

EXHIBIT 1

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

PRESIDENTS' ALLIANCE ON
HIGHER EDUCATION AND
IMMIGRATION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

Case No. 1:26-cv-13799-FDS

**AMICUS BRIEF OF STATES IN SUPPORT OF PLAINTIFFS' MOTION FOR APA
§ 705 RELIEF, A PRELIMINARY INJUNCTION, OR, IN THE ALTERNATIVE,
SUMMARY JUDGMENT**

TABLE OF CONTENTS

	Page
Introduction and Interests of Amici States.....	1
Argument	3
I. F and J Visaholders Are a Significant Part of Amici States’ Academic Communities, and Their Participation Often Necessarily Exceeds Four Years	3
II. Amici States Will Incur Irreparable Harm If the Rule Is Not Enjoined.	5
A. The Rule Will Discourage Prospective F and J Visaholders From Participating in U.S. Academic Programs.	5
B. The Rule Will Limit the Range of Academic Programs and Resources That Amici States Can Offer.	7
C. The Rule Will Cause Economic Harm to Amici States.....	9
D. The Loss of International Students and Academic Visitors Will Harm Amici States Beyond Direct Harms to Ihes.	12
Conclusion	15

TABLE OF AUTHORITIES

	Page
CASES	
<i>New Jersey v. United States Off. of Mgmt. & Budget</i> No. 1:25-CV-11816-IT, 2026 WL 2069832 (D. Mass. July 17, 2026)	11
<i>Thakur v. Trump</i> 176 F.4th 1187 (9th Cir. 2026)	11
OTHER AUTHORITIES	
<i>AAMC Statement on Duration of Status Final Rule</i> , ASSOCIATION OF AMERICAN MEDICAL COLLEGES (July 17, 2026).....	4
Akila V. Muthukumar et al., <i>International students in United States allopathic medical education: a mixed-methods analysis of institutional policies</i> , 30 MED. EDUC. ONLINE 1, 1 (2025)	15
American Medical Association, <i>Immigration information for international medical graduates</i> , AMERICAN MEDICAL ASSOCIATION (last visited Aug. 24, 2026).	14
Brendan Murphy, <i>American Medical Association, Medical specialty choice: Should residency training length matter?</i> , AMA (Nov. 19, 2020).....	5, 14
Charles L. Welch, <i>The Case for International Students At Regional Public Universities</i> , FORBES (May 4, 2026, at 14:52 ET).....	12
<i>Conrad 30 Waiver Program</i> , U.S. CITIZENSHIP & IMMIGR. SERVS.	15
Deidre (Farwick) Kwenani & Xi Yu, <i>Maximizing International Students' Service- Learning and Community Engagement Experience: A Case Study of Student Voices on the Benefits and Barriers</i> , 22 J. HIGHER EDUC. OUTREACH & ENGAGEMENT 29, 30 (2018)	12, 13
<i>Economic Value Statistics</i> , NAFSA (last visited Aug. 11, 2026)	12
<i>Eligibility for Non-U.S. Citizens</i> , FEDERAL STUDENT AID (last visited Aug. 20, 2026).	5
<i>Enrollment by Institution Type</i> , OPEN DOORS (last visited Aug. 20, 2026).....	3

TABLE OF AUTHORITIES
(continued)

	Page
“Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media,” 91 Fed. Reg. 44976 (July 17, 2026)	2
<i>HHS Exchange Visitor J-1 Visa Waiver Program</i> , DEP’T OF HEALTH & HUM. SERVS.	15
<i>J-1 Visa Sponsorship, 2025</i> , INTEALTH (Feb. 5, 2026)	14
John Gallagher, <i>At Your Service: Connecting International Students to Volunteer Opportunities</i> , NAFSA (Feb. 9, 2022)	12, 13
Julie Baer and Sumeyra Ekin, <i>Fall 2025 Snapshot on International Enrollment</i> , INSTITUTE OF INTERNATIONAL EDUCATION, INC., 6-7 (Nov. 2025)	6, 7
Matthew Daly, <i>Trump administration admits grants for clean energy were canceled based on politics</i> , ASSOCIATED PRESS (July 24, 2026)	11
Nikki Laws, <i>Success Through Service</i> , UNIVERSITY OF DELAWARE (May 2, 2018)	13
Oliver J. McElvaney & Graham T. McMahon, <i>International Medical Graduates and the Physician Workforce</i> , 332 JAMA 490, 490 (2024)	14
<i>Re: Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media (RIN 1653-AA95)</i> , ASSOCIATION OF AMERICAN MEDICAL COLLEGES, 3 (Sep. 29, 2025)	5
Srikrishna Malayala et al., <i>Medically underserved areas and International Medical Graduates (IMGs) in the United States: challenges during the COVID-19 era</i> , 11 J. CMTY. HOSP. INTERNAL MED. PERSPS. 457, 460 (2021)	14
<i>Survey of Earned Doctorates (SED) 2024</i> , NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS	3, 4, 5
<i>Surveys on International Talent Pipelines</i> , INSTITUTE FOR PROGRESS (IFP) AND NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, 2 (Sep. 15, 2025)	7
<i>Time to degree</i> , NATIONAL CENTER FOR EDUCATION STATISTICS (last visited Aug. 20, 2026)	5

