

1 BRIAN M. BOYNTON
Acting Assistant Attorney General
2 BRIGHAM J. BOWEN
Assistant Branch Director
3 JULIE STRAUS HARRIS (DC Bar No. 1021928)
Senior Trial Counsel
4 United States Department of Justice
Civil Division, Federal Programs Branch
5 1100 L Street NW
Washington, DC 20530
6 Phone: (202) 353-7633
Fax: (202) 616-8470
7 Email: julie.strausharris@usdoj.gov

8 *Attorneys for Defendants*

9 Jessica Marsden (pro hac vice)
jess.marsden@protectdemocracy.org
10 510 Meadowmont Village Cir., No. 328
Chapel Hill, North Carolina 27517
11 Telephone: (202) 579-4582
Facsimile: (929) 777-8428

12 *Attorneys for Plaintiffs*

13 (Additional counsel listed on signature page)

14
15 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 THE CITY OF SEATTLE, *et al.*,

18 Plaintiffs,

19 v.

20 DEPARTMENT OF HOMELAND
SECURITY, ALEJANDRO N. MAYORKAS¹,
21 TRACY L. RENAUD, and UNITED STATES
CITIZENSHIP AND IMMIGRATION
22 SERVICES *et al.*,

23 Defendants.

Case No. 3:19-cv-07151-MMC

JOINT STATUS REPORT; ~~PROPOSED~~
ORDER

24
25 Plaintiffs the City of Seattle, Immigrant Legal Resource Center, Catholic Legal Immigration Network,
26 Inc., Self-Help For The Elderly, OneAmerica, and Central American Resource Center of California

27 ¹ Alejandro N. Mayorkas and Tracy L. Renaud have been substituted for Chad Wolf and Kenneth T.
28 Cuccinelli, respectively, as defendants in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 (collectively, “Plaintiffs”), and Defendants the U.S. Department of Homeland Security (“DHS”), U.S.
2 Citizenship and Immigration Services (“USCIS”), Secretary of Homeland Security Alejandro N. Mayorkas,
3 and USCIS Senior Official Performing the Duties of the Director Tracy L. Renaud (collectively,
4 “Defendants”) respectfully submit this Joint Status Report pursuant to the Court’s Order of November 16,
5 2020, ECF No. 88. The parties report as follows:

6 1. On February 2, 2021, the President signed Executive Order 14,012, “Restoring Faith in Our Legal
7 Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,” 86
8 Fed. Reg. 8,277 (Feb. 5, 2021) (the “EO”), attached hereto as Exhibit.

9 a. Section 5(a) of the EO states that certain government officials, including the
10 Secretary of Homeland Security shall “within 60 days of the date of this order, develop a plan
11 describing any agency actions, in furtherance of the policy set forth in section 1 of this order,
12 that they will take to: . . . (iii) make the naturalization process more accessible to all eligible
13 individuals, including through a potential reduction of the naturalization fee and restoration
14 of the fee waiver process.” Section 5(b) of the EO further states that the same government
15 officials “[w]ithin 180 days of the issuance of the plan developed pursuant to subsection (a)
16 of this section . . . shall submit a report to the President describing the progress in
17 implementing the plan, any barriers to implementing the plan, and any additional areas of
18 concern that should be addressed to ensure that eligible individuals are able to apply for
19 naturalization in a fair and efficient manner.”

20 b. Additionally, Section 3(a)(ii) of the EO identifies the final rule, U.S. Citizenship and
21 Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit
22 Request Requirements, 85 Fed. Reg. 46,788 (Aug. 3, 2020), the publication of which the parties
23 notified this Court in their August 17, 2020 Joint Status Report, *see* ECF No. 83, and states
24 that certain government officials, including the Secretary of Homeland Security shall
25 “recommend steps, as appropriate and consistent with applicable law, to revise or rescind those
26 agency actions.” Section 3(b) further states that the same government officials “[w]ithin 90
27 days of the date of this order . . . shall each submit a plan to the President describing the steps
28 their respective agencies will take to advance the policy set forth in section 1 of this

1 order.” Finally, Section 3(c) states that the same government officials “[w]ithin 180 days of
2 submitting the plan described in subsection (b) of this section . . . shall each submit a report
3 to the President describing the progress of their respective agencies towards implementing
4 the plan developed pursuant to subsection (b) of this section and recognizing any areas of
5 concern or barriers to implementing the plan.”

