UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AMERICAN IMMIGRATION COUNCIL and TAHIRIH JUSTICE CENTER,)))
Plaintiffs,)
v.) Civil Action No. 1:19-cv-02965-RC
U.S. CUSTOMS AND BORDER PROTECTION; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; and U.S. DEPARTMENT OF HOMELAND SECURITY,)))))
Defendants.)))

JOINT STATUS REPORT

Defendants, U.S. Customs and Border Protection ("CBP"), U.S. Citizenship and Immigration Services ("USCIS"), and U.S. Department of Homeland Security ("DHS") (collectively, "Defendants"), and Plaintiffs, American Immigration Council ("AIC") and Tahirih Justice Center ("TJC"), each by its undersigned counsel, submit this joint status report in response to the Court's October 28, 2022, Minute Order. The parties respectfully state as follows:

- 1. As previously reported, the parties have been discussing alternatives to producing the withheld names of the U.S. Border Patrol agents, as ordered by the Court. The parties reached an agreement in principle regarding the alternative proposal raised by the Court during the June 7, 2022, status conference. ECF No. 59. The agreement resolves the parties' dispute regarding the production of the names of U.S. Border Patrol agents.
- 2. On February 16, 2023, the parties executed the agreement. Pursuant to the agreement, Defendants agreed to provide Plaintiffs with the dates and locations where the pilot

program operated. Plaintiffs will provide Defendants with up to 1,000 names, along with Department of Homeland Security Form G-639 releases, for individuals who received credible fear interviews at those locations during the relevant period. Defendants will provide confirmation as to whether the individuals were interviewed by U.S. Border Patrol agents. Plaintiffs agreed to provide the names within six months of execution of the agreement, or by August 16, 2023.

- 3. On February 17, 2023, pursuant to the agreement, Defendant USCIS provided Plaintiffs with information about the dates and locations of the USCIS credible fear pilot program. That information was further clarified on February 24, 2023.
- 4. The sole matter in dispute is the documents before the Court for *in camera* review. The parties also need to address whether settlement on attorney fees can be reached.
- 5. In light of the above, the parties respectfully request that they be permitted to submit another joint status report on or before April 28, 2023, to inform the Court of the progress of the agreement finalization. Should any issues requiring the Court's intervention arise before then, the Parties will file an Interim Status Report.

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Date: February 28, 2023,

/s/ Emma Winger

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Respectfully Submitted,

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