TABLE OF AUTHORITIES
(continued)

	Page
<i>The United States of America Benefits from International Students</i> , NAFSA (last visited Aug. 11, 2026).....	12
Varshaben M. Songara et al., <i>Milestones Progression of International Medical Graduates in Family Medicine</i> , 57 FAM. MED. 570, 570 (2025).....	14
<i>Volunteering in the United States</i> , STUDY IN THE STATES (Dec. 23, 2013)	12

INTRODUCTION AND INTERESTS OF AMICI STATES

The States of California, New York, Colorado, Connecticut, Delaware, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, New Mexico, Nevada, North Carolina, Oregon, Rhode Island, Vermont, and Wisconsin, the Commonwealths of Massachusetts and Virginia, and the District of Columbia (“Amici States”) submit the following as amici curiae in support of Plaintiffs’ Motion for APA § 705 Relief, a Preliminary Injunction, or, in the Alternative, Summary Judgment. (ECF No. 2.) Amici States urge the Court to grant Plaintiffs’ motion to protect the status quo and to prevent extraordinary disruption to Amici States’ public institutions of higher education (“IHEs”), their students, faculty, and staff, and the communities that benefit from robust student visa and academic exchange programs in innumerable ways. Such disruption will cause irreparable harm even if the Court ultimately enters judgment for Plaintiffs.

Amici States’ public IHEs include many of the most respected academic institutions in the world. It is no surprise, then, that they have long attracted students, faculty, researchers, fellows, residents, and community members from across the globe. These international visitors are vital contributors to the IHEs’ educational missions, academic communities, and to the broader communities of Amici States.

For more than four decades, the federal government has employed the “Duration of Status” principle (“D/S” or “Duration of Status”) when admitting individuals on student and exchange visitor visas. This meant that admission periods under F visas (for students and their families) and J visas (for academic exchange participants) continued so long as visaholders continued to make progress toward their degrees or exchange programs.¹ International students, researchers, and other academic exchange visitors chose to enroll in or affiliate with Amici States’ IHEs at least in part because D/S gave them confidence that they would be permitted to remain in the

¹ Amici States address harms caused by revocation of D/S with respect to F and J visa types due to the widespread integration of F and J visaholders into public agencies. Amici States do not address harms caused with respect to I visa types only because I visaholders are not similarly involved in State operations. This omission should not be interpreted as a lack of support for Plaintiffs’ efforts to restore D/S categorically.

country until their programs were complete, and that the time and resources they dedicated toward their U.S.-based academic programs would not be wasted.

Plaintiffs challenge a new Department of Homeland Security (“DHS”) rule, “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media,” (the “Rule”),² which revokes D/S in favor of an arbitrary time limit of no more than four years, absent an extension granted at DHS’s discretion. This four-year limit is incompatible with many, if not most, academic programs for which nonresidents would obtain an F or J visa. Many PhD programs, residencies, fellowships, and other training programs simply cannot be completed within four years, and most bachelor’s degrees are awarded after more than four years of study.

Without confidence that they will be given the opportunity to complete their academic programs, international students and academic exchange participants will no longer seek to study, research, or train at U.S. institutions where there is even a possibility that their academic goals may take more than four years to reach. As Plaintiffs describe, the loss of these community members will impose significant and irreparable harm on IHEs as the IHEs face significant losses to their academic programs—some of which may be forced to shutter completely—alongside enormous economic costs due to administrative burdens and lost revenue. Amici States write to emphasize these significant harms to their IHEs, and how these harms will redound to the States and their residents more broadly. In addition to these direct harms that the States’ IHEs will suffer, the States will also lose both the intangible benefits of a diverse, bright, engaged population of temporary residents, and the more fundamental benefits conferred by providers of essential services—most notably a cadre of trained physicians helping to address our catastrophic, nationwide shortage of healthcare workers.

The Rule is wholly untethered from the needs of Amici States’ IHEs and from Amici States’ reliance on a robust system of academic exchange in which participants on all sides can have confidence that the federal government will not undermine academic objectives by

² 91 Fed. Reg. 44976 (July 17, 2026).

imposing arbitrary limitations. Its announcement last year has already had dramatic effects on international enrollment and participation in Amici States' IHEs, and permitting the Rule to stand even temporarily will only deepen those harms. Amici States respectfully urge the Court to preliminarily enjoin the Rule to preserve the status quo while this matter is litigated.

