25-cv-03313-JDA, 2025 WL 1148491 (D.S.C. Apr. 18, 2025); *Doe I v. Bondi*, 1:25-cv-01998-VMC, 2025 WL 1188469 (N.D. Ga. Apr. 18, 2025); *Doe v. Noem*, 2:25-cv-01103-DAD-AC, 2025 WL 1134977 (E.D. Cal. Apr. 17, 2025); *Doe v. Noem*, 2:25-cv-00633-DGE, 2025 WL 1141279 (W.D. Wash. Apr. 17, 2025); *Patel v. Bondi*, 1:25-CV-00101, 2025 WL 1134875 (W.D. Pa. Apr. 17, 2025); *Roe v. Noem*, CV 25-40-BU-DLC, 2025 WL 1114694 (D. Mont. Apr. 15, 2025); *Isserdasani v. Noem*, 25-cv-283-wmc, 2025 WL 1118626 (W.D. Wis. Apr. 15, 2025); *Ratsantiboon v. Noem*, 25-CV-01315, 2025 WL 1118645 (D. Minn. Apr. 15, 2025); *Hinge v. Lyons*, 25-1087, 2025 WL 1134966 (D.D.C. Apr. 15, 2025); *Liu v. Noem*, 25-cv-133-SE, 2025 WL 1189760 (D.N.H. Apr. 10, 2025).

¹⁴ Adrian Florido, *Government says – for now – it will restore international students’ status*, NPR (Apr. 25, 2025), <https://www.npr.org/2025/04/25/nx-s1-5377610/government-says-for-now-it-will-restore-international-students-status>.

contributes to the Commonwealth's economy in myriad ways, including through employment, research funding, and tourism.¹⁵ Indeed, Harvard is the fourth largest employer in Massachusetts.¹⁶ Its groundbreaking research initiatives drive technological advances, medical breakthroughs, and scientific discoveries that directly benefit Massachusetts businesses, healthcare institutions, and the broader community.¹⁷ Further, Harvard attracts talented individuals who often remain in Massachusetts after they leave school, enhancing the state's workforce, starting new businesses, and contributing to local communities. Harvard-affiliated startups and ventures bolster Massachusetts' thriving technology, biotechnology, and healthcare sectors.¹⁸ And Harvard is a significant contributor to Massachusetts' reputation as an international educational leader—helping attract students and academics from around the globe. Thus, any harm to Harvard's ability to attract and retain top global talent translates directly into tangible and lasting harm on the Commonwealth.

1. The Commonwealth Benefits From International Students Attending Colleges and Universities and Will Suffer Irreparable Harm From the SEVP Revocation

The Trump administration's revocation of Harvard's SEVP certification—its latest effort to target Harvard for its so-called “anti-American” values—severely disrupts the lives of thousands of international students who will lose their ability to attend the school. Currently enrolled

¹⁵ See, e.g., *Harvard in Massachusetts: Facts & Impact* (2020), https://community.harvard.edu/files/comm/files/2020_facts_impact_a.pdf.

¹⁶ Boston Business Journal, *Largest Employers in Massachusetts* (2023), <https://www.bizjournals.com/boston/subscriber-only/2023/08/10/largest-employers-in-massachusetts.html>.

¹⁷ *Id.*

¹⁸ See generally Harvard Office of Technology Development, *Harvard Startups*, <https://otd.harvard.edu/impact/harvard-startups/> (last visited May 27, 2025).

international students were told to transfer schools or face losing their lawful immigration status, creating abrupt disruption to their education, careers, and lives.

The negative effect on international students will reverberate beyond Harvard and will be felt throughout the Commonwealth. International students and academics contribute substantially to the economic, cultural, and intellectual vitality of the Commonwealth. They enrich campus life through their diverse perspectives and contributions to innovation and research advancements that help maintain the competitiveness and prestige of our colleges and universities. Their presence deepens relationships that create long-term advantages for the Commonwealth's economic development, cultural enrichment, and international standing. International students and academics also generate significant tax revenue, fill critical workforce gaps, and start businesses that create jobs.

