

DECLARATION OF NANCY L. ZIMPHER

**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, Nancy L. Zimpher, hereby declare as follows:

1. I am the Chancellor of the State University of New York (“SUNY” or “university”).
2. As Chancellor, I routinely gather information about the operation of the institutions comprising SUNY as well as the university as a whole. I have compiled the information in the statements set forth below through SUNY personnel who have assisted me in gathering this information from SUNY campuses.
3. SUNY is the largest comprehensive university system in the United States, comprised of 64 institutions including research universities, academic medical centers, liberal arts colleges, community colleges, colleges of technology and an online learning network. Each year SUNY students and faculty across the state make significant contributions to research in the fields of medicine, engineering, technology, among others.

- 1 4. SUNY educates approximately 445,000 students in more than 7,500 degree and
2 certificate programs and nearly 2 million in workforce and professional development
3 programs. SUNY draws students from every state in the United States and 160 nations
4 around the world. SUNY employs more than 88,000 faculty and staff and has over 3
5 million alumni worldwide.
6
- 7 5. SUNY was founded as a university of opportunity, educating all, including those who
8 would not be admitted to other institutions of higher education because of their race,
9 religion or national origin. As a public university system, SUNY's core mission is to
10 ensure that all of its students, whatever their background, have access to high-quality
11 education and training that develop the skills and knowledge necessary to build a
12 rewarding life and career.
13
- 14 6. Shortly after the January 27, 2017 Executive Order, titled "Protecting the Nation from
15 Foreign Terrorist Entry Into the United States" ("January 27 Executive Order") went
16 into effect, I, along with SUNY Board Chairman H. Carl McCall, issued a statement to
17 SUNY students, faculty and staff expressing SUNY's support for individuals affected
18 by the January 27 Executive Order. The statement also recommended suspending travel
19 plans to the countries included in the January 27 Executive Order.
20
- 21 7. In addition, the presidents of several SUNY campuses issued statements in response to
22 the January 27 Executive Order to their students, faculty and staff offering support for
23 individuals affected by the January 27 Executive Order and recommending that those
24 individuals avoid international travel until further notice.
25
26

- 1 8. President Trump's March 6, 2017 Executive Order, titled "Protecting the Nation from
2 Foreign Terrorist Entry Into the United States" ("Executive Order") could undermine
3 SUNY's core mission. It threatens the free exchange of ideas and scholarship between
4 SUNY schools and the affected countries and frustrates SUNY's ability to benefit from
5 the talents of students and scholars from the countries listed in the Executive Order.
6
- 7 9. SUNY enrolls more than 22,000 international students from 160 different countries. Of
8 those students, approximately 232 visa holders are from the 6 countries listed in the
9 Executive Order throughout the SUNY system.
- 10 10. The issuance of the Executive Order could impact a number of SUNY students, who
11 are attempting to start, continue or complete their education, from entering the United
12 States, if they do not already have valid visas or need to renew their visas.
13
- 14 11. Although the Executive Order allows immigration-enforcement officials to issue
15 waivers to permit admission of nationals from the 6 listed countries if there is proof
16 that denying entry "would cause undue hardship, and that his or her entry would not
17 pose a threat to national security and would be in the national interest," it is on a case-
18 by-case basis. Therefore, it is uncertain how difficult it will be for SUNY students or
19 faculty or prospective students or faculty to obtain a waiver.
20
- 21 12. In addition, SUNY is deeply concerned that current uncertainties resulting from the
22 Executive Order as well as fears that it will be expanded to other nations will have a
23 chilling effect on international students applying to colleges and universities in the
24 SUNY system.
25
26

1 13. Further, several SUNY institutions actively recruit international students. For example,
2 representatives from Binghamton University travel around the world to attract the best
3 and brightest graduate students to its top rated programs. It also invested resources into
4 digital marketing campaigns and other social media outlets. The Executive Order could
5 undermine these activities and could negatively impact Binghamton and other SUNY
6 schools' recruitment efforts to attract top international students.
7

8 14. SUNY fears that prospective students who may have applied to colleges and
9 universities within the SUNY system are now considering other options in other
10 nations.
11

12 15. Further, SUNY may need to assist students from the affected countries with living and
13 housing expenses who cannot return home for the summer because their visas expired
14 and may not be renewed as a result of the Executive Order.

15 16. Overall, this Executive Order could undermine SUNY's unwavering commitment to
16 diversity, equity and inclusion and could cause SUNY and New York State harm.
17

18 I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and
19 correct.
20

21 Executed on this 11th day of March, 2017
22

23
24 /s/ Nancy L. Zimpher
25 Nancy L. Zimpher
26 Chancellor, State University of New York