
ORAL ARGUMENT NOT YET SCHEDULED

No. 21-5028

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

WASHINGTON ALLIANCE OF TECHNOLOGY WORKERS,
Appellant,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,
Appellees.

On Appeal from the U.S. District Court for the District of Columbia
(No. 1:16-cv-1170) (Hon. Reggie B. Walton, District Judge)

**Motion of the Presidents' Alliance on Higher Education and Immigration For
Leave to File Brief Amicus Curiae In Support of Appellees and Intervenors**

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June 21, 2021

Pursuant to Federal Rule of Appellate Procedure 29(a) and D.C. Circuit Rule 29(b), the Presidents' Alliance on Higher Education and Immigration ("Presidents' Alliance" or "Alliance") respectfully moves the Court for leave to file a brief as *amicus curiae* in support of Appellees United States Department of Homeland Security, Citizenship and Immigration Services, and Immigrations and Customs Enforcement and Intervenors National Association of Manufacturers, Chamber of Commerce of the United States of America, and Information Technology Industry Council in the above-captioned matter. In support of this Motion, Presidents' Alliance states as follows:

1. Presidents' Alliance is a nonprofit, non-partisan membership organization comprised of American college and university leaders dedicated to increasing public understanding of how immigration policies and practices affect students, campuses and communities. Alliance's member institutions include large public universities, private research universities, liberal arts colleges, and more. These member institutions are located in urban centers and rural areas, and throughout states that span the political spectrum. Collectively, Alliance's membership represents a large portion of the U.S. academic community, including a significant number of international students who participate in optional practical training (OPT), the longstanding government program challenged in this action.

2. Presidents' Alliance sought consent from all parties to participate as *amicus curiae* in this appeal through the filing of a separate *amicus* brief.

3. Counsel for Appellees and Intervenors have each consented to Presidents' Alliance's participation as *amicus curiae* in this appeal.

4. When asked for consent, counsel for Appellant Washington Alliance of Technology Workers responded that it consented only to the filing of a single *amicus* brief by all prospective *amici*. In light of the other *amicus* briefs being filed in support of Appellees and Intervenors, Appellant did not consent to the filing of this brief.

5. Counsel for Presidents' Alliance has conferred with counsel for American Immigration Council ("AIC") regarding the scope of the *amicus* brief noticed on June 4, 2021. Counsel have confirmed that the substance of the proposed briefs are not duplicative.

6. Filing a single *amicus* brief with other *amici* would be impracticable and detract from the distinct perspective Presidents' Alliance moves to present to the Court. As Judge Walton recognized below, the perspective of Alliance's member institutions "present[s] ideas, arguments, theories, insights, facts[,] or data that are not . . . found in the parties' briefs." *Wash. All. of Tech. Workers v. U.S. Dep't of Homeland Security.*, No. 16-cv-1170, 2021 WL 329847, at *1 n.2 (D.D.C. Jan. 28, 2021) (quoting *N. Mariana Islands v. United States*, No. 08-CV-1572, 2009 WL

596986, at *1 (D.D.C. Mar. 6, 2009)). This is because without OPT, the education that international students will receive in the United States will be less robust, and the ability of American colleges and universities to attract and educate the best and brightest from around the world will diminish. The perspective of these institutions will demonstrate to the Court that international students are an integral part of the fabric of U.S. higher education. Moreover, it will demonstrate that serious consequences will result—both for American colleges and universities, and for the national economy—if Appellant prevails in this appeal.

7. An *amicus* brief is timely if filed “no later than 7 days after the principal brief of the party being supported is filed.” Fed. R. App. P. 29(a)(6). Appellees and Intervenors filed their briefs on Friday, June 11, 2021. This Court was closed on Friday, June 18, 2021 in observance of the Juneteenth National Independence Day federal holiday. Pursuant to Fed. R. App. P. 26 and D.C. Cir. R. 45(b), Presidents’ Alliance’s proposed brief, attached to this Motion as Exhibit A, is therefore timely.

8. No party or counsel for a party authored the brief in whole or in part, and no party, counsel for a party, or person other than *amicus curiae*, its members, or their counsel made any monetary contribution intended to fund the preparation or submission of this brief.

WHEREFORE, leave to file the attached *amicus curiae* brief should be granted.

Respectfully submitted:

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June 21, 2021

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