ARGUMENT

I. F AND J VISAHOLDERS ARE A SIGNIFICANT PART OF AMICI STATES' ACADEMIC COMMUNITIES, AND THEIR PARTICIPATION OFTEN NECESSARILY EXCEEDS FOUR YEARS

The Rule will affect an enormous number of students and other academic community members on F and J visas. Students and academic exchange participants represent a significant portion of their respective academic communities, particularly in so-called "STEM" (science, technology, engineering, and mathematics) fields and medicine. Nearly 1.2 million international students were enrolled at IHEs in the United States for the 2024-25 academic year.³ Amici States' IHEs made up a significant number of these international students: approximately 37,600 on F-1 status at the University of California,⁴ 14,388 at the State University of New York ("SUNY"), 11,920 at California State University ("CSU"), roughly 7,000 at the University of Wisconsin, Madison ("UW-Madison"), and 1,352 at the University of Hawaii, Manoa.

Fully one third (19,371 of 58,131) of doctoral recipients in 2024 nationwide were temporary visaholders;⁵ at UW-Madison, 37% of research doctorate students are on F-1 visas, and, at the University of California, fully 35.4% of all academic doctoral students are nonresident international students. These students are often concentrated in particular programs, especially programs in STEM disciplines. Nationally, the concentration of doctoral students with temporary visas in 2024 was 36% in science and engineering programs, 58% in computer and information sciences programs, and 21% in health sciences programs.⁶ At the University of

³ *Enrollment by Institution Type*, OPEN DOORS, <https://opendoorsdata.org/data/international-students/enrollment-by-institutional-type/> (last visited Aug. 20, 2026).

⁴ Davalo Decl. ¶ 7, ECF No. 16.

⁵ *Survey of Earned Doctorates (SED) | 2024*, NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS, tbl. 1-6, <https://nces.gov/surveys/earned-doctorates/2024#data>.

⁶ *Id.*

Minnesota (“UMinn”), international students account for approximately 90% of business administration PhDs, 83% of statistics PhDs, 80% of industrial and systems engineering PhDs, 70% of food science PhDs, 65% of experimental and clinical pharmacology PhDs, 62.5% of medical physics PhDs, and 50% of veterinary medicine students. At the University of California, international students account for 58.1% of doctoral students in engineering and computer science, and 31.9% of students in the social sciences. At UW-Madison, 73% of business doctoral students, 54% of engineering doctoral students, and 50% of pharmacy doctoral students are on F-1 visas.

Roughly 10% of all medical residents are on J-1 visas, often in specialties that are difficult to fill.⁷ For example, the University of Washington School of Medicine typically receives fewer applicants than it has spaces available for subspecialty training programs in radiology, cardiology, geriatric medicine, nephrology, and rheumatology. International visaholders fill many of these residency positions and help to ensure that Washington has an adequate number of practicing physicians in these vital fields; for example, 18% of radiology trainees at the University of Washington are on J-1 visas.

Not only are F and J visaholders a large portion of the academic community, but the durations of their respective programs often far exceed the arbitrary four-year limit imposed by the Rule. As of 2024, the time to complete graduate studies culminating in a doctorate is far greater than four years: the median time to completion is 7.3 years from the beginning of graduate school, and 5.7 years from the commencement of the doctoral program itself.⁸ (Many doctoral student complete a master’s degree or other graduate program as an initial step before beginning the doctorate itself.) The median time between beginning graduate school and completing a doctorate is 6.4 years in biological and biomedical sciences, 8.8 years in health

⁷ *AAMC Statement on Duration of Status Final Rule*, ASSOCIATION OF AMERICAN MEDICAL COLLEGES (July 17, 2026), <https://www.aamc.org/news/press-releases/aamc-statement-duration-status-final-rule>.

⁸ *Survey of Earned Doctorates (SED) | 2024*, NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS, tbl. 1-12, <https://nces.nsf.gov/surveys/earned-doctorates/2024#data>.

sciences, 12.3 years in education, and 9.7 years in humanities and the arts.⁹ A normal medical residency can last as long as seven years.¹⁰ Other academic exchange programs also cannot be completed within four years; for example, of the 801 J-1 exchange visitors at UW-Madison, 137 are in programs that last five years or more. And, according to U.S. Department of Education statistics, as of the 2015-16 academic year only 44% of undergraduate students nationally completed their bachelor's degrees within four years from first enrolling in their program.¹¹

II. AMICI STATES WILL INCUR IRREPARABLE HARM IF THE RULE IS NOT ENJOINED.

A. The Rule Will Discourage Prospective F and J Visa Holders From Participating in U.S. Academic Programs.

Enrollment in a degree program or participation in another academic exchange program (like a medical residency or research fellowship) entails a significant commitment of time and resources for nonresident visa holders. As discussed above, for example, a research degree like a PhD may take six, eight, or more years to complete even as the student makes appropriate progress.¹² With respect to financial costs, international students are generally ineligible for federal student aid, so they usually bear the full cost of tuition and expenses absent funding from the IHE or an external source.¹³

When D/S was in effect, these commitments of time and resources made sense for international students and other academic exchange visitors because they were justified by the end goal of a degree, completed residency, or other marker of achievement.¹⁴ While every

⁹ *Id.*

¹⁰ Brendan Murphy, *American Medical Association, Medical specialty choice: Should residency training length matter?*, AMA (Nov. 19, 2020), <https://www.ama-assn.org/medical-students/preparing-residency/medical-specialty-choice-should-residency-training-length>.

