

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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; U.S. DEPARTMENT OF
HOMELAND SECURITY,

et al.,

Defendants.

Case No. 19-cv-6334

Judge Gary Feinerman

JOINT STATUS REPORT

Pursuant to this Court's order, Dkt. 246, Plaintiff ICIRR and Defendants submit the following joint status report in advance of the March 12, 2021 status hearing.

DEFENDANTS' POSITION

As reflected in the February 19, 2021 status report, the Department of Homeland Security ("DHS"), under Secretary Mayorkas, has been reviewing the Public Charge Rule in response to an Executive Order issued by President Biden just over a month ago, on February 2, 2021.¹ The U.S. Department of Justice ("DOJ"), in turn, has likewise been assessing how to proceed in the relevant litigations concerning the Public Charge Rule. Defendants will file a notice with the Court promptly after a determination is made by DHS and/or DOJ which would have a material effect on this litigation.

PLAINTIFF'S POSITION

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>.

Defendants continue to provide no assurance that they will make any changes to the public charge rule as it currently applies today. Plaintiff noted in its call with Defendants that what ICIRR feared would happen – multiple extensions with no movement – has indeed happened. To date, Defendants continue to request that the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit overturn this Court’s prior rulings and uphold the Rule.

Since the parties’ last Joint Status Report (Dkt. 245), Defendants have succeeded obtaining certiorari in parallel litigation, *Department of Homeland Security v. New York*, No. 20-449 (Oct. 7, 2020). Order List (02/22/2021) (<https://www.supremecourt.gov/orders/ordersofthecourt/20>) at 4. The petition for certiorari in this matter continues to pend at the Supreme Court. Docket No. 20-450 (U.S.). While the petition is pending with the Supreme Court, briefing is suspended at the Seventh Circuit. ECF No. 21, *Cook County v. Wolf*, No. 20-3150 (7th Cir.).

Plaintiff and the communities it serves are facing well-documented harms each day the Rule is in effect. Plaintiff continues to desire to continue to move this case toward its conclusion on the Equal Protection claim that is independent of the claims before the Supreme Court and Seventh Circuit. This claim could provide an independent basis for vacatur of the Rule.

Plaintiff continues to object to any stay of proceedings.

Dated: March 5, 2021

Respectfully submitted,

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