International students are vital to the success of the Commonwealth's academic institutions. During the 2023 to 2024 school year, Massachusetts hosted 82,306 international students who supported more than 35,000 jobs and contributed approximately \$3.9 billion annually to the economy through tuition, living expenses, and related spending.¹⁹ These students and academics bring diverse perspectives that enhance the Commonwealth's educational environments, with international students and scholars fostering global awareness and cross-cultural understanding in classrooms and research settings.²⁰ These interactions expand students'

¹⁹ See NAFSA: Association of International Educators, *NAFSA International Student Economic Value Tool* (2023-24), <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2> (last visited May 27, 2025).

²⁰ Empirical research suggests that academic performance improves as the percentage of immigrant students increases. See Paul N'Dri Konan, et al., *Cultural Diversity in the Classroom and its Effects on Academic Performance: A Cross-National Perspective*, 41 SOC. PSYCH. 230-37 (2010). See also Judit Kende, et al., *Social and institutional inclusion in*

worldviews, build cultural empathy, and help develop them into global leaders. The Commonwealth's public colleges and universities are deeply committed to global engagement, partnering with international counterparts to facilitate research projects and academic programs all over the world.²¹ These programs reflect the reciprocal benefits conferred by foreign exchange: the Commonwealth gains economically, socially, and culturally from the presence of international students and academics while the international community benefits immensely by the knowledge-sharing and global problem-solving these exchanges allow.

International students and academics also bolster the Massachusetts economy, labor force, and local communities in several important ways. Immigrant-led households in Massachusetts, for example, earned over 15% of all income earned in the Commonwealth in 2014.²² “With those earnings, the state’s foreign-born households were able to contribute more than one in every seven dollars paid by Massachusetts residents in state and local tax revenues, payments that support important public services such as public schools and police.”²³ Immigrants make up a large portion of the Massachusetts labor force (21.9%) and a disproportionate share of the Commonwealth’s entrepreneurs (27%), STEM workers (29.3%), and health aides (38.6%).²⁴ Simply put, noncitizen

multi-ethnic schools enable better intergroup relations for majority youth and higher school achievement for minority youth, 103 INT’L J. OF INTERCULTURAL RELS. (Nov. 2024), <https://www.sciencedirect.com/science/article/pii/S0147176724001573>

²¹ See, e.g., University of Massachusetts Amherst, *Global Partnerships*, <https://www.umass.edu/global-affairs/global-partnerships> (last visited Apr. 10, 2025).

²² New American Economy, *The Contributions of New Americans in Massachusetts* 7 (Aug. 2016), <https://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-ma-report.pdf>.

²³ *Id.*

²⁴ American Immigration Council, *Immigrants in Massachusetts*, <https://map.americanimmigrationcouncil.org/locations/massachusetts/> (last visited May 27, 2025). See generally, Aidan Enright, et al., *International Students: Poorly Suited Immigration Pathways Stymie Formation of High Growth Businesses* 4, Pioneer Institute, (July 2024),

residents provide an enormous benefit to the Commonwealth's fiscal health and global competitiveness.

The Trump Administration's punitive immigration-related enforcement threatens those benefits by forcing international students to leave Harvard. International students who are being forced to transfer schools may have to leave the Commonwealth or be unable to continue their scholarship to the detriment of their peers and the larger academic landscape. The effect on prospective students is also dire. For those admitted to the upcoming academic year, international students face a calamitous choice of abandoning their education at one of the world's most renowned schools (and dream of attending Harvard, a school they likely worked their entire lives to gain admission) or leaving their world-class education vulnerable to the whims of an Administration intent on targeting and punishing Harvard.²⁵ And prospective students in the future likely will not want to chance traveling to the United States to attend college or university only to be told their school can no longer sponsor them. The SEVP revocation thus also threatens Harvard's ability to recruit and retain international talent as prospective students express concerns about visa stability, weakening institutional diversity and global competitiveness.

<https://files.eric.ed.gov/fulltext/ED656349.pdf> ("A significant body of research has found that immigrants are more likely to start businesses than those born in the U.S., and the propensity of international students to concentrate in STEM fields indicates enormous potential for economic contributions.").

²⁵ Indeed, just in the last day, the Trump Administration continued its attacks on Harvard by announcing it is canceling the remaining government contracts with Harvard, worth an estimated \$100 million. See Mike Damiano, *Trump administration tells federal agencies: Stop doing business with Harvard*, THE BOSTON GLOBE (May 27, 2025), <https://www.bostonglobe.com/2025/05/27/metro/trump-harvard-funding-contracts-cuts/> (describing the Trump Administration's directive to all federal agencies to terminate any existing contracts with Harvard).

