

Seventeen states and tens of universities file lawsuits against ICE attack on international students

Sam Dalton
14 July 2020

Following the outbreak of the COVID-19 pandemic across the US, on March 13, Immigration and Customs Enforcement (ICE) issued an exemption to its requirement that international students studying in the US on F-1 visas must attend classes in person. At that time, the government said the arrangement was “in effect for the duration of the emergency.” However, on July 6, ICE made an abrupt announcement reversing the exemption. The change in policy means that over 900,000 international students attending American colleges this fall will be required to take at least one in-person class to remain in the US.

The announcement was made last week, just as the pandemic was hitting record numbers of cases in the US, over 375,000 coronavirus cases in a single week, more than the number of cases reported in February, March and the first week of April combined.

The measure is part of a broader attempt to force universities and grade schools to fully reopen for the fall semester. The ICE rule reversion came the same day Trump tweeted, “SCHOOLS MUST OPEN IN THE FALL!!!” The rule is also seen as an opportunity for Trump to appeal to his fascist base by whipping up a hostile anti-immigrant environment.

A number of lawsuits have been filed against the ruling. One filed jointly by Harvard University and the Massachusetts Institute of Technology (MIT) has received the support of over 50 amicus briefs from other universities. An initial decision by the judge is expected on Wednesday, July 15. Another suit has been filed by the University of California system, which enrolls over 40,000 international students. California Attorney General Xavier Becerra has also filed a lawsuit on behalf of California State University and the

California Community Colleges system.

On July 13, seventeen mostly Democratic-controlled states and the District of Columbia joined the universities in suing the Trump administration. In response to this lawsuit, the government defended its action on the basis of national security concerns, stating, “A solely online program of study provides a nonimmigrant student with enormous flexibility to be present anywhere in the United States for up to an entire academic term, whether that location has been reported to the government, which raises significant national security concerns.” The invocation of “national security concerns” is completely baseless. Rather, it is part of the Trump administration’s broader efforts to stoke extreme nationalism by targeting immigrants and refugees.

The Harvard and MIT lawsuit provides no safeguard against future attacks on international students. It seeks only a temporary restraining order on ICE’s July 6 rule, an order setting aside the rule and a declaration that the rule is unlawful. Nowhere in the lawsuit are future guarantees for international students’ residency requested by the universities. Even if the judge grants every request, the short- and long-term future of international students in the US remains perilous.

The lawsuits undertaken by the coalition of mostly Democratic-controlled states and the capital territory are perhaps even more blatant in their disregard for the democratic rights of international students. Commenting on his decision to back the lawsuit, New Jersey Attorney General Gurbir Grewal derided the Trump administration for using “international students and the tuition they pay as leverage [to return to in-person classes].”

The Democratic-led lawsuit's notion that the rights of international students should be defended on the basis of the tuition they pay is particularly foul. It detracts from the fact that many international students are from working class and lower-middle class backgrounds who attend colleges in the US on scholarships or through years of saving and sacrifice by their parents. Indeed, international students face food insecurity at a higher rate than their American counterparts.

The harsh reality is that if the money can be sourced elsewhere or if state contracts are at risk, then these universities will have no qualms sending international students on their merry way.

The states' lawsuit also represents the interests of a section of the ruling class who are concerned about the damage the ICE ruling will cause American imperialism's foreign policy interests. As of last year, 62 of the world's heads of state had spent a portion of their higher education in the US.

There is also no doubt a deep concern among Democratic Party officials of a massive backlash by students and workers against this measure which threatens to break out of the confines of the state-sanctioned opposition. Already dozens of petitions have been signed by thousands of students, American and international alike, who understand that the move represents an attack on democratic rights more broadly.

Both the anti-immigrant policies of the Trump administration and the back-to-work campaign have been facilitated and supported by the Democratic Party.

Just last month, the Supreme Court suspended habeas corpus and due process rights for asylum seekers. The darling of the "progressive" wing of the Democratic party, Supreme Court Justice Ruth Bader Ginsburg, voted in favor of the reactionary ruling. This is the logical conclusion of Obama-era immigration policies, which saw record numbers of migrant deportations.

Other measures taken in the past two months include the realization of long-term policy goals of the right wing of the Trump administration, particularly fascistic ex-adviser Stephen Miller. These include the crackdown on H-1B work visas and the vicious reprisals against Chinese graduate students. Indeed, over 370,000 Chinese students on F-1 visas face deportation following the ICE ruling.

Following Trump's victory in the 2016 election, the US was rocked by mass protests in a number of major

cities against his xenophobic and nationalistic policies. The role of the Democratic Party has been to nullify that anger with token resistance, or, in many cases, to actively participate in the crackdown. Their actions have given the Trump administration carte blanche to carry out widespread attacks against asylum seekers, foreign workers and international students alike.

The lawsuits filed by the mostly Democratic-controlled states and state-aligned university administrations will not buck this trend. International students should not have any illusions in these or any future legal actions. As anti-immigrant measures are enforced at an ever greater pace by all sections of the American ruling class, it will ultimately be in the arena of a political struggle of the working class armed with a socialist perspective that the right to equal and high-quality education regardless of nationality will be secured for all.



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