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

RESPONSE TO MOTION TO LIFT STAY

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.

As represented in NAIJ's motion to lift the stay, NAIJ's consent to a stay of the proceedings was predicated on new EOIR's leadership representation that they would endeavor to become familiar with the issues on appeal and finalize any revised

speaking-engagement policy "expeditiously." And as represented in the government's status reports to date, EOIR has endeavored to bring its review to an expedient conclusion.

Since this Court granted the government's motion to stay this appeal, EOIR's Office of Policy and Office of the General Counsel have collaborated to review the policy challenged in this appeal and identify ways in which the agency could expand employees' outside speaking opportunities, balanced against important government interests and Department of Justice policies. To that end, the relevant agency officials have collaborated to draft a new speaking-engagement policy in consultation with EOIR components.

As reported in the government's last status report on August 24, 2021, EOIR has begun the process of rebuilding the online portal used to submit speaking-engagement requests in order to prepare the system for changes to the speaking-engagement policy. EOIR has also tentatively approved a new policy, subject to potential further revisions while EOIR's Office of Information Technology works to make necessary changes to EOIR's information technology systems. After EOIR has completed necessary technological and administrative changes to its systems, EOIR intends to finalize the speaking-engagement policy and issue it to all agency employees, effective immediately upon issuance. Due to competing and sometimes unpredictable information technology needs of the agency, however, EOIR is unable to commit to a firm deadline for completing this process. Because the process

remains ongoing, the government respectfully requests that this Court continue the stay for at least another 30 days in order to permit EOIR sufficient time to finalize its revised policy.

Respectfully submitted,

MICHAEL S. RAAB

/s/ Jennifer L. Utrecht

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SEPTEMBER 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 374 words.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 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