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9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13  
 14 **STATE OF CALIFORNIA,**  
 Plaintiff,  
 15  
 16 v.  
 17 **U.S. DEPARTMENT OF HOMELAND**  
**SECURITY, et al.,**  
 18  
 19 Defendants.

Case No. 4:20-cv-04592-JST  
 Case No. 4:20-cv-04621-JST

**JOINT STATUS REPORT**

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 21 **REGENTS OF THE UNIVERSITY OF**  
**CALIFORNIA,**  
 Plaintiff,  
 22  
 23 v.  
 24 **U.S. DEPARTMENT OF HOMELAND**  
**SECURITY, et al.,**  
 25  
 26 Defendants.

1 **JOINT STATUS REPORT**

2 Pursuant to the Court’s direction that the parties submit a Status Report by September 4,  
3 2020, the parties report as follows:

- 4 1. On August 7, 2020, U.S. Immigration and Customs Enforcement (“ICE”) issued a  
5 revised set of COVID-19 Frequently Asked Questions (“FAQs”), incorporating  
6 prior ICE guidance: July 24, 2020 Clarifying Questions for Fall 2020 Based On  
7 March 9 Spring Guidance Broadcast and the July 15, 2020 Frequently Asked  
8 Questions for SEVP Stakeholders. In the August 7 FAQs, ICE represents that for  
9 the fall 2020 semester, “the March 2020 guidance applies to nonimmigrant  
10 students who were actively enrolled at a U.S. school on March 9, 2020, and  
11 otherwise complying with the terms of their nonimmigrant status.” It also states  
12 that “nonimmigrant students may remain in the United States to engage in full  
13 course of study online if they have not otherwise violated the terms of their  
14 nonimmigrant status.” The FAQs are published at  
15 <https://www.ice.gov/doclib/coronavirus/covid19faq.pdf>.
- 16 2. The ICE website still includes a news release dated July 6, 2020, which is  
17 consistent with the July 6 and July 7 policies challenged in this action, and includes  
18 the directive in the July 6 and July 7 policies that F-1 students in the United States  
19 may not take a full course load of online study, and that M-1 students may not take  
20 any online courses. As of the time of this filing, the news release continued to be  
21 available at: [https://www.ice.gov/news/releases/sevp-modifies-temporary-  
22 exemptions-nonimmigrant-students-taking-online-courses-during](https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during). Defendants  
23 note that they have not removed the press release from the website because it was  
24 news at the time it was issued, but they have added a banner to the press release  
25 directing readers to the COVID-19 guidance page, which was updated on August  
26 12, and does not contain the July 6 or 7 guidance, but does include the March  
27 guidance. Defendants also note that they issued a press release on July 24, 2020  
28 entitled “ICE continues March guidance for fall school term,” which states that

1 “[n]onimmigrant students and schools certified by the Student and Exchange  
2 Visitor Program (SEVP) should abide by SEVP guidance originally issued in  
3 March 2020.” The July 24, 2020 release is available at  
4 [https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-](https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-term)  
5 [term](https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-term).

6 3. Plaintiffs are continuing to monitor any remaining impacts of the July 6 and 7  
7 policies and their subsequent rescission, including any enforcement of those  
8 policies as to their international students. University of California, California  
9 State University, and California Community Colleges campuses have differing  
10 start dates, with several campuses reopening within the next month. Most of the  
11 University of California campuses are scheduled to begin instruction on October  
12 1, 2020.

13 4. The parties have begun engaging in a meet and confer process in an attempt to  
14 reach a resolution of Plaintiffs’ claims. The parties will continue to meet and  
15 confer. If the parties come to a resolution by October 6, 2020, the date that the  
16 parties’ case management statement is due, the parties will update the Court. If  
17 the parties do not come to a resolution by October 6, 2020, the parties will proceed  
18 with the case management statement and conference.

1 Dated: September 4, 2020

Respectfully submitted,

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*04621-JST*

**ATTESTATION OF SIGNATURE**

1  
2 I, Marissa Malouff, hereby attest, pursuant to Local Civil Rule 5-1(i)(3) of the Northern  
3 District of California that concurrence in the filing of this document has been obtained from each  
4 signatory hereto.

5  
6 /s/ Marissa Malouff

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10 *Attorney for Plaintiff State of*  
11 *California in 4:20-cv-04592-JST*  
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