¹¹ *Time to degree*, NATIONAL CENTER FOR EDUCATION STATISTICS, <https://nces.ed.gov/fastfacts/display.asp?id=569> (last visited Aug. 20, 2026).

¹² *Survey of Earned Doctorates (SED) | 2024*, *supra* note 8.

¹³ *See Eligibility for Non-U.S. Citizens*, FEDERAL STUDENT AID, <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens> (last visited Aug. 20, 2026).

¹⁴ *See Re: Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media (RIN 1653-AA95)*, ASSOCIATION OF AMERICAN MEDICAL COLLEGES, 3 (Sep. 29, 2025) <https://www.aamc.org/media/86346/download?attachment> (“Non-citizens seeking educational and training opportunities in the U.S., as well as the schools, hospitals, and
(continued...)”)

academic endeavor carries the risk that circumstances will get in the way of reaching the ultimate goal, there was no meaningful risk that a student making sufficient academic progress would have their visa arbitrarily cancelled. Prospective F and J visaholders now face an entirely different risk assessment, as the Rule removes the relative certainty that they would be permitted to remain in the country to complete their programs—to say nothing of the Rule making it difficult or impossible to change academic programs or institutions should a visaholder find that that is necessary.

The Rule’s shattering of confidence in a student’s or academic exchange visitor’s ability to complete their program will greatly exacerbate a trend of decreasing international student enrollment, a decrease already due in large part to concerns about visa-related issues that had begun to arise even before the Rule was announced. According to the Institute of International Education (“IIE”), new international student enrollments for Fall 2025 fell by 17% for students beginning their studies.¹⁵ Twice as many IHEs reported a decline in international student enrollment as reported an increase—57% reporting a decline compared to 29% reporting an increase.¹⁶ At CSU, comparing applications for admission for Fall 2026 (generally submitted after the Rule was proposed) to applications for admission for Fall 2025 (generally submitted before the Rule was proposed) shows a drop from 15,682 to 10,789 international undergraduate applications (31.2% drop) and from 13,808 to 6,665 international graduate applications (51.7% drop).¹⁷ UW-Madison experienced a 27% decline in total applications to its Graduate School over the same period.¹⁸ The University of Maryland, College Park, anticipates a decline in enrollment of newly admitted graduate students of up to 30%.¹⁹

clinical training sites that host them, need assurance before entry that these individuals will be able to complete their full programs once they begin.”).

¹⁵ Julie Baer and Sumeyra Ekin, *Fall 2025 Snapshot on International Enrollment*, INSTITUTE OF INTERNATIONAL EDUCATION, INC., 6-7 (Nov. 2025), https://iie.widen.net/s/xd9xrsft6q/iie_fall-2025-snapshot_full-report.

¹⁶ *Id.* at 7.

¹⁷ Figures are as of April 19, 2026.

¹⁸ Zumbrunnen Decl. ¶ 21, ECF No. 2-21.

¹⁹ Dougherty Decl. ¶ 15, ECF No. 2-20.

Moreover, the decline in enrollment was largely attributable to concerns about visas even before Rule was proposed. According to IIE, 85% of institutions reporting declines in international student enrollment cited concerns involving visa applications as the primary issue driving enrollment declines, and nearly all (96%) cited this issue as a contributing factor in Fall 2025.²⁰ The experiences of Amici States' IHEs bear out these concerns. According to a recent survey of current graduate students and postdoctoral scholars, 49% said that would not have enrolled if D/S had been replaced with a fixed period of admission.²¹ UW-Madison reports that one graduate applicant revoked their application in light of the Rule's publication, observing that "the policy direction has created uncertainty for my longer-term academic planning."²² Another graduate applicant also withdrew, citing "substantial uncertainty for my academic and immigration plans" that "left [them] with no realistic choice but to withdraw."²³ At the University of Maryland, Baltimore, dozens of admitted students declined to enroll after the final version of the Rule was published, and at least fourteen students pointed to publication of the Rule in requesting a deferral of admission.²⁴

The significant declines in enrollment following announcement of the proposed version of the Rule, coupled with direct evidence linking these declines to anxieties caused by the proposed Rule, strongly suggest that leaving the final Rule intact will cause even greater declines in international student and exchange visitor participation.

B. The Rule Will Limit the Range of Academic Programs and Resources That Amici States Can Offer.

Reducing the number of international students and exchange visitors at Amici States' institutions will also reduce the number of course offerings, student services, academic support, and housing services Amici States can provide their students and residents. This loss will be

²⁰ Baer & Ekin, *supra* note 15, at 8.

²¹ *Surveys on International Talent Pipelines*, INSTITUTE FOR PROGRESS (IFP) AND NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, 2 (Sep. 15, 2025), <https://ifp.org/wp-content/uploads/2025-Surveys-on-International-Talent-Pipelines-1.pdf> [https://perma.cc/QLV3-M6HF].