The United States—and Massachusetts in particular given our world-class colleges and universities—is facing an impending brain drain as a result of the Trump Administration’s actions: in a recent survey of 690 postgraduate students, 548 had considered leaving the United States.²⁶ Other countries are already using this opportunity to recruit talented students and academics to study and work abroad rather than in Massachusetts.²⁷ For example, scientists in Massachusetts are already “receiving overtures” from countries in the Middle East, Europe, and China.²⁸ Massachusetts would be significantly harmed by the loss of top scientific talent and the resulting loss of competitive advantage in key subject areas, such as artificial intelligence, biomedical industries, and defense research.²⁹

2. The Commonwealth and Its Institutions of Higher Education Are Harmed By the Trump Administration’s Threats of Additional SEVP Revocations

Through Harvard’s SEVP revocation, the Trump Administration has threatened the Commonwealth’s communities, economy, and standing as a research hub and a leader in higher education. But the threat does not end there. Secretary Noem has made clear that the revocation at Harvard is just the beginning and warned other schools that the same fate could befall them.³⁰

²⁶ Michael T. Nietzel, *Has the Brain Drain From U.S. Universities Already Begun?*, FORBES (Mar. 31, 2025), <https://www.forbes.com/sites/michaelt Nietzel/2025/03/31/has-the-brain-drain-from-us-universities-already-begun/>.

²⁷ Hilary Burns, et al., *Healey sounds alarm over foreign recruiting of Mass. scientists*, THE BOSTON GLOBE (Mar. 20, 2025), <https://www.bostonglobe.com/2025/03/19/metro/china-foreign-governments-recruit-massachusetts-scientists-trump-cuts/>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Nate Raymond, et al., *Trump Administration Blocks Harvard From Enrolling Foreign Students, Threatens Broader Crackdown*, REUTERS (May 23, 2025), <https://www.reuters.com/world/us/trump-blocks-harvards-ability-enroll-international-students-nyt-reports-2025-05-22/>.

She publicly threatened similar revocations for other colleges and universities: “This should be a warning to every other university to get your act together. Get your act together, because we are coming to make sure that you are facilitating an environment where students can learn, where they’re safe and that they’re not discriminated against based on their race or their religion.”³¹ But rather than provide that safe environment, the Administration is punishing institutions precisely because they are committed to protecting their students and academic freedom. If this pattern continues, the consequences for higher education in Massachusetts will be far-reaching.

The Commonwealth is home to numerous public and private institutions of higher education and recognizes that SEVP termination for any of those schools would be devastating. For example, if a public school of higher education were to lose SEVP status, the loss of international students would result in the immediate loss of tuition revenues for the school. And students may transfer out of the United States or disenroll from school out of fear of the immigration consequences that might follow. These departing students would no longer pay tuition, housing, dining, and other fees, directly threatening the financial stability of a public institution. That loss would be particularly acute because international students pay higher tuition rates, which enhances public universities’ ability to serve lower-income in-state students by subsidizing reduced tuition rates for domestic students.

Indeed, administrative burdens have already increased at Massachusetts colleges and universities because of the Trump Administration’s actions with respect to the SEVP. Institutions are now actively monitoring individual student SEVIS records because the administration began

³¹ *Id.*; see also Filip Timotija, *Noem: Harvard international students ban a ‘warning’ to other universities*, THE HILL (May 23, 2025), <https://thehill.com/homenews/education/5315551-kristi-noem-harvard-university-ban-international-enrollment-warning/>.

abruptly terminating them without formal notification and then reversed course suddenly, again without notification. And now schools are on high alert regarding their own SEVP certifications. Institutions of higher education are spending significant time and effort attempting to provide proper guidance and support to international students, who rightly have many questions and fear for their ability to continue with their education. Individual institutions have likely spent hundreds of personnel hours attempting to navigate these issues—time that is taken away from managing the regular operations of a campus including, but not limited to, instruction.

