

**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.	:	
	:	

**JOINT STATUS REPORT**

Defendants U.S. Department of State and Antony J. Blinken, in his official capacity as Secretary of the U.S. Department of State, and Plaintiffs Allison Dawn Blixt and L. Z.-B. through his guardian *ad litem*, Stefania Zaccari, hereby file this joint status report in accordance with this Court’s May 21, 2021 order, ECF No. 85. The parties state the following:

1. 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.
2. 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.
3. On May 21, 2021, this Court granted Defendants' consent motion for a 30-day stay of proceedings for the parties to confer about whether this case can be resolved without further litigation in light of the State Department's revised policy, and ordered the parties to file a joint status report by June 21, 2021. ECF No. 85.
  4. As earlier explained, ECF No. 73, the Department denied the Consular Report of Birth Abroad ("CRBA") for Plaintiff L. Z.-B. under its prior interpretation and application of Section 1401.
  5. Under its updated interpretation, the Department recognizes that L. Z.-B. has established by a preponderance of the evidence that he is a U.S. citizen at birth and acquired U.S. citizenship under Section 1401. The Department therefore issued a U.S. passport and a CRBA for L. Z.-B. after receiving some updated information from Plaintiffs. L. Z.-B. received his U.S. passport and CRBA on June 9, 2021.
  6. The parties agree in principle that this case should be dismissed and are working on a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
  7. The parties request a further 30-day stay of proceedings in this case while they finalize a stipulation of dismissal.

8. Plaintiffs also currently intend to seek attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. In the event that the parties fail to reach an agreement with respect to that matter, Plaintiffs may file a motion for an award of attorneys' fees and costs.
9. Good cause exists for this requested stay, which is not for the purposes of undue delay but rather to endeavor to resolve this case without the need for further litigation.
10. Therefore, the parties request that this court stay proceedings for 30 days and order the parties to file a stipulation of dismissal or further joint status report by July 21, 2021.

Dated: June 21, 2021

Respectfully submitted,

BRIAN BOYNTON  
Acting Assistant Attorney General

ANTHONY J. COPPOLINO  
Deputy Branch Director

/s/ Vinita B. Andrapalliyal

Vinita B. Andrapalliyal  
Trial Attorney  
United States Department of Justice  
Civil Division  
Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044  
Tel: (202) 305-0845  
vinita.b.andrapalliyal@usdoj.gov

Dated: June 21, 2021

Respectfully Submitted,

/s/ Theodore Edelman

Theodore Edelman (*pro hac vice*)  
Jessica M. Klein (*pro hac vice*)  
Lauren M. Goldsmith (*pro hac vice*)  
Mark A. Makar (N.J. Bar No. 244882017)

SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004  
Telephone: 212-558-4000

Aaron C. Morris (*pro hac vice*)  
IMMIGRATION EQUALITY  
594 Dean Street  
Brooklyn, New York 11238  
Telephone: 212-714-2904

*Attorneys for Plaintiffs*