²² Zumbrunnen Decl., *supra* note 18, at ¶ 16.

²³ *Id.*

²⁴ Ramirez Decl. ¶ 17, ECF No. 2-19.

particularly acute in the degrees and fields where nonimmigrant visa holders are significantly represented. A decrease in international students in these graduate programs will mean that these classes go unfilled, and potentially, unoffered. A reduction in course offerings will diminish the quality of education for all students, making them less prepared and capable of competing in an increasingly globalized economy.

Over the past five years, international students in the UMin system comprised 65% of earned pharmaceuticals PhDs and 65% of earned experimental and clinical pharmacology PhDs. These international researchers drive clinical trials and drug discovery at major regional employers. Losing potentially a majority of graduate students in these vital programs puts these programs at severe risk. Likewise, in the CSU system, the losses will be particularly acute in engineering, computer science, and applied sciences, as 43.9% of international students are enrolled in these fields combined; the potential loss of many or most of these students would devastate these core academic programs.

A decrease in international students means that Amici States and state resident students will also lose out on the contributions international students make outside of the classroom. For example, SUNY employs more than 2,000 international students as research assistants, teaching assistants, and in other capacities. These students contribute to research related to alternative energy sources, targeted cancer therapies, nanotechnology, 5G technologies, informatics and data analytics, advanced materials, energy storage, early diagnosis of Alzheimer's disease, and other critically important topics.

In the Fall of 2025, 46 % of primary appointment teaching assistants at UW-Madison were international students.²⁵ These students are vital to the operational sustainability of this institution as they are embedded in research as well as the teaching and instruction of undergraduate and graduate students.²⁶

²⁵ Zumbrunnen Decl., *supra* note 18, at ¶ 16.

²⁶ *Id.*

The University of Wisconsin, Milwaukee employed more than 370 international graduate assistants in teaching and research roles for the 2025-2026 academic year and anticipates a similar need for the current school year.²⁷ The anticipated reduction, delay, or disruption of these students' enrollment would affect the university's ability to staff instructional activities, support faculty research, maintain continuity in research laboratories, satisfy project timelines, fulfill grant-related obligations, and maintain academic programming.

At UMinn, students receiving medical physics PhDs, 62.5% of whom are international, directly support clinical radiation physics, diagnostic imaging, and cancer therapy equipment oversight across Minnesota hospitals and nationally. J-1 foreign medical graduates and international health professionals, including in the dentistry MS program, where 28% of graduates from 2021-2025 were international students, and the nursing PhD program, where 21% of graduates from 2021-2025 were international students, frequently fill critical staffing gaps in medically underserved and rural areas across Greater Minnesota through the Conrad-30 waiver programs and community care rotations.

And at the University of Maryland, College Park, 3,400 international graduate students, approximately 100 international postdoctoral fellows, and 21 other F-1 scholars occupy teaching and/or research roles and contribute to cutting-edge research and education.²⁸

C. The Rule Will Cause Economic Harm to Amici States.

Diminished international student enrollment will undoubtedly harm Amici States, whose IHEs stand to lose hundreds of millions in tuition and fees. For example, at CSU, during the 2024-25 academic year, international students contributed nearly \$230 million in tuition and fees. At California Community Colleges, during the 2024-25 academic year, international students contributed nearly \$163 million in tuition. And during the 2023-24 academic year, international students contributed an estimated \$190 million in gross tuition and fees to Oregon public higher education institutions. During the 2024-25 academic year, Wisconsin hosted

²⁷ Freiburger Decl. ¶ 23, ECF No. 2-22.

²⁸ Dougherty Decl., *supra* note 19, at ¶ 21.

approximately 16,391 international students, whose presence generated \$571.8 million in economic activity throughout the state.²⁹

As Amici States' IHEs receive less revenue in tuition and fees, they will simultaneously have to expend more resources to implement the Rule, and then must attempt to fill the gaps left by the dwindling international student population and address any budgetary shortfalls. First, Amici States' higher education institutions will have to divert substantial resources to support the thousands of international students who will have questions about how to comply with the Rule. The compounded costs and burdens among Amici States' many IHEs will be significant. At UMin, implementing the Rule would require staffing and training two additional administrative positions, and updating related administrative technology. These changes are expected to cost the university \$250,000 annually. At UW-Madison, compliance with the new rules will also require substantially more time and resources than was the case under D/S, given the additional paperwork and complexities.³⁰ UW-Madison estimates that processing new EOS requests will cost \$600,000 each year.³¹ The University of Maryland, Baltimore ("UMB") anticipates needing to divert significant resources to OIS to handle the changes of the Final Rule, including spending 100 hours on training its staff members as well as other professionals throughout UMB, filing 120 new EOS requests each year, and spending approximately \$35,000 on legal consultation fees.³² The University of California anticipates needing to hire an average of two new staff per office (20 full-time employees systemwide), collectively spending 10,800 hours on training in year one alone (or 18 days for each DSO/ARO), filing thousands of new extension of stay requests each year, and spending additional money on updating software systems and legal consultation in order to implement the Rule.

