

**ORAL ARGUMENT PREVIOUSLY SCHEDULED MARCH 31, 2017**

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**No. 16-5287**

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

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Save Jobs USA,  
Plaintiff-Appellant,

v.

United States Department of  
Homeland Security,  
Defendant-Appellee.

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

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**DEFENDANT-APPELLEE'S STATUS UPDATE**

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CHAD A. READLER  
*Acting Assistant Attorney General*  
Civil Division  
United States Department of JusticeEREZ REUVENI  
*Assistant Director*  
P.O. Box 878, Ben Franklin Station  
Washington, DC 20044-0878  
Telephone: (202) 307-4293WILLIAM C. PEACHEY  
*Director, Office of Immigration*  
Litigation, District Court Section*Counsel for Defendant-  
Appellee*

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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."<sup>1</sup> *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.

The proposed rule is currently in final DHS clearance. Once it is cleared through DHS, it will be sent to the Office of Management and Budget for review under Executive Order 12,866, *Regulatory and Planning Review*. As previously represented to the Court, DHS's intends to proceed with publication of an NPRM concerning the H-4 visa rule at issue in this case remains unchanged.

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<sup>1</sup> 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: May 22, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

WILLIAM C. PEACHEY  
Director  
Office of Immigration Litigation  
District Court Section

*/s/ Erez Reuveni*  
EREZ REUVENI  
Assistant Director  
United States Department of Justice  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Phone: (202) 307-4293  
Erez.r.reuveni@usdoj.gov

**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 221 words, not including those sections excluded from the word count under applicable rules.

s/ Erez Reuveni  
EREZ REUVENI  
Assistant Director

**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 May 22, 2018.

*s/ Erez Reuveni*  
EREZ REUVENI  
Assistant Director