

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DOMINGO ARREGUIN GOMEZ, et al.,)

Plaintiffs,)

v.)

DONALD J. TRUMP, et al.,)

Defendants.)

**DEFENDANTS' SUPPLEMENTAL
REPORT ON GOOD FAITH
EFFORTS TO IMPLEMENT THE
PRELIMINARY INJUNCTION.**

Case No. 20-cv-01419 (APM)

MOHAMMED ABDULAZIZ)

ABDUL MOHAMMED, et al.,)

Plaintiffs,)

v.)

MICHAEL R. POMPEO, et al.,)

Defendants.)

Case No. 20-cv-01856 (APM)

AFSIN AKER, et al.,)

Plaintiffs,)

v.)

DONALD J. TRUMP, et al.,)

Defendants.)

Case No. 20-CV-01926 (APM)

CLAUDINE NGUM FONJONG, et al.,)	
)	
Plaintiffs,)	
v.)	
)	Case No. 20-cv-02128 (APM)
DONALD J. TRUMP, et al.,)	
)	
Defendants.)	
)	
)	
)	
CHANDAN PANDA, et al.,)	
)	
Plaintiffs,)	
v.)	
)	Case No. 20-cv-01907 (APM)
CHAD F. WOLF, et al.,)	
)	
Defendants.)	
)	
)	

At a telephonic status conference on September 22, 2020, this Court ordered Defendants to provide an update in connection to Defendants’ report regarding the State Department’s good faith efforts to implement the preliminary injunction (ECF No. 136). *See* Minute Order, September 22, 2020. Accordingly, the Government hereby reports updated figures (as of September 24, 2020) for: (1) the number of cases associated with named DV-2020 Plaintiffs in which diversity visas were issued; (2) the status of processing of the named DV-2020 Plaintiffs’ applications who have not yet received visas; and (3) the number of unprocessed DV-2020 visa applications and unused diversity visas remaining for Fiscal Year 2020.

Named DV-2020 Plaintiffs Who Have Received Diversity Visas. As of September 24, 2020, consular officers had approved issuance for 523 diversity visas to the principal applicants

and derivative applicants in the cases associated with named Plaintiffs. Declaration of Laura Chamberlin, (“Chamberlin Decl.”) ¶ 4. From September 5, 2020 through September 24, 2020, the Department of State issued a total of 3,208 diversity visas, Declaration of Brenda L. Grewe (“Grewe Decl.”) ¶ 5, which includes the 523 diversity visas referenced above.

Status of processing of the named DV-2020 Plaintiffs’ applications who have not yet received visas. The Department determined that the named plaintiffs total 974 individual applicants including principal applicants and derivative applicants. *See* Chamberlain Decl. ¶ 3. As of September 24, consular officers had approved visa issuance to 523 of the 974 applicants, *see* Chamberlain Decl. ¶ 4, refused visas to 149 of these applicants pursuant to Section 221(g) of the INA, and refused 73 of these applicants on other grounds. *Id.* ¶ 5. None of those refusals was under Presidential Proclamation 10014 or under the COVID-19 Regional Proclamations (9984, 9992, 9993, 9996, and 10041). *Id.* As of September 24, 164 applicants had been scheduled but not yet interviewed. *Id.* ¶ 6. One additional applicant had been scheduled to be interviewed but is unable to reach the selected post. *Id.* As of September 24, 39 individuals were “no shows,” which means that they did not appear for their scheduled interview. *Id.* ¶¶ 7.

Number of unprocessed DV-2020 visa applications and unused diversity visas remaining for Fiscal Year 2020. The Department reports that the total number of diversity immigrant visas issued so far during Fiscal Year 2020 (from October 1, 2019 through September 24) is 14,636 of the 55,000 diversity visas allocated for Fiscal Year 2020, or roughly 28 percent. *See* Grewe Decl. ¶¶ 6. During this same time period, U.S. Citizenship and Immigration Services has used 765 diversity visa numbers. *Id.* ¶6. These figures total 15,401 diversity visa numbers used so far in Fiscal Year 2020, or roughly 28 percent of the total allotment. *Id.*

September 25, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2020, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Christopher Lyerla

Trial Attorney

DECLARATION OF LAURA CHAMBERLIN

I, Laura Chamberlin, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed by the U.S. Department of State as a Division Chief in the Education and Tourism Division, Office of Field Operations of the Visa Office, Bureau of Consular Affairs. The Field Operations Office supports and monitors visa operations at embassies and consulates around the world (commonly referred to as “posts”), provides updated guidance to our posts regarding changes in visa policy, and oversees the Visa Office’s web unit, which maintains visa-related content on CA’s public-facing website, travel.state.gov.
2. In that capacity, I have knowledge regarding the State Department’s actions to implement the U.S. District Court’s Memorandum Opinion and Order dated September 4, 2020 and the Amended Order dated September 14, 2020 (collectively, the “PI Order”) in *Gomez v. Trump*, Case No. 20-cv-1419 (APM).
3. The Department compiled a spreadsheet on September 25 that lists the interview and adjudication status of all cases associated with named plaintiffs, including principal applicants and derivative applicants, which totals 974 individual applicants. As visa processing is happening at all hours of the day around the world, we cannot get a “clean” count as case statuses are always changing. However, in general, the information reflects the status of these cases as of close of business local time at the visa processing post.
4. As of September 24, consular officers had approved visa issuance to 523 of these applicants.
5. As of September 24, consular officers had refused visas to 149 of these applicants pursuant to Section 221(g) of the INA and refused 73 of these applicants on other grounds. None of those refusals was under Presidential Proclamation 10014 or under the COVID-19 Regional Proclamations (9984, 9992, 9993, 9996, and 10041).
6. As of September 24, 164 of these applicants had been scheduled but not yet interviewed. One additional applicant had been scheduled to be interviewed but is unable to reach the selected post.
7. As of September 24, 39 individuals were “no shows,” which means that they did not appear for their scheduled interview. These individuals should contact the embassy or consulate immediately with their availability (date and location) for interview.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

September 25, 2020

/s/ Laura Chamberlin
Laura Chamberlin, Division Chief
Education and Tourism Division

Office of Field Operations, Visa Office
Bureau of Consular Affairs
United States Department of State

DECLARATION OF BRENDA L. GREWE

I, Brenda L. Grewe, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed by the U.S. Department of State as the Director of the Office of Domestic Operations of the Visa Office, Bureau of Consular Affairs. The Office of Domestic Operations manages the Visa Office's domestic processing activities, including the Kentucky Consular Center and the Immigrant Visa Control and Reporting division, which is responsible for official visa statistics and directs the allocation of visa numbers.
2. In that capacity, I have knowledge regarding the Department of State's statistics and data regarding implementation of the U.S. District Court's Memorandum Opinion and Order dated September 4, 2020 and the