Second, academic and professional advisors who support international students will experience significantly increased workloads associated with EOS requests, compliance

²⁹ Freiburger Decl., *supra* note 27, at ¶ 41.

³⁰ Zumbrunnen Decl., *supra* note 18, at ¶ 54.

³¹ *Id.*

³² Ramirez Decl., *supra* note 24, at ¶ 53.

monitoring, and reissuing Forms I-20. For example, many institutions do not offer prerequisite classes every semester, and it is a complicated process to ensure that students take all classes in the right sequence to graduate on time. Students will also need counseling to comply with the Rule’s additional restrictions on undergraduate first year educational objective changes and the prohibition on graduate level program transfers. UW-Madison anticipates that not only will administrators who work with international students need training on the Rule, but so will all academic advisors, as they will need to be trained to evaluate whether a student can declare or change their major based upon immigration status.³³

Third, these institutions will need to recruit, hire and pay other instructors to make up for the large number of international students who work as research assistants, teaching assistants, and other capacities. And finally, Amici States will expend resources to secure additional funding to account for the millions in lost revenue to their IHEs. Efforts by IHEs to fill this gap, while unavoidable, could effect considerable harm to the States and to their residents. For example, State IHEs may have to increase tuition, which would be a direct hardship on students and their families, many of whom rely on their home state universities as the most cost-effective way to pursue their educational goals. Additional demands on state budgets will also require difficult trade-offs, as Amici States are already grappling with unprecedented, politically motivated cuts in federal funding—including billions of dollars in cuts to public IHEs.³⁴

These are not the only economic losses that Amici States will suffer due to the Rule. International students and exchange visitors rent apartments and houses from local landlords, purchase food from grocery stores and restaurants, frequent retail stores, and make entertainment

³³ Zumbrunnen Decl., *supra* note 18, at ¶ 56.

³⁴ See, e.g., *New Jersey v. United States Off. of Mgmt. & Budget*, No. 1:25-CV-11816-IT, 2026 WL 2069832, at *17 (D. Mass. July 17, 2026) (granting summary judgment to states in challenge to unlawful termination of federal grants); *Thakur v. Trump*, 176 F.4th 1187, 1206 (9th Cir. 2026) (affirming preliminary injunction barring federal government from terminating University of California grants on “DEI” grounds); Matthew Daly, *Trump administration admits grants for clean energy were canceled based on politics*, ASSOCIATED PRESS (July 24, 2026), <https://apnews.com/article/trump-clean-energy-grants-chris-wright-09d26d615869ce06dd6bb2c047f636cb> (discussing \$7.6 billion cuts to grant funding to “16 states that voted for Democrat Kamala Harris in the 2024 presidential election.”).

and leisure purchases. According to the U.S. Department of Commerce, international students contributed \$42.9 billion to the U.S. economy, and, according to NAFSA: Association of International Educators, supported 355,736 jobs during the 2024-25 school year.³⁵ In California, during the 2024-25 school year, international students attending California institutions contributed \$6.3 billion to the economy and supported 52,049 jobs.³⁶ In New York, during the 2024-25 school year, international students contributed \$5.9 billion to the economy and supported 46,562 jobs.³⁷

D. The Loss of International Students and Academic Visitors Will Harm Amici States Beyond Direct Harms to Ihes.

International students and academic exchange participants become vital members of their communities even outside of their respective educational institutions, enriching their surroundings to everyone's benefit. As one recent study observed, "when a community engages with international students, it helps its members develop social consciousness and overall cultural intelligence."³⁸

For example, international students and exchange visitors are ardent volunteers in their local communities.³⁹ The Department of Homeland Security even maintains a web page with information for prospective international volunteers.⁴⁰ These international student volunteers

³⁵ *Economic Value Statistics*, NAFSA, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2> (last visited Aug. 11, 2026).

³⁶ *The United States of America Benefits from International Students*, NAFSA https://www.nafsa.org/sites/default/files/media/document/EconValue2025_v01_11-12-2025.pdf (last visited Aug. 11, 2026).

³⁷ *Id.*

³⁸ Deidre (Farwick) Kwenani & Xi Yu, *Maximizing International Students' Service-Learning and Community Engagement Experience: A Case Study of Student Voices on the Benefits and Barriers*, 22 J. HIGHER EDUC. OUTREACH & ENGAGEMENT 29, 30 (2018), <https://eric.ed.gov/?id=EJ1202084>; see also Charles L. Welch, *The Case for International Students At Regional Public Universities*, FORBES (May 4, 2026, at 14:52 ET), <https://www.forbes.com/sites/charleslwelch/2026/05/04/the-case-for-international-students-at-regional-public-universities/>.

