IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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| NATIONAL ASSOCIATION OF IMMIGRATION JUDGES, affiliated with the International Federation of Professional and Technical Engineers,<br><br>Plaintiff-Appellant,<br><br>v.<br><br>JEAN KING, in her official capacity as the Acting Director of the Executive Office for Immigration Review,<br><br>Defendant-Appellee. | No. 20-1868 |

**CONSENT MOTION TO STAY APPEAL**

Through this appeal, Plaintiff-Appellant National Association of Immigration Judges (NAIJ) challenges changes made in 2017 and 2020 to the Executive Office for Immigration Review's (EOIR) speaking-engagement policy for immigration judges employed by the agency. This case has been fully briefed, and oral argument is scheduled for May 4, 2021.

Due to the recent change in administration on January 20, 2021, there is new EOIR leadership. In a letter addressed to the Acting Director for EOIR and the Attorney General dated March 25, 2021, counsel for the Plaintiff-Appellant requested that new EOIR and Department of Justice leadership review and revise the speaking-engagement policy in light of the challenges that it has raised in this case. EOIR has

begun the process of reviewing the existing speaking-engagement policy, including the changes made in 2017 and 2020, in order to determine whether any revisions are warranted. Although the agency expects its review of the speaking-engagement policy to be fairly expeditious, it will not be able to complete that review in advance of the oral argument currently scheduled for May 4, 2021.

To promote judicial economy and allow the new agency officials sufficient time to become familiar with these issues and determine how they wish to proceed, the government respectfully moves to stay this appeal and postpone the oral argument. EOIR anticipates completing its review of the policy for possible revisions expeditiously, and we will provide a status report to the court regarding the status of that review and any changes that have been made in 60 days.

We have consulted with counsel for the Plaintiff-Appellant, and they consent to a 60-day stay of the appeal, with a status report due at the end of that period. If the review process remains ongoing at that time, we will inform the Court and consult with the plaintiff as to its position on a continued stay of the litigation at that time.

For the foregoing reasons, the Court should stay this appeal and postpone the May 4 oral argument, with a status report due in 60 days.

Respectfully submitted,

MICHAEL S. RAAB

**/s/ Jennifer L. Utrecht**

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APRIL 2021

## CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 345 words.

**/s/ Jennifer L. Utrecht**
Jennifer L. Utrecht

## CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2021, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

**/s/ Jennifer L. Utrecht**
Jennifer L. Utrecht