

DECLARATION OF DAVID EATON

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON, et al.,

Plaintiffs

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; JOHN F. KELLY, in his official capacity as Secretary of the Department of Homeland Security; TOM SHANNON, in his official capacity as Acting Secretary of State; and the UNITED STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 2:17-cv-00141-JLR

DECLARATION OF DAVID L. EATON

I, David Eaton, hereby declare and affirm:

1. I have personal knowledge of the facts set forth in this declaration and I am competent to testify about them.

2. I am the Dean of the Graduate School of the University of Washington. I have held this position for more than four years. My responsibilities in this position include overseeing admissions of all graduate students for all three campuses of the University of

1 Washington (Seattle, Bothell, and Tacoma), and the review and evaluation of over 350 different
2 graduate degrees in 126 graduate programs.

3 3. I understand that the newly issued Executive Order 13769 identifies six countries,
4 Syria, Libya, Iran, Sudan, Somalia and Yemen, whose nationals will, for at least 90-days, be
5 categorically restricted from obtaining visas to enter the U.S., subject to certain exceptions. I
6 have reviewed with my staff the updated Graduate School records relating to applications for
7 graduate admissions to the UW for the coming Spring, Summer and Fall academic quarters.
8 Based on that review I have determined that the UW has received, to date, a total of 374
9 applications for those quarters from prospective students from countries who are included on that
10 list, and who are not permanent residents of the United States. One of these applications is for
11 admission for Spring Quarter, 2017 (which begins March 27, 2017). Three of the total are for
12 admission for Summer Quarter, 2017 (which begins June 19, 2017). The remaining 370 have
13 applied for admission for Fall Quarter, and 28 of these applicants have been offered admission to
14 date. (The admissions process is still on-going, so these numbers will change in the coming
15 days.) A chart summarizing these statistics is attached hereto as Exhibit 1.

16 4. We are very concerned that offers made to a significant percentage of these
17 students could end up not being fulfilled because of the restrictions put in place by the
18 Executive Order. I have instructed our graduate programs that they should not use country of
19 origin as a determinant in their admissions decision. However, many are concerned that, if they
20 make an offer and it is accepted, that the student may not be able to come, and it would then be
21 too late to fill the position with another offer. This is especially of concern for some of our fee-
22 based programs, which need to have all of their positions filled each year in order to meet their
23 program budgets. There of course is also concern that many of the top students from these 6
24 countries that receive offers (28 thus far, but that number could go up substantially, since we are
25 still in the 'offer' period for 2017-18) will simply turn them down out of a not unreasonable fear
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1 that they would not be able to travel to the U.S. Thus, we are very concerned that the Executive
2 Order will have a substantial negative impact on both the quality and number of graduate
3 students enrolling in our graduate programs at the UW for the upcoming year. Regular full time
4 tuition for regular non-resident graduate students at the UW is currently \$10,404 for Fall,
5 Winter and Spring Quarters, and \$10,074 for Summer Quarter. These are the tuition amounts
6 that the Graduate School generally provides for international applicants' F-1 visa documents,
7 although the actual amount paid may vary depending on a student's academic program. It is my
8 understanding that, unlike State of Washington residents, International students (i.e., students
9 who are attending under a student visa) cannot qualify for lower in-state tuition under state law,
10 and are required to attend full time in order to maintain their visa status. Thus, for potential
11 forgone revenue for the University of Washington and those graduate programs that depend
12 upon international students as part of their entering class is substantial.
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14 5. Since the date of the issuance of the original Executive Order on January 27 of
15 this year, a number of applicants from the countries affected by both that Executive Order and
16 the newly issued Executive Order have contacted the Graduate School with concerns that, due to
17 the visa restrictions, their applications will no longer be fully considered or that they will not be
18 able to travel to attend the UW, and some have requested refunds of their application fees and
19 deposits. Exhibits 2 attached hereto contains true and accurate copies of examples of e-mail
20 messages (with names redacted) received by the Dean's Office from a number of such
21 applicants. The Graduate School has set a policy for this admission season to refund the \$85
22 application fee, if requested, from students in the seven listed countries affected by the Executive
23 Order. To date, the Graduate School has provided application fee refunds for at least two
24 affected applicants.
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6. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and complete to the best of my knowledge.