³⁹ Kwenani & Yu, *supra* note 38, at 30; John Gallagher, *At Your Service: Connecting International Students to Volunteer Opportunities*, NAFSA (Feb. 9, 2022), <https://www.nafsa.org/ie-magazine/2022/2/9/your-service-connecting-international-students-volunteer-opportunities>.

⁴⁰ *Volunteering in the United States*, STUDY IN THE STATES (Dec. 23, 2013), <https://studyinthestates.dhs.gov/2013/12/volunteering-united-states>.

have often been recognized as valuable contributors to their local communities. According to one survey of community organizations regarding the contributions of international students, “almost 70% . . . said that international students’ biggest asset was a genuine interest in the work that was being done or the populations that were being served. In addition, 57% said they came with new and different perspectives that helped the agency grow, 45% said they added a familiar face for the population receiving services, and almost 24% of the respondents said international students had a new or different set of skills that were needed to support the agency.”⁴¹

A report by NAFSA: Association of International Educators catalogs some of the important work that international student volunteers take on in their communities, noting the popularity among international students of volunteer work with local schools and with Habitat for Humanity.⁴² The University of Washington Medical School, as an example, requires its J-1 physicians to serve as medical volunteers at local events and to engage in cross-cultural activities. Social work PhD students at UMinn—more than a third of whom are international students—frequently partner with non-profits, refugee settlement agencies, and local community health organizations to serve low-income and immigrant populations in Minnesota. And the University of Delaware launched an initiative to allow international students to partner with local residents and Habitat for Humanity to build homes for local families in need.⁴³ International students even support the work of the federal government. For example, a large portion of the thirty economics PhD students recruited from UMinn to support the Federal Reserve Bank of Minneapolis as research assistants are on F or J visas.

The contributions of nonresident academic visitors to their communities are not limited to the duration of their academic programs, however. Academic visas for nonresidents are also vital to addressing the nation’s shortages of critical workers, most notably physicians. Roughly a

⁴¹ Kwenani & Yu, *supra* note 38, at 46.

⁴² Gallagher, *supra* note 39.

⁴³ Nikki Laws, *Success Through Service*, UNIVERSITY OF DELAWARE (May 2, 2018), <https://www.udel.edu/udaily/2018/may/international-students-habitat-humanity-oiss-build/>.

quarter of U.S. physicians are graduates of medical schools outside the United States.⁴⁴ For many of these physicians, their first step toward practice is undertaking a medical residency at a U.S. institution while on a J-1 visa. Medical residencies often last more than four years, making international residents on J-1 visas vulnerable to the Rule.⁴⁵ Of physicians matched to residencies in 2024, 25.1% were graduates of foreign medical schools.⁴⁶ For nonresidents seeking to pursue a medical residency in the United States, a J-1 visa is the most common way to obtain authorization,⁴⁷ and, as of 2026, there are nearly 17,500 J-1 visaholder physicians in medical residencies and fellowships.⁴⁸

Compared to their colleagues, visaholder physicians are far more likely to serve communities that lack adequate access to healthcare. According to one recent study, “[i]nternational medical graduates have consistently bridged important gaps in the US healthcare system, filling low-preference training and practice positions, providing care to historically underserved populations, and helping offset the geographic maldistribution of general and specialist physicians.”⁴⁹ A 2021 study examining the work undertaken by international medical graduates on temporary visas found that 45.6% were “fighting the COVID-19 pandemic in rural communities,” and almost 64% were practicing in medically underserved areas.⁵⁰ The large number of international medical residents creates cultural and linguistic diversity in a region’s

⁴⁴ Oliver J. McElvaney & Graham T. McMahon, *International Medical Graduates and the Physician Workforce*, 332 JAMA 490, 490 (2024), <https://jamanetwork.com/journals/jama/fullarticle/2821148>; Varshaben M. Songara et al., *Milestones Progression of International Medical Graduates in Family Medicine*, 57 FAM. MED. 570, 570 (2025), <https://journals.stfm.org/familymedicine/2025/september/peterson-0443/>.

⁴⁵ Brendan Murphy, *supra* note 10.

⁴⁶ Songara et al., *supra* note 44, at 570.

⁴⁷ American Medical Association, *Immigration information for international medical graduates*, AMERICAN MEDICAL ASSOCIATION, <https://www.ama-assn.org/education/international-medical-education/immigration-information-international-medical-graduates> (last visited Aug. 24, 2026).

⁴⁸ *J-1 Visa Sponsorship, 2025*, INTEALTH (Feb. 5, 2026), https://www.intealth.org/pdfs/J-1_US_Infographic.pdf.

⁴⁹ McElvaney & McMahon, *supra* note 44, at 490.

