

Attorney General Raoul Files Lawsuit Seeking Nationwide Injunction Against New Visa Rule For International Students

July 13 2020 1:01 PM



CHICAGO – Attorney General Kwame Raoul today joined a coalition of 18 attorneys general in [filing a lawsuit](#) to stop a new federal rule that threatens to bar hundreds of thousands of international students from studying in the United States.

The lawsuit, filed in the U.S. District Court in Massachusetts against the U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), challenges what Raoul and the attorneys general call the federal government’s “cruel, abrupt, and unlawful action to expel international students amidst the pandemic that has wrought death and disruption across the United States.” Today’s lawsuit [seeks an injunction](#) to stop the entire rule from going into effect.

“ICE’s arbitrary new rule harms both international students and the institutions where these students contribute to creating a diverse and culturally-vibrant academic environment. Announcing this rule in the midst of the COVID-19 pandemic has created additional confusion and upheaval for students and universities already facing uncertainty caused by the pandemic,” Raoul said. “As the son of immigrants and the state’s chief law enforcement officer, I am committed to fighting the administration’s anti-immigrant policies.”

Today’s lawsuit challenges an abrupt policy change by ICE to reverse guidance issued on March 13 that recognized the COVID-19 public health emergency, provided flexibility for schools, and allowed international students with F-1 and M-1 visas to take classes online for the duration of the emergency. On July 6, ICE announced that international students can no longer live in the United States and take all of their classes online during the pandemic, upending months of careful planning by colleges and universities to limit in-person instruction in favor of remote learning and adapt their coursework for the fall semester. The policy change may force thousands of students, including more than 40,000 in Illinois alone, to leave the country.

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

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

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

- Fails to consider the health and safety of students, faculty and staff.

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

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

Today's lawsuit also includes 40 declarations from a variety of institutions affected by the new rule, including 16 in Illinois: Chicago State University, Columbia College, DePaul University, Eastern Illinois University, Governors State University, Illinois State University, Loyola University of Chicago, Northeastern Illinois University, Northern Illinois University, Northwestern University, the School of the Art Institute of Chicago, Southern Illinois University-Carbondale, Southern Illinois University-Edwardsville, The University of Chicago, the University of Illinois System and Western Illinois University.

Joining Attorney General Raoul in today's lawsuit are the attorneys general of Colorado, Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Wisconsin.