

ORAL ARGUMENT PREVIOUSLY SCHEDULED MARCH 31, 2017

No. 16-5287

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Save Jobs USA,
Plaintiff-Appellant,

v.

United States Department of
Homeland Security,
Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF
COLUMBIA No. 15-cv-615
The Hon. Tanya S. Chutkan

DEFENDANT-APPELLEE'S STATUS UPDATE

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Defendant-Appellee the Department of Homeland Security (DHS) respectfully submits this status report in response to the Court's order dated February 21, 2018, which placed these proceedings in abeyance based on DHS's representation that it would "begin the NPRM process with respect to the H-4 Rule in February 2018."¹ *See* Abeyance Mot. at 3. Based on that representation, the Court concluded that "[t]his case will continue to be held in abeyance pending further order of the court" because DHS "represents that it plans to issue a notice of proposed rulemaking in February 2018 to remove from its regulations certain H-4 spouses of H-1B nonimmigrants as a class of aliens eligible for employment authorization." Order at 1.

Final DHS clearance review of the proposed rule is ongoing, and senior levels of the Department's leadership are actively considering the terms of the NPRM for approval. As previously noted, after DHS clearance, Office of Management and Budget review will occur under Executive Order 12,866, *Regulatory and Planning Review*. As represented to the Court in prior status reports, DHS's intention to proceed with publication of an NPRM concerning the H-4 visa rule at issue in this case remains unchanged.

¹ That Rule, Employment Authorization for Certain H-4 Dependent Spouses, 80 Fed. Reg. 10,284-10,312 (Feb. 25, 2015) (H-4 Rule), permits certain aliens maintaining H-4 nonimmigrant status, *see* 8 U.S.C. § 1101(a)(15)(H), to apply for, and if deemed eligible, to receive employment authorization from DHS.

Dated: August 20, 2018

Respectfully submitted,

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**CERTIFICATE PURSUANT TO FED. R. APP. P. 27, 32(A)(7)(C) AND
CIRCUIT RULE 27(d)(2), 32(e)**

Pursuant to Fed. R. App. P. 27 and D.C. Circuit Rule 27(d)(2), the foregoing document is proportionately spaced, has a typeface of 14 points or more, and contains 237 words, not including those sections excluded from the word count under applicable rules.

s/ Erez Reuveni
EREZ REUVENI
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system on August 20, 2018.

s/ Erez Reuveni
EREZ REUVENI
Assistant Director