6 2. In light of the Order Granting Plaintiffs’ Motion for Nationwide Preliminary Injunction, ECF No.
7 65, and the EO, and in the interests of judicial economy, the parties have conferred and agreed to
8 jointly request that the Court stay this case, with all proceedings held in abeyance, to allow defendant
9 the Secretary of Homeland Security to undertake the review contemplated by the EO. All parties
10 agree that the preliminary injunction issued pursuant to this Court’s Order on December 11, 2019,
11 ECF No. 65, remains in place and are not asking the Court to modify it at this time.

12 3. Additionally, the parties have conferred and agreed to jointly request that, should the case be stayed
13 to allow defendant the Secretary of Homeland Security to undertake the review contemplated by the
14 EO, the parties be permitted to file a joint status report on or before May 13, 2021, indicating whether
15 this case and all proceedings should continue to be held in abeyance or proposing a schedule for
16 continuing the litigation.

17
18 Dated: February 12, 2021

Respectfully submitted,

19 BRIAN M. BOYNTON
20 Acting Assistant Attorney General

21 BRIGHAM J. BOWEN
22 Assistant Branch Director
23 Federal Programs Branch

24 /s/ Julie Straus Harris
25 JULIE STRAUS HARRIS
26 DC Bar No. 1021298
27 Senior Trial Counsel
28 CHARLES E.T. ROBERTS
PA Bar No. 326539
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW

1 Washington, DC 20530
2 Tel: (202) 353-7633
3 Fax: (202) 616-8470
4 Email: julie.strausharris@usdoj.gov

5 *Attorneys for Defendants*

6 PROTECT DEMOCRACY PROJECT

7 By: /s/ Jessica Marsden
8 Jessica Marsden (*pro hac vice*)
9 jess.marsden@protectdemocracy.org
10 510 Meadowmont Village Circle, No. 328
11 Chapel Hill, North Carolina 27517
12 Telephone: (202) 579-4582
13 Facsimile: (929) 777-8428

14 Brittany M. Williams (*pro hac vice*)
15 brittany.williams@protectdemocracy.org
16 1900 Market Street, 8th Floor
17 Philadelphia, PA 19103
18 Telephone: (202) 579-4582
19 Facsimile: (929) 777-8428

20 Benjamin Berwick (*pro hac vice*)
21 ben.berwick@protectdemocracy.org
22 15 Main St., Suite 312
23 Watertown, Massachusetts 02472
24 Telephone: (202) 579-4582
25 Facsimile: (929) 777-8428

26 Rachel Goodman (*pro hac vice*)
27 rachel.goodman@protectdemocracy.org
28 115 Broadway, 5th Floor
New York, New York 10006
Telephone: (202) 579-4582
Facsimile: (929) 777-8428

MAYER BROWN LLP

Lauren R. Goldman (*pro hac vice*)
Matthew D. Ingber (*pro hac vice*)
Niketa K. Patel (*pro hac vice*)
Maura K. McDevitt (*pro hac vice*)
Nicolas E. Rodriguez (*pro hac vice*)
Luc W. M. Mitchell (*pro hac vice*)
mingber@mayerbrown.com
lgoldman@mayerbrown.com
npatel@mayerbrown.com

~~PROPOSED~~ ORDER

IT IS SO ORDERED. This case shall be stayed, with all proceedings held in abeyance, to allow defendant the Secretary of Homeland Security to undertake the review contemplated by Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5, 2021), signed by the President on February 2, 2021. Further, on or before May 13, 2021, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Date: February 12, 2021


HONORABLE MAXINE M. CHESNEY
United States District Judge