IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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

STATUS REPORT

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 all agency employees, including immigration judges. By order dated April 26, 2021, this Court granted the government's motion to stay the appeal in order to allow new EOIR leadership officials sufficient time to become familiar with the issues on appeal and determine whether any revisions to the speaking-engagement policy are warranted.

EOIR has made substantial progress in its review of the issues presented in this case, and has tentatively approved a memorandum outlining a new speaking-engagement policy for all employees, including immigration judges, but that document

will not be finalized until the changes can be implemented through EOIR's information technology systems. EOIR is currently working to make necessary technological and administrative changes to its systems in order to implement changes to the policy, including by reprogramming the electronic portal previously established for the automatic submission-and-approval of speaking requests. That process remains ongoing. To permit the agency sufficient time to finalize its revised policy, the government respectfully requests that the Court continue to stay this appeal. We will provide another status report in 60 days, or, if EOIR's review has completed before then, once the process is completed and the parties have consulted about the appropriate manner to proceed in this litigation.

We have consulted with counsel for Plaintiff-Appellant regarding the continued stay of this case. Counsel has informed us that Plaintiff-Appellant opposes a continued stay of this case.

For the foregoing reasons, the government respectfully requests that this Court continue to stay this appeal, with a status report due in another 60 days. If EOIR makes any revisions to the speaking-engagement policy before that time, the government will consult with the plaintiff and file a status report that informs the Court of any changes that have been made and the parties' positions as to the appropriate manner to proceed in this litigation.

Respectfully submitted,

MICHAEL S. RAAB

/s/ Jennifer L. Utrecht

JENNIFER L. UTRECHT
(202) 353-9039
Attorneys, Appellate Staff
Civil Division
U.S. Department of Justice
950 Pennsylvania Ave. N.W.
Room 7710
Washington, D.C. 20530

Attorneys for Defendant-Appellee

AUGUST 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 332 words.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 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