⁵⁰ See, e.g., Srikrishna Malayala et al., *Medically underserved areas and International Medical Graduates (IMGs) in the United States: challenges during the COVID-19 era*, 11 J. CMTY. HOSP. INTERNAL MED. PERSPS. 457, 460 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8221155/>.

physician population, leading to strong patient-physician relationships and improving the quality of care.⁵¹

Recognizing the value to the United States of keeping physicians who completed residencies on J-1 visas, the federal government has instituted several programs permitting physician J-1 visaholders to transition directly to other immigration statuses. The Conrad-30 program allows physicians on J-1 visas to transition directly to H-1B nonimmigrant statuses on the condition that they practice medicine for at least three years “at a health care facility located in an area designated by U.S. Department of Health and Human Services (“HHS”) as a Health Professional Shortage Area (“HPSA”), Medically Underserved Area (“MUA”), or Medically Underserved Population (“MUP”) or serving patients who reside in a HPSA, MUA, or MUP.”⁵² HHS can similarly issue waivers, to the direct benefit of Amici States facing shortages of healthcare personnel.⁵³ Other medical professionals completing their training on J-1 visas, such as nurses and dentists, also fill critical healthcare gaps in underserved communities upon completion of their training.

International students and exchange visitors are, in more ways than can be counted, integral to the work of Amici States’ IHEs, integral to their academic and local communities, and integral to State efforts to address the basic needs of their residents. By threatening to drive away academic visaholders, the Rule threatens harms to Amici States that cannot be mitigated or repaired, let alone fully measured.

⁵¹ See Akila V. Muthukumar et al., *International students in United States allopathic medical education: a mixed-methods analysis of institutional policies*, 30 MED. EDUC. ONLINE 1, 1 (2025), <https://www.tandfonline.com/doi/full/10.1080/10872981.2025.2471433>.

⁵² *Conrad 30 Waiver Program*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/conrad-30-waiver-program>. Without a waiver, J-1 visaholders would be required to return to their country of residence for at least two years before applying for a work visa in the United States.

⁵³ *HHS Exchange Visitor J-1 Visa Waiver Program*, DEP’T OF HEALTH & HUM. SEVS., www.hhs.gov/about/agencies/oga/about-oga/exchange-visitor-program/index.html.

CONCLUSION

The Court should grant Plaintiffs' Motion for APA § 705 Relief, a Preliminary Injunction, or, in the Alternative, Summary Judgment.

August 25, 2026

LETITIA JAMES
Attorney General
State of New York

BARBARA D. UNDERWOOD
Solicitor General
JUDITH N. VALE
Deputy Solicitor General
MORENIKE FAJANA
Special Counsel
28 Liberty Street
New York, NY 10005
(212) 416-6274
judith.vale@ag.ny.gov

Attorneys for Amicus State of New York

Respectfully submitted.

ROB BONTA
Attorney General
State of California

/s/ James E. Richardson
MICHAEL L. NEWMAN
Senior Assistant Attorney General
NICHOLAS ESPIRITU*
MARISSA MALOUFF*
Supervising Deputy Attorneys General
JAMES E. RICHARDSON*
Deputy Attorney General
300 S. Spring St., Suite 1702
Los Angeles, CA 90013
(213) 269-6341
james.richardson@doj.ca.gov

Attorneys for Amicus State of California
** Pro Hac Vice Pending*

PHILIP J. WEISER
Attorney General
State of Colorado
Office of the Attorney General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203

KATHLEEN JENNINGS
Attorney General
State of Delaware
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801

ANNE E. LOPEZ
Attorney General
State of Hawai'i
425 Queen Street
Honolulu, HI 96813

AARON M. FREY
Attorney General
State of Maine
6 State House Station
Augusta, ME 04333

ANDREA JOY CAMPBELL
Attorney General
Commonwealth of Massachusetts
One Ashburton Place
Boston, MA 02108

KEITH ELLISON
Attorney General
State of Minnesota
102 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

AARON D. FORD
Attorney General
State of Nevada
100 North Carson Street
Carson City, NV 89701

WILLIAM TONG
Attorney General
State of Connecticut
165 Capitol Avenue
Hartford, CT 06106

BRIAN L. SCHWALB
Attorney General
District of Columbia
400 6th St. NW
Washington, DC 20001

KWAME RAOUL
Attorney General
State of Illinois
115 South LaSalle Street
Chicago, IL 60603

ANTHONY G. BROWN
Attorney General
State of Maryland
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

DANA NESSEL
Attorney General
State of Michigan
P.O. Box 30212
Lansing, Michigan 48909

RAÚL TORREZ
Attorney General
State of New Mexico
New Mexico Department of Justice
408 Galisteo Street
Santa Fe, NM 87501

JEFF JACKSON
Attorney General
State of North Carolina
114 W. Edenton Street
Raleigh, NC 27603.

DAN RAYFIELD
Attorney General
State of Oregon
1162 Court Street NE
Salem, OR 97301

PETER F. NERONHA
Attorney General
State of Rhode Island
150 South Main Street
Providence, RI 02903

CHARITY R. CLARK
Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

JAY JONES
Attorney General
Commonwealth of Virginia
202 North Ninth Street
Richmond, Virginia 23219

JOSHUA L. KAUL
Attorney General
State of Wisconsin
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857