Dated this 12th day of March, 2017.



David Eaton

Declaration of David L. Eaton
Exhibit 1.

Submitted Applications				
	Spring 2017	Summer 2017	Autumn 2017	TOTAL
Iran	1	1	360	362
Libya	0	1	4	5
Somalia	0	0	0	0
Sudan	0	0	4	4
Syria	0	0	2	2
Yemen	0	1	0	1
Total	1	3	370	374

Offers To Date				
	Spring 2017	Summer 2017	Autumn 2017	TOTAL
Iran	0	0	26	26
Libya	0	1	0	1
Somalia	0	0	0	0
Sudan	0	0	1	1
Syria	0	0	0	0
Yemen	0	0	0	0
Total	0	1	27	28

Declaration of David Eaton, Exhibit 2

From: [REDACTED] [mailto:[REDACTED]@ [REDACTED].com]
Sent: Wednesday, March 8, 2017 8:23 AM
To: UW International Student Services <uwiss@uw.edu>
Subject: Question about the new executive order

Dear University of Washington

I have a question about the new executive order, I understand your are busy so I am highly grateful for your time and attention.

I am a M.Sc. student in civil engineering at the University of Tehran (the oldest and the most prestigious university in Iran). I am applying to your PhD program for the next round of your admission. Indeed, the University of Washington is one of the best university in the world and to be one of your PhD students is my dream. To achieve this goal, in recent years, I have striven strikingly to enhance my CV and get excellent scores in the TOEFL and GRE exams. On the other hand, The new executive order occasions a great deal of concern and fear for me because I feel my dream is destroying. Is it feasible for me to apply to your PhD program? Will this order impact upon your admission and decision? Do I have any chance to be one of your student?

I am distraught and I have lost my concentration due to this issue.

I really appreciate your time and attention

Kind regards

From: [REDACTED] [mailto:[REDACTED]@ [REDACTED].com]
Sent: Wednesday, February 8, 2017 5:37 AM
To: Julia Carlson <jcarlson@uw.edu>
Subject: Re: FW: Travel ban Executive order

Dear Julia

Thank you for your kind reply, Although I really wanted to attend the University of Washington, but now I believe that the best course of action is the withdrawal of my application and trying again away from the political conflicts.

I am really grateful to you for helping me and I hope that someday in future I can have the chance to see you in person.

Look forward to hearing from you

Best Regards

On Sun, Feb 5, 2017 at 11:52 AM, [REDACTED] <[REDACTED]@ [REDACTED].com> wrote:

Dear Sir/Madam

My name is [REDACTED], I applied for PhD Psychology program, and I was born in Iran, As you are aware we are banned from entering The US and taking Visa. So, I was wondering if I can refund my application fee.

Thank you for your cooperation

Look forward to hearing from you

Best Regards

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M.Sc in Biomedical Engineering: Bio-Electrics, Amirkabir University of Technology

B.S in Electrical Engineering: Control Systems, University of Tehra

From: [REDACTED] [[mailto:\[REDACTED\]@\[REDACTED\].com](mailto:[REDACTED]@[REDACTED].com)]

Sent: Friday, February 17, 2017 12:30 PM

To: Uw Grad Enrollment <uwgrad@uw.edu>

Subject: asking for refund of application fee.

Dear Sir or Madam,

I am [REDACTED], I applied for PHD program.

I request to get a refund for my application fee because I am not willing to pursue my education as a Ph.D. student in education due to Mr.Trump order to ban my country, Iran.

even without this ban, with a more serious vetting for visa in future, my chances to get a visa is minimal right now for my future, so I am completely disappointed and want to withdraw my application.

Thank you

From: [REDACTED] [[mailto:\[REDACTED\]@\[REDACTED\].com](mailto:[REDACTED]@[REDACTED].com)] **Sent:** Thursday, February 23, 2017 1:36 PM

To: gradlaw <gradlaw@uw.edu> **Subject:** Re: [REDACTED]: defer

Dear Aaron,

Thank you so much for your email. Can I aske you a question!. How can imagine and consider joining the program when not only everyone(like me) can not enter into your country because of working for oil companies but also the president ordered to ban entering Iranian people that added another restriction particularely on me.

Although I am in Switzerland right now but I really like University of Washington.

With my best regards. [REDACTED]