

Defendants provide the Court with notice on recent actions taken by the State Department to provide National Interest Exception (“NIE”) waivers to what the Department believes is all FY 2020 Diversity Visa holders who are subject to the Proclamations at issue in this litigation, and have valid visas that will expire between February 17 and February 28, 2021.¹

At the February 18 hearing, Government counsel notified the Court that the State Department indicated that it had issued NIE waivers to two FY 2020 diversity visa beneficiaries subject to the Proclamations who had valid diversity visas that would expire on February 21, 2021 (along with two derivative family members whose visas would expire on a later date).

The State Department has now indicated, with the exception of one individual who is presently in the United States on a non-immigrant visa, the Department issued national interest exceptions to what the Department believes is all individuals subject to Proclamation 10014 with valid diversity visas that were expiring between February 17 and February 28. The Department of State is actively considering the use of additional national interest exceptions for individuals with valid diversity visas that cannot be used due to the Proclamations. This is consistent with the Government’s position presented in its Memorandum in Opposition to Plaintiffs’ Motion for Emergency Injunctive Relief, ECF No. 203 at 1, that “Presidential Proclamation 10014 is under active review by the new Administration. That process will conclude before the end of the month.”

Dated: February 19, 2021

Respectfully submitted,

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¹ With the exception of one individual who is presently in the United States on a non-immigrant visa.

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CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court of for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ James J. Wen
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