

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ASSOCIATION OF
MANUFACTURERS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Case No. [20-cv-04887-JSW](#)

**ORDER GRANTING PLAINTIFFS'
MOTION TO CLARIFY
PRELIMINARY INJUNCTION AND
FOR DISCOVERY REGARDING
COMPLIANCE**

Re: Dkt. No. 99

Now before the Court is Plaintiffs' motion to clarify the Court's preliminary injunction and for discovery regarding compliance. Having considered the motion papers and evidence filed in support and in opposition to the motion, and all the pleadings on file, the Court GRANTS the motion, as follows:

The preliminary injunction issued by this Court on October 1, 2020 requires that Defendants treat visa applicants covered by the injunction no less favorably than any other nonimmigrant visa applicant. For example, if any particular consulate is processing applications for nonimmigrant visas that fall within the scope of the national interest exception of Presidential Proclamation 10052, it must also process applications for individuals covered by the preliminary injunction. Those parties covered by the Court's injunction must receive treatment from the consulates at least as favorable as any other category of nonimmigrant visa applicant.

In order to verify whether any particular applicant falls within the scope of the preliminary injunction, Defendants must contact the relevant plaintiff association by email to inquire whether the entity is a member at the time of the visa application or interview.

Defendants must maintain a list of entities that are confirmed members of the plaintiff association, and Defendants will no require further verification as to those entities. This list includes the members of plaintiff TechNet (whose membership is publicly available, see

perma.cc/AF8V-599G), as well as other entities verified by Defendants, including the programs operated by plaintiff Intrax, Inc., such as Au Pair Care, Camp Care USA, Intrax Work Travel, Intrax Career Training Program, and Intrax Internship Training Program.

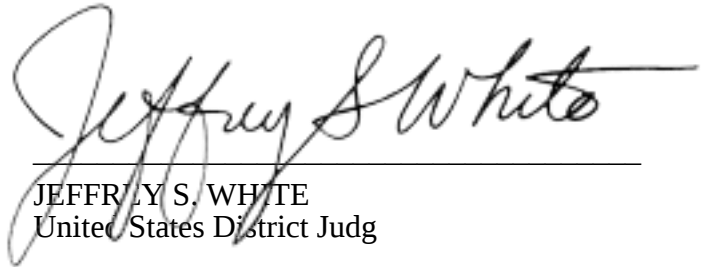
As required by the preliminary injunction, Defendants must process visas for individuals sponsored by plaintiff Intrax at every consulate that currently processes any nonimmigrant visas, including under Proclamation 10052's national interest exceptions.

Defendants must supply guidance to the consulates to implement this Court's order of clarification and file a certification with the Court attesting to the compliance with a copy of the guidance attached within two court days after issuance of this order.

In addition, Defendants are ordered to produce discovery within two weeks of issuance of this order regarding their communications, of all types, from Defendants to U.S. embassies and consulates in Brazil, France, India, Italy, and the Philippines regarding Proclamation 10052 or this case. Defendants shall also produce all internal communications concerning the implementation of this Court's preliminary injunction.

IT IS SO ORDERED.

Dated: November 18, 2020



JEFFREY S. WHITE
United States District Judge