

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

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE; and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
United States Department of Homeland
Security; and MATTHEW ALBENCE, in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement,

Defendants.

Civil Action No. 1:20-cv-11283-ADB

DECLARATION OF STUDENT #1

I, Student #1, hereby state under the penalty of perjury that the following statements are true and accurate to the best of my knowledge:

1. I am a rising sophomore at Harvard College and a varsity student-athlete. I am not revealing my name or certain facts that may reveal my identity due to fears, based on my participation in this litigation, that I could face retaliation from immigration authorities.

2. I have not yet declared my major at Harvard, but I am considering studying economics. Prior to enrolling at Harvard, I attended high school in the United States for three years.

3. I am from Belarus. I have held an F-1 visa since 2016, which has allowed me to study in the United States, first for three years in high school, and this past year in college at Harvard. That visa is set to expire on July 29, 2020, but is currently up to date. I have not yet been able to renew my F-1 visa because the U.S. consular services in Belarus closed on March 17, 2020 and have not reopened.

4. I began the spring semester this year in Cambridge, Massachusetts. On March 10, 2020, the College told students that it would transition to virtual instruction and asked that students not return after spring break. I returned to Belarus during spring break and completed the spring semester remotely.

5. On July 8, 2020, I planned to return to the United States with my older brother. I intended, and still intend, to continue my course of study at Harvard this fall through remote learning while necessary. I had an airplane ticket to fly from Minsk to Frankfurt, from Frankfurt to New York, and from New York to Miami with my brother, who holds a Green Card. I was planning to travel to Miami to visit my sister, and to remain in the United States to study during the fall semester. One of my teammates had invited me to stay with him at his home in Chicago until Harvard was able to resume in-person learning.

6. When I checked in for my flight in Minsk on July 8, 2020, an agent asked where my final destination was, and I told the agent that I was travelling to Miami. The agent checked my visa and my brother's Green Card and told us that my brother's paperwork was okay, but that I could not board the flight because "F-1 visa holders are not included in the list of approved travelers." I was confused because I had not heard that and knew that my visa was still valid.

7. After approximately twenty minutes of speaking with the agents, my brother and I were out of time because we only had five minutes before check-in for our flight was complete, and we had to decide whether my brother would go to the United States without me. We decided that he

should go without me so that we did not lose the cost of two international tickets. I, however, was not allowed to board the flight to begin travelling to the United States. I returned home and forfeited the value of my ticket.

8. On July 9, 2020, I e-mailed the U.S. consular office in Minsk to ask them why I was not allowed to board my flight and how I could enter the United States using my valid F-1 visa. A true and correct copy of that e-mail is attached hereto as Exhibit A. In reply, the U.S. consular office told me that in order to secure entry to the United States I would need to book a route that did not pass through one of the 26 Schengen countries, due to COVID-19-related travel restrictions for those countries. The U.S. consular office also stated: “Please, be also informed that additionally you need to have a letter from your university that you will not be 100% study on-line, and you physically will be attending classes (off-line program).”

9. Because Harvard College has announced that it will conduct classes 100% online for the fall semester 2020, at this point I do not believe I will be able to secure such a letter from Harvard College and therefore will not be allowed to travel back to the United States to attend classes.

10. Remaining in Belarus to conduct my coursework would be very difficult, if not impossible. Minsk is seven time zones ahead of Cambridge, so I would likely have to take classes and participate in any virtual extracurricular activities at odd hours. Additionally, my varsity sport and other extracurricular activities are integral to my experience at Harvard, and I am eager to begin participating in those activities as soon as they resume. Remaining in the United States during the fall semester would enable me to fully participate in my classwork and participate in extracurricular activities as soon as possible.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this day, July 13, 2020

/s/ Student # 1
Student #1