

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**Illinois Coalition for Immigrant and Refugee  
Rights, Inc.,**

Plaintiff,

v.

**Alejandro Mayorkas, in his official capacity  
as Secretary of U.S. Department of  
Homeland Security; et al.**

Defendants.

Case No. 19-cv-6334

**NOTICE AND MOTION TO MODIFY JANUARY 22, 2021 MINUTE ORDER**

Defendants respectfully notify the Court and Plaintiff that, on February 2, 2021, the President issued an Executive Order addressing issues pertinent to this action, titled Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans. See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-on-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>

The Executive Order states that it is “essential to ensure that our laws and policies encourage full participation by immigrants, including refugees, in our civic life; that immigration processes and other benefits are delivered effectively and efficiently; and that the Federal Government eliminates sources of fear and other barriers that prevent immigrants from accessing government services available to them.” *Id.* The Order goes on to direct that the Executive Branch “should develop welcoming strategies that promote integration, inclusion, and citizenship, and it should embrace the full participation of the newest Americans in our democracy.” *Id.*

To that end, the Executive Order directs action on issues pertinent to this case: Section 4 of the Executive Order specifically directs relevant agency heads, including the Secretary of Homeland Security, to review agency actions related to implementation of the public charge ground of inadmissibility, 8 U.S.C. § 1182(a)(4)(A), in light of the policy set forth in the Executive Order and certain other considerations, and to “submit a report to the President describing . . . any steps their agencies intend to take” concerning these agency actions “[w]ithin 60 days of the date of” the Executive Order. Section 3 of the Executive Order directs the Secretary of Homeland Security to review other agency actions that may be inconsistent with the policy set forth in the Executive Order.

In light of this Executive Order, Defendants intend to confer with Plaintiff over next steps in this litigation, including the propriety of a time-limited stay. Thus, Defendants respectfully request that the Court modify its January 22, 2021 Minute Order which requires Defendants to file a unilateral status report by February 4, 2021, “addressing: (1) whether they plan to pursue their appeal in No. 20-3150 (7th Cir.); (2) whether they plan to pursue their petition for certiorari in No. 20-450 (U.S.); and (3) if the answer to Questions (1) or (2) is either yes or that a decision has not yet been made, whether they continue to assert the deliberative process privilege as to the documents submitted for [the Court’s] in camera review.” The Court should instead require the parties to file a joint status by February 19, 2021 concerning further proceedings in this action.<sup>1</sup>

Dated: February 3, 2021

Respectfully submitted,

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<sup>1</sup> However, in response to the January 22, 2021 Minute Order inquiry concerning the deliberative process privilege, Defendants may now confirm that they will currently continue to assert the deliberative process privilege over the documents submitted to the Court for in camera review in response to the December 15, 2020 Minute Order.

MICHAEL D. GRANSTON  
Deputy Assistant Attorney General

ALEXANDER K. HAAS  
Director, Federal Programs Branch

/s/ Kuntal Cholera  
KUNTAL V. CHOLERA  
JOSHUA M. KOLSKY (DC Bar No. 993430)  
KERI L. BERMAN  
JASON C. LYNCH  
Trial Attorneys  
U.S. Dept. of Justice, Civil Division,  
Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20001  
Phone: (202) 305-8645  
Fax: (202) 616-8470  
Email: kuntal.cholera@usdoj.gov

*Counsel for Defendants*