No. 23-16

In the Supreme Court of the United States

AXEL RIETSCHIN,

Petitioner,

v.

DOMINIKA RIETSCHIN,

Respondent.

On Petition for a Writ of Certiorari to the Court of Appeals of Washington, Division 1

PETITION FOR REHEARING

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October 27, 2023

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PETITION FOR REHEARING

Petitioner Axel RIETSCHIN respectfully petitions for rehearing of this Court's October 2, 2023 Order denying his Petition for a Writ of Certiorari.

GROUNDS FOR REHEARING

On July 6, 2023, one day after the docketing of my Petition for a Writ of Certiorari No. 23-16 on July 5, 2023, another petition was docketed in *Save Jobs USA, Petitioner, v. United States Department of Homeland Security Et Al.*, 942 F.3d 504 (DC Cir. 2019), *Petition for Certiorari filed July 6, 2023,* No. No. 23-22.

The first question presented in petition No. 23-22 is as follow:

> Are the statutory terms defining nonimmigrant visas in 8 U.S.C. § 1101(a)(15) mere threshold entry requirements that cease to apply once an alien is admitted or do they persist and dictate the terms of a nonimmigrant's stay in the United States?

In my petition 23-16, I respectfully asked the Court to express an opinion on the following:

> Can a State civil Court assert jurisdiction in private matters over non-immigrant aliens admitted temporarily under 8 U.S.C. § 1184?

While the two questions appear ostensibly different, they are intimately linked: I argue that the terms of admission prevent non-immigrants from residing permanently in the United States, precluding any claim of domiciliation.

8 U.S.C. § 1101(a)(15) is the first statute I cite in my petition 23-16, while 8 U.S.C. § 1184 is quoted verbatim in the same manner as I do and for the same reason as part of case 23-22.

My case rests on the implicit fact that 8 U.S.C. § 1184, 8 U.S.C. § 1101(a)(15) and related statutes I cited "persist and dictate the terms of a nonimmigrant's stay in the United States" after they are admitted, which circles back to the question presented in 23-22.

Answering either question in depth automatically provides an unambiguous answer to the other.

Affirming the intent of Congress was that the terms of admission "cease to apply once an alien is admitted" means that in both cases, the lower Courts acted rightfully, and the subjects are closed.

Dissenting, it follows without effort that the answer to the question I presented is "no" and that the related judgments must be considered as nullities.

If anything, the Court being simultaneously presented with multiple questions stemming from the same ground is indicative of the fact that guidance and clarification regarding the true intent and meaning of the cited statutes is needed.

The fact that a closely related question has been docketed immediately after my petition was filed, and is not decided yet, constitutes intervening cir-

cumstances of a potentially substantial effect. This motion, therefore, is made in good faith and satisfies the conditions outlined in Rule 44.2.

CONCLUSION

I respectfully ask the Court to either/or, at its discretion

- Reconsider the denial of my petition 23-16 and grant it to provide the sought guidance and clarifications, which also answer question number one in case 23-22.
- Merge my question with — and cite it as part of — case 23-22, where the Court can formally answer my question as a corollary.
- Find sufficient ground to apply the so-called "GVR practice" without waiting for the resolution of case 23-22.
- Put my petition back on hold until case 23-22 is resolved, then, depending on the resolution, decide on any appropriate follow-up action, including the reconsideration mentioned above or the GVR practice.

I seize the opportunity to add a note to emphasize that the lack of clarity surrounding the application of 8 U.S. § 1184 and afferent statutes and regulations creates widespread issues and dramas that could easily be avoided, shall the Court decide to express its opinion.

Case 23-22 cite non-immigrants "[abandoning] efforts to remain in the United States" (23-22, *Brief for the Federal Respondents in Opposition*) negating the purpose of 8 U.S. § 1184 and of the INA.

I face the prospect of being forced to abandon my minor children in the United States or to become an immigrant, in both cases, as I am subjected to the full effect and provisions of 8 U.S. § 1184, the INA, and all regulations pertaining to work authorization and stay in the United States while seeking an immigrant visa, which can, of course, be denied.

This, in turn, suggests that "the statutory terms defining nonimmigrant visas in 8 U.S.C. § 1101(a)(15)" do indeed "dictate the terms of a nonimmigrant's stay in the United States" and de-facto answers their first question and mine.

The Court can provide the needed guidance and clarification without much effort.

Respectfully submitted,

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October 27, 2023