3. The SEVP Revocation Harms Harvard’s Core Mission and Academic Freedom in the Commonwealth

The Commonwealth recognizes that the SEVP revocation is part of a continuum of punitive and retaliatory attacks against Harvard and higher education generally. Harvard’s ability to challenge these attacks is integral to the preservation of academic independence and integrity. If allowed to stand, the Commonwealth fears damage to every aspect of the academic ecosystem. As the Supreme Court has observed, “[s]cholarship cannot flourish in an atmosphere of suspicion and distrust” and to impose such an atmosphere “would imperil the future of our Nation.” *See Sweezy v. N.H. ex rel. Wyman*, 354 U.S. 234, 250 (1957). “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us.” *Keyishian v. Bd. of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

Both Harvard and the Commonwealth are harmed when international students and academics are targeted due to punitive and retaliatory motives. At the individual level, classroom discussions become artificially constrained as international participants either stop attending altogether or self-censor to avoid expressing perspectives on issues that might be deemed controversial, especially on topics of public interest and import. “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding;

otherwise our civilization will stagnate and die.” *Sweezy*, 354 U.S. at 250. In fact, speech on topics of public interest enjoys greater constitutional protection, not less. *See Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (“[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.” (citation omitted)). That heightened protection is most necessary in the classroom, where students must challenge one another’s assumptions, broaden one another’s perspectives, and ultimately educate one another through the collision of diverse viewpoints. That is why the First Amendment simply “does not tolerate laws that cast a pall of orthodoxy over the classroom” because “[t]he classroom is peculiarly the ‘marketplace of ideas.’” *Keyishian*, 385 U.S. at 603.

At the institutional level, as a direct result of losing international students, Harvard faces multifaceted harm to its academic programs, research initiatives, extracurricular activities, teaching responsibilities, and overall institutional mission. This includes disruption to essential research and teaching activities when international students working in vital academic positions, including curriculum-related training and practical training programs, must abruptly depart. Securing qualified replacements will be difficult (or impossible) in the timeframe required to maintain research continuity and grant funding.³²

Moreover, academic inquiry is compromised when scholars fear retaliatory conduct by its government (including immigration consequences for the institution’s students). That fear erodes intellectual pursuits. For example, a college or university may abandon promising areas of research, decline to challenge prevailing orthodoxies, or temper their findings to avoid conclusions

³² Beyond the classroom itself, revocation of Harvard’s SEVP will also harm campus operations when student workers in critical non-academic roles—such as dining halls, libraries, and residence halls—are abruptly removed with little opportunity for planned transition. These harms, too, will hamper Harvard’s ability to carry out its core mission.

that might be dissatisfactory to the federal government.³³ See *Wieman v. Updegraff*, 344 U.S. 183, 221-22 (1952) (Frankfurter, J., concurring) (noting a university “will function for the benefit of society, provided it is a center of independent thought”). These harms undermine core educational missions by potentially forcing the university to cancel courses, terminate employees, and reduce services that all students (domestic and international alike) and faculty depend upon, thereby causing both immediate and lasting harm to the institution and to the pursuit of academia.

* * *

If the Administration’s actions are allowed to stand, international students may not come to Massachusetts, and the Commonwealth’s colleges and universities—Harvard and beyond—will lose their academic freedom and standing as global beacons for education. We cannot afford to let that happen.³⁴

CONCLUSION

For the foregoing reasons, the Commonwealth of Massachusetts respectfully requests that the Court grant Harvard’s Motion for a Preliminary Injunction.

³³ See Miri Yemini, *Bridging Borders: Toward Equity in International Research Collaborations*, NAFSA (Nov./Dec. 2024), <https://www.nafsa.org/professional-resources/research-and-trends/trends-insights/bridging-borders-novdec24> (“International research collaborations have become essential tools in advancing knowledge, offering benefits to researchers, practitioners, higher education institutions, nation-states, international organizations, and funding agencies.”).

³⁴ See Liam Knox, *International Enrollment’s Precarious Moment*, Inside Higher Ed (Mar. 19, 2025), <https://www.insidehighered.com/news/global/international-studentsus/2025/03/19/colleges-fear-decline-international-student>.

Respectfully submitted,

Dated: May 28, 2025

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CERTIFICATE OF SERVICE

I, Tasha Bahal, hereby certify that I have this day, May 28, 2025, served the foregoing document upon all parties of record, by electronically filing to all ECF-registered parties and by sending a copy, first-class mail, postage prepaid to all unregistered parties.

/s/ Tasha Bahal
Tasha Bahal