

# DECLARATION OF VITA RABINOWITZ

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

STATE OF WASHINGTON and  
STATE OF MINNESOTA,

Plaintiffs,

v.

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

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; REX W.  
TILLERSON, in his official capacity  
as Acting Secretary of State; and the  
UNITED STATES OF AMERICA,

Defendants.

Pursuant to 28 U.S.C. § 1746(2), I Vita C. Rabinowitz, hereby declare as follows:

1. I am Executive Vice Chancellor and University Provost at The City University of New York, (“CUNY” or “University”), a position I have held since July 2015. As Executive Vice Chancellor and University Provost, I am the chief academic officer of the University, responsible for leading the planning, development, and implementation of University policies and initiatives relevant to all aspects of its academic programs, research, instructional technology, global engagement, student development, and enrollment management. Prior to holding my current position, I served as Provost and Vice President for Academic Affairs at Hunter College, a senior college of CUNY, for approximately ten years, and prior to that I was a faculty member at Hunter College as well as a member of the doctoral program in psychology

1 at CUNY Graduate Center. I have personal knowledge of the matters set forth below, or have  
2 knowledge of those matters based on my review of information and records gathered by  
3 members of my staff.  
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5 2. The City University of New York is the nation's largest urban university, with  
6 twenty-four campuses, including senior and community colleges and graduate institutions  
7 including the CUNY Graduate School and University Center, the CUNY Graduate School of  
8 Journalism, the CUNY School of Law, the CUNY Graduate School of Public Health and Health  
9 Policy and the CUNY School of Medicine at City College. CUNY has approximately 1,600  
10 different academic programs running the gamut from certificate programs to Ph.D. and  
11 professional programs. The University has an enrollment of approximately 274,000 full and  
12 part-time undergraduate and graduate students and has nearly 276,000 students enrolled in adult  
13 and continuing education programs.  
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16 3. Since the founding of what is now City College (the oldest college in the CUNY  
17 system) in 1847, CUNY has had a special mission to provide an affordable and excellent  
18 education for students from disadvantaged backgrounds. More than 42 percent of CUNY's  
19 students are in the first generation of their families to attend college. With its home in the  
20 nation's largest and most diverse city, CUNY recruits and attracts a student body that is  
21 extraordinarily diverse by any measure, including in language, culture, race, ethnicity, religion,  
22 geography, family income, age, and educational background. CUNY students identify with 216  
23 different ancestries and speak 189 different languages. Thirty seven percent of CUNY students  
24 were born outside of the United States mainland.  
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1           4.       As is described in its 2016-2020 Master Plan adopted by the University’s Board  
2 of Trustees, CUNY has recognized the increasing importance of providing global perspectives  
3 to its students. Studying with faculty and alongside students from other countries can expose  
4 students to different cultures and ideas, enliven their classroom experiences, expand their  
5 networks and horizons and engender a sense of global citizenship. The Master Plan also  
6 specifically highlights CUNY’s goal to further diversity its faculty and increase the geographic  
7 diversity of its students by recruiting more international students to enroll in and transfer to  
8 CUNY.  
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10           5.       The March 6, 2017 Presidential Executive Order entitled “Protecting the Nation  
11 from Terrorist Entry into the United States” (“EO”) restricted entry to the United States from six  
12 countries: Syria, Iran, Somalia, Sudan, Libya and Yemen (“affected countries”). The EO will  
13 impede CUNY’s ability to offer its students an excellent and affordable education, as well as the  
14 ability of CUNY’s faculty to engage in research and collaboration with foreign scholars. The  
15 EO will affect CUNY by, among other things: impeding the ability of current students to leave  
16 the United States for personal reasons and to take part in “study abroad” programs; chilling  
17 CUNY’s ability to recruit and enroll foreign students; interfering with the ability of CUNY  
18 faculty, postdoctoral researchers and graduate students, and their collaborators abroad, to travel  
19 for research purposes; and limiting CUNY’s ability to hire and retain foreign faculty and to host  
20 foreign scholars in the United States.  
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22 Student International Travel and Related Issues  
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24           6.       The University has more than 850 students born in the affected countries,  
25 including approximately 116 students from those countries who attend CUNY on F or J visas  
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1 (including 18 doctoral students from Iran.) The implementation of the EO will have a negative  
2 impact on the lives of students from the affected countries as well as other students. CUNY's  
3 Citizenship Now! Program, which provides free immigration law services to help individuals  
4 and families on their path to U.S. citizenship, reports that since the promulgation of the first  
5 Executive Order on January 27, 2017 and continuing to date, it has been assisting dozens of  
6 international students who have concerns and fears about the impact of the EO on them and their  
7 families. Many of these inquiries are from students who are not from the six affected countries;  
8 they include students from Afghanistan, India and Pakistan, among others. These students are  
9 afraid to travel abroad, including for study abroad programs, because they fear being unable to  
10 return to the United States.  
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13 7. The EO will diminish CUNY's ability to continue and expand a number of  
14 international study abroad programs. Studying abroad is a formative educational experience that  
15 can provide tremendous personal growth and marketable global competencies for students. The  
16 University has more than 1,500 students and faculty traveling and participating in study abroad  
17 programs annually, and CUNY's undergraduate colleges are actively developing more such  
18 programs. The viability of CUNY's study abroad programs depends on the ability of CUNY  
19 students (as well as faculty) to travel outside of the United States. By affecting the right to travel,  
20 the EO is jeopardizing these programs, and will adversely affect students and faculty, regardless  
21 of their immigration or citizenship status.  
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24 8. International programs and partnerships at CUNY campuses are already being  
25 affected. At the Spitzer School of Architecture at City College, a partnership with institutions  
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1 in Mexico City has been put on hold because the School cannot at this time risk taking all of its  
2 students out of the country since some may not be able to return. Current students are losing a  
3 valuable opportunity and future students may as well because international professional  
4 relationships cannot be regularly sustained. Both the Urban Design program and the Landscape  
5 Architecture program in that same School have supported the travel of entire studios of students  
6 to study foreign locations where urban areas are in crisis or major transition, including Ecuador,  
7 Southern China and Ireland, among others. These irreplaceable educational experiences are not  
8 possible at this time because it could put certain foreign students in jeopardy.  
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11 9. The EO is also posing an administrative burden on CUNY's study abroad offices,  
12 and adding uncertainty into study abroad planning. CUNY study abroad program offices now  
13 need to systematically record each study abroad participant's full nationality and immigration  
14 status from the moment the student expresses interest in a program, to allow them to advise  
15 students appropriately and to anticipate whether and how the student's status will impact the  
16 viability of the program, for example, by increasing the number of student withdrawals due to  
17 possible travel issues. If there are additional changes to immigration policies after students are  
18 admitted to study abroad programs and pay fees, colleges will generally not be able to reimburse  
19 students who withdraw, as most of the costs (such as to hotels and airlines) are paid in advance  
20 and non-refundable. Programs that depend on minimum enrollments will face greater challenges  
21 in meeting their targets, which may result in a higher than usual program cancellation rate.  
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24 10. Students at CUNY from the affected countries who are preparing to graduate are  
25 also fearful and anxious about potential changes in their plans to work post-graduation under  
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1 Optional Practical Training (OPT) status. Post-graduation employment in OPT status gives  
2 these students the ability to work in their area of study and some financial security. Now,  
3 however, students from the affected countries will at a minimum experience delays in obtaining  
4 work authorization. This will affect the ability of these students to obtain job offers that were  
5 the hoped-for culmination of their CUNY education.  
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### 7 Admissions and Enrollment

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9 11. The EO will also harm CUNY's ability to continue to attract and enroll students  
10 from the affected countries and elsewhere. Higher education has become international, and  
11 CUNY is no exception. CUNY currently enrolls over 8,000 international students on F and J  
12 visas from over 100 countries. International students expect to be able to travel to their countries  
13 of origin to maintain family relationships and, in the case of graduate students, to cultivate  
14 professional opportunities because postgraduate employment in the United States is not  
15 guaranteed. The EO threatens to scare away prospective students from the affected countries as  
16 well as from other countries with large Muslim populations. It is also expected to reduce  
17 applications and admissions from other international students, who may well decline to pursue  
18 higher education in the United States in light of the EO.  
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21 12. For example, the lifeblood of CUNY's Graduate School is its doctoral students,  
22 and its programs grow more competitive each year. During the admissions cycle for Fall 2017,  
23 24.8 percent of the Graduate School's 4,255 applications were from international students. The  
24 deadline by which students must accept or decline the Graduate School's offer of admission is  
25 April 15. Graduate schools in Canada, Australia, New Zealand, and elsewhere are currently  
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1 making a strong recruitment pitch to international applicants, stating that their countries are more  
2 welcoming to international students than the U.S. In this climate of uncertainty and fear, the  
3 Graduate School expects a negative impact on its student yield this year and on admissions  
4 during the next academic year. The Graduate School has already been contacted by a number  
5 of just-admitted applicants from the affected countries who have expressed concerns about their  
6 ability to travel to the United States to begin their studies in Fall 2017.  
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9 13. Similarly, the Spitzer School of Architecture at City College, which has  
10 applicants each year from predominantly Muslim countries, anticipates that the uncertainty of  
11 being granted a student visa will discourage international students from applying to City College.  
12 Baruch College expects a similar impact on its master's degree programs in business  
13 administration, public affairs, international affairs and financial engineering, and its doctoral  
14 program in business administration, each of which enroll significant numbers of foreign students  
15 including students from one of the affected countries, Iran. The CUNY School of Journalism  
16 also foresees a similar negative impact on an intensive summer workshop that attracts many  
17 international students and has included participants from the affected countries.  
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19 International Travel by Faculty and Other CUNY-Affiliated Researchers  
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21 14. CUNY currently has over 80 faculty members who specialize in Middle Eastern  
22 and diaspora studies. It also has numerous faculty in different fields (including STEM fields)  
23 who conduct research and collaborate with foreign researchers in the affected countries and other  
24 Muslim-majority countries. The uncertainty of travel for individuals from the six affected  
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1 countries or any Muslim-majority country harms the ability of CUNY faculty to engage in  
2 research abroad or to enter into partnerships with academic colleagues abroad.

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4 15. I am aware of at least five CUNY faculty members currently working on research  
5 projects relating to the Middle East and/or East Africa funded by grants from the National  
6 Science Foundation. Their project topics include dispute resolution in the Middle East and an  
7 archaeological and genetic study of East Africa, among others, and to different degrees will  
8 involve research about and in the affected countries. Based on my experience in higher  
9 education, I am confident that some or all of these faculty members will encounter considerable  
10 difficulties in carrying out research in countries whose citizens are prohibited from entering the  
11 United States, even if the faculty members themselves are not prohibited from re-entering the  
12 United States.  
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15 16. I am also aware of an assistant professor at Baruch who conducts archaeological  
16 research in Sudan. The EO will likely prevent her Sudanese colleagues from traveling to Baruch  
17 for symposia, workshops, and exhibitions, and will make it difficult or impossible for her and  
18 other American researchers to continue this and other active research projects in Sudan. The  
19 project at issue aims to recover lost data about Meroe, the capital of the Meroitic Kingdom (ca.  
20 400 BCE-350 CE) and a UNESCO World Heritage Site, which is in unstable condition. This  
21 research is critical to the recovery of data before it is lost to researchers.  
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23 17. Additionally, I am aware of a Lehman College faculty member who is engaged  
24 in research on Syrian television drama production, much of which takes place outside Syria in  
25 neighboring countries. She expects that her research will be impeded due to the difficulty of  
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1 traveling to and returning from Muslim majority nations, given the enhanced scrutiny of travelers  
2 returning from the affected countries and other Muslim-majority countries.  
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4 18. It is becoming clear at CUNY and at other research institutions that I am aware  
5 of that the EO is having and will have a significant impact not only on academic research directly  
6 involving the affected countries or Muslim-majority countries, but on research activity and  
7 collaboration in the United States more generally. At least one CUNY faculty member has  
8 reported that several British and Canadian colleagues have advised that they are no longer  
9 willing to visit the United States for conferences or academic meetings as a result of the EO, and  
10 that some U.S. academic organizations are experiencing calls from members to boycott  
11 conferences (such as the American Psychiatric Association Conference in San Diego) unless  
12 they are moved outside of the United States. CUNY faculty will suffer significant harm if, as  
13 appears likely, academic conferences are moved out of the United States, as conference travel  
14 will be prohibitively expensive. The boycott by foreign scholars of U.S.-based conferences will  
15 also diminish the ability of CUNY faculty to engage in academic collaborations and exchange  
16 of research findings.  
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#### 19 Faculty Recruitment and Retention

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21 19. Although CUNY faculty have always engaged in research, within the past decade  
22 CUNY has expanded its research enterprise significantly to become a major research institution,  
23 spending over \$450 million on research within the past year. In 2014, the University opened  
24 the CUNY Advanced Science Research Center to support and accelerate high-level science  
25 research and development and the faculty whose work is concentrated on cutting-edge research.  
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1           20.     In light of this commitment to research, it is critical that CUNY be able to recruit  
2 and retain highly qualified research faculty. Identifying, recruiting and negotiating with  
3 potential new faculty and researchers takes many months. Ideally, new teaching faculty start in  
4 the fall semester, requiring offers made and arrangements finalized months prior to August.  
5 Prospects who accept offers will also need to move family and secure housing by summer. The  
6 uncertainty in the process caused by the EO will delay and may prevent the University and its  
7 colleges and units from pursuing prospects, resulting in delays in research efforts and potential  
8 delay or loss of federal funding for new research.  
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11           21.     Moreover, potential foreign faculty recruits have already expressed concerns  
12 about coming to CUNY and the U.S. Baruch College, for example, which hires a significant  
13 number of foreign faculty members, reports that as a result of the EO it has received many more  
14 questions from potential employees about travel restrictions that will interfere with normal  
15 family obligations such as care of elderly parents, attending family weddings and anniversary  
16 events, or participation in cultural holidays. New York City College of Technology has many  
17 faculty members in engineering technology from the Middle East, especially Iran, as well as  
18 other countries such as Pakistan, Bangladesh and Algeria, that could potentially be affected in  
19 the future. The college fears that its ability to recruit and retain faculty from those countries who  
20 have family at home or in temporary visa statuses will be seriously affected by the EO. The  
21 CUNY Graduate Center is currently negotiating with an international senior research scholar  
22 who has expressed serious concerns about moving to the United States at this time.  
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25     Summary  
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