

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALLISON DAWN BLIXT and L. Z.-B.	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
The UNITED STATES DEPARTMENT OF STATE and ANTONY J. BLINKEN in his official capacity as Secretary, U.S. Department of State	:	Civ. No. 1:20-cv-02102-KM-JBC
	:	
Defendants.	:	
	:	

**DEFENDANTS’ NOTICE OF MOTION AND
CONSENT MOTION FOR 30-DAY STAY OF CASE DEADLINES**

Defendants U.S. Department of State and Antony J. Blinken, in his official capacity as Secretary of the U.S. Department of State, respectfully request a 30-day stay of case deadlines and hereby state the following:

1. The parties’ reply briefs in support of their motions for partial summary judgment are currently due on or before May 21, 2021. Order, ECF No. 79. A status conference is currently scheduled for June 7, 2021. Letter Order, ECF No. 80.
2. Defendants previously requested and received a 30-day extension of time in connection with the parties’ partial summary-judgment briefing schedule to allow the new presidential administration time to become familiar with the issues in this case. ECF Nos. 71, 72. Defendants also requested and received a further 60-day extension of case deadlines in light of the Department of State’s subsequent, active review of its policies regarding the administration of the at-birth citizenship statutes for children born abroad in light of the new administration’s priorities, the outcome

- of which could obviate the need for further litigation or otherwise impact further proceedings. ECF Nos. 73, 75. Finally, the Department requested and obtained a 14-day extension of case deadlines to complete the policy review it had undertaken. ECF Nos. 77, 79.
3. On May 18, 2021, the State Department announced that it is updating its interpretation and application of Section 301 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1401, which establishes the requirements for acquisition of U.S. citizenship at birth. *See* Ned Price, U.S. Citizenship Transmission and Assisted Reproductive Transmission, U.S. Dep't of State (May 18, 2021), <https://www.state.gov/u-s-citizenship-transmission-and-assisted-reproductive-technology/>, Ex. A.
 4. Specifically, the State Department announced that children born abroad to parents, at least one of whom is a U.S. citizen and who are married to each other at the time of the birth, will be U.S. citizens from birth if they have a genetic or gestational tie to at least one of their parents and meet the INA's other requirements. Ex. A. This update is retroactive to the effective date of the INA, December 24, 1952. Previously, the Department's interpretation and application of the INA required that children born abroad have a genetic or gestational relationship to a U.S. citizen parent.
 5. As earlier explained, ECF No. 73, the Department denied the Consular Report of Birth Abroad for plaintiff L. Z.-B. under its prior interpretation and application of Section 301; therefore, the prior policy was the subject of this lawsuit and the

- parties' cross-motions for partial summary judgment, and the policy change materially bears on the claims in this case.
6. Given the strong interest in judicial economy and preserving both the Court's and the parties' scarce resources, and in the potential avoidance of complex questions of statutory and constitutional law, Defendants request a 30-day stay of case deadlines for the parties to confer about whether this case can be resolved without further litigation in light of the State Department's revised policy.
 7. Defendants do not request this stay for the purpose of undue delay, and submit that the stay should not prejudice the conduct of the litigation or the plaintiff. The parties' negotiations could avoid the need for judicial review of the significant statutory and constitutional issues presented by this case.
 8. Good cause, therefore, exists for Defendants' request. Accordingly, Defendants request that this Court enter a 30-day stay of the case deadlines and order the parties to file a joint status report at the end of the 30 days.
 9. Defendants have conferred with Plaintiffs before filing this motion. Plaintiffs have consented to the motion.

Dated: May 20, 2021

Respectfully submitted,

BRIAN BOYNTON
Acting Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Vinita B. Andrapalliyal
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EXHIBIT A

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Visas

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U.S. Citizenship Transmission and Assisted Reproductive Technology

PRESS STATEMENT

NED PRICE, DEPARTMENT SPOKESPERSON

MAY 18, 2021

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Recognizing the advances in assisted reproductive technology (ART), the State Department is updating our interpretation and application of Section 301 of the Immigration and Nationality Act (INA), which establishes the requirements for acquisition of U.S. citizenship at birth.

Children born abroad to parents, at least one of whom is a U.S. citizen and who are married to each other at the time of the birth, will be U.S. citizens from birth if they have a genetic or gestational tie to at least one of their parents and meet the INA's other requirements. Previously, the Department's interpretation and application of the INA required that children born abroad have a genetic or gestational relationship to a U.S. citizen parent.

This updated interpretation and application of the INA takes into account the realities of modern families and advances in ART from when the Act was enacted in 1952.

This change will allow increased numbers of married couples to transmit U.S. citizenship to their children born overseas, while continuing to follow the citizenship transmission requirements established in the INA. Requirements for children born to unmarried parents remain unchanged.

At the same time, we remain vigilant to the risks of citizenship fraud, exploitation, and abuse. As with all citizenship and immigration benefits we examine, the Department will implement this policy in a manner that addresses these concerns.

For press inquiries, please contact CAPRESSREQUESTS@state.gov.

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The UNITED STATES DEPARTMENT	:	
OF STATE and ANTONY J. BLINKEN in	:	
his official capacity as Secretary, U.S.	:	
Department of State	:	
	:	
Defendants.	:	
	:	

[PROPOSED] ORDER

Upon consideration of Defendants’ consent motion for a 30-day stay of this case, for good cause shown, it is HEREBY ORDERED that Defendants’ motion is GRANTED. The parties are directed to file a status report by June 21, 2021.

It is SO ORDERED.

Date

Kevin McNulty
United States District Judge