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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STATE OF CALIFORNIA,

Plaintiff,

v.

**U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,**

Defendants.

Case No. 4:20-cv-04592-JST
Case No. 4:20-cv-04621-JST

JOINT STATUS REPORT

**REGENTS OF THE UNIVERSITY OF
CALIFORNIA,**

Plaintiff,

v.

**U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,**

Defendants.

JOINT STATUS REPORT

Pursuant to the Court’s direction that the parties submit a Status Report by September 4, 2020, the parties report as follows:

1. On August 7, 2020, U.S. Immigration and Customs Enforcement (“ICE”) issued a revised set of COVID-19 Frequently Asked Questions (“FAQs”), incorporating prior ICE guidance: July 24, 2020 Clarifying Questions for Fall 2020 Based On March 9 Spring Guidance Broadcast and the July 15, 2020 Frequently Asked Questions for SEVP Stakeholders. In the August 7 FAQs, ICE represents that for the fall 2020 semester, “the March 2020 guidance applies to nonimmigrant students who were actively enrolled at a U.S. school on March 9, 2020, and otherwise complying with the terms of their nonimmigrant status.” It also states that “nonimmigrant students may remain in the United States to engage in full course of study online if they have not otherwise violated the terms of their nonimmigrant status.” The FAQs are published at <https://www.ice.gov/doclib/coronavirus/covid19faq.pdf>.
2. The ICE website still includes a news release dated July 6, 2020, which is consistent with the July 6 and July 7 policies challenged in this action, and includes the directive in the July 6 and July 7 policies that F-1 students in the United States may not take a full course load of online study, and that M-1 students may not take any online courses. As of the time of this filing, the news release continued to be available at: <https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>. Defendants note that they have not removed the press release from the website because it was news at the time it was issued, but they have added a banner to the press release directing readers to the COVID-19 guidance page, which was updated on August 12, and does not contain the July 6 or 7 guidance, but does include the March guidance. Defendants also note that they issued a press release on July 24, 2020 entitled “ICE continues March guidance for fall school term,” which states that

1 “[n]onimmigrant students and schools certified by the Student and Exchange
2 Visitor Program (SEVP) should abide by SEVP guidance originally issued in
3 March 2020.” The July 24, 2020 release is available at
4 [https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-](https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-term)
5 [term](https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-term).

- 6 3. Plaintiffs are continuing to monitor any remaining impacts of the July 6 and 7
7 policies and their subsequent rescission, including any enforcement of those
8 policies as to their international students. University of California, California
9 State University, and California Community Colleges campuses have differing
10 start dates, with several campuses reopening within the next month. Most of the
11 University of California campuses are scheduled to begin instruction on October
12 1, 2020.
- 13 4. The parties have begun engaging in a meet and confer process in an attempt to
14 reach a resolution of Plaintiffs’ claims. The parties will continue to meet and
15 confer. If the parties come to a resolution by October 6, 2020, the date that the
16 parties’ case management statement is due, the parties will update the Court. If
17 the parties do not come to a resolution by October 6, 2020, the parties will proceed
18 with the case management statement and conference.

1 Dated: September 4, 2020

Respectfully submitted,

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9 /s/ Marissa Malouff

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ATTESTATION OF SIGNATURE

I, Marissa Malouff, hereby attest, pursuant to Local Civil Rule 5-1(i)(3) of the Northern District of California that concurrence in the filing of this document has been obtained from each signatory hereto.

/s/ Marissa Malouff

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