

The Honorable James L. Robart  
United States District Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS  
PROJECT, *et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

**DEFENDANTS’ NOTICE OF  
WITHDRAWAL OF PENDING MOTION  
TO VACATE**

NOTE ON CALENDAR: Aug. 21, 2020

On July 26, 2018, this Court entered an injunction requiring the Department of Homeland Security (“DHS”), specifically its sub-agency U.S. Citizenship and Immigration Services (“USCIS”), to adjudicate initial applications for Employment Authorization Documents (“EADS”) for asylum seekers within 30 days as “set forth in 8 C.F.R. § 208.7(a)(1).” *See* ECF No. 128 Judgement in a Civil Case; *Rosario v. U.S. Citizenship and Immigration Servs*, Case No. C15-0813JLR, 2018 WL 7568371, \*5 (W.D. Wash. July 26, 2018). DHS recently amended this regulation to eliminate the 30-day processing rule that was the basis for this injunction. *See* Removal of 30-Day Processing Provision for Asylum Applicant- Related Form I–765 Employment Authorization Applications, 85 Fed. Reg. 37,502 (June 22, 2020). By its terms, the Court’s injunction does not apply to EADs filed after the changes to 8 C.F.R. § 208.7(a)(1) take effect. The current effective date of the changes to 8 C.F.R. § 208.7(a)(1) is August 21, 2020.

1 Plaintiffs have now advised the Court that it is their position that under “the plain  
2 language of the class definition in this matter already limits the class, and accordingly, the  
3 injunction, to those who accrue 30 days ‘under the applicable regulations . . . .’” ECF No. 162  
4 (citing ECF No. 95 at 27); *see id.* at 5 (“If the repeal of the 30-day processing regulation takes  
5 effect on August 21, 2020, there will not be any new class members after that date, but the  
6 injunction will continue to protect class members who have filed their initial work permit  
7 applications while the regulation remained in effect.”).<sup>1</sup>

8 In reliance on Plaintiffs’ express representations to this Court regarding the scope of  
9 this Court’s injunction, the Government, pursuant to Local Rule 7(l) respectfully withdraws its  
10 pending Motion to Vacate Injunction *without prejudice*.

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26 <sup>1</sup> Counsel for the parties had conferred prior to the filing of this Motion. It was the undersigned  
27 counsel’s understanding that the parties disagreed as to the scope of the Court’s injunction and,  
28 thus, the filing of this Motion was required. This week, counsel conferred further and are now in  
agreement as to the scope of the injunction and that this Motion should be withdrawn *without  
prejudice* at this time.

1 DATED: August 21, 2020

Respectfully Submitted,

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3 Acting Assistant Attorney General  
4 Civil Division

5 WILLIAM C. PEACHEY  
6 Director  
7 Office of Immigration Litigation  
8 District Court Section

9 JEFFREY S. ROBINS  
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11 By: s/ Aaron S. Goldsmith  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 20, 2020, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document should automatically be served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

*/s/ Aaron S. Goldsmith*  
AARON S. GOLDSMITH  
Senior Litigation Counsel  
United States Department of Justice

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