

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-1034

NARKIS ALIZA GOLAN, PETITIONER

v.

ISACCO JACKY SAADA

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE,
FOR ENLARGEMENT OF THE TIME FOR ORAL ARGUMENT,
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.3, 28.4 and 28.7 of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting vacatur, for enlargement of the time for oral argument, and for divided argument.

This case arises under the Hague Convention on the Civil Aspects of International Child Abduction (Convention), done Oct. 25, 1980, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89 (entered into force for the United States July 1, 1988), and concerns a district

court's consideration of possible ameliorative measures upon finding a grave risk that returning a child to his country of habitual residence would expose him to physical or psychological harm. The court of appeals construed the Convention to require a court to consider possible ameliorative measures in every case involving a finding of grave risk. Pet. App. 7a. And the court of appeals affirmed the grant of respondent's petition for return in this case. Id. at 10a.

Petitioner has filed a brief arguing that the Convention does not require consideration of ameliorative measures and urging reversal. The United States has filed a brief as amicus curiae agreeing with petitioner that the Convention does not require consideration of ameliorative measures but arguing that the judgment of the court of appeals should be vacated and the case remanded for further proceedings. Respondent has filed a brief arguing that the Convention does require consideration of ameliorative measures and urging affirmance.

In these circumstances, the Solicitor General respectfully moves that the United States be granted leave to participate in the oral argument, that the time for oral argument be enlarged to 70 minutes, and that the time be divided as follows: 25 minutes for petitioner, 15 minutes for the United States, and 30 minutes for respondent. In the view of the United States, that allocation of time is appropriate in light of the parties' and the United States' different positions on the interpretation of the

Convention and the proper disposition of this case. Petitioner has consented to this motion. Respondent does not oppose granting leave to the United States to participate in the oral argument or enlarging the time for oral argument to 70 minutes. But respondent opposes the division of time proposed above on the ground that the United States is not aligned with respondent on either the question presented or the proper disposition of this case. Respondent instead proposes that the time be divided as follows: 20 minutes for petitioner, 15 minutes for the United States, and 35 minutes for respondent.

The United States has a substantial interest in the proper interpretation and application of the Convention. The United States is a party to the Convention and the Department of State is the designated Central Authority that coordinates with other contracting states and assists in the Convention's implementation in the United States, including, when appropriate and in accordance with the Convention (art. 7, 1343 U.N.T.S. 99), facilitating the return of children wrongfully removed from the United States. At the Court's invitation, the United States filed an amicus brief in this case at the petition stage.

The United States has previously presented oral argument as amicus curiae in cases concerning the interpretation and application of the Convention. See Monasky v. Taglieri, 140 S. Ct. 719 (2020); Lozano v. Alvarez, 572 U.S. 1 (2014); Chafin v. Chafin, 568 U.S. 165 (2013); Abbott v. Abbott, 560 U.S. 1 (2010).

Participation by the United States in oral argument would provide the Court with the federal perspective in this case. We therefore believe that the United States' participation in oral argument would be of material assistance to the Court.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

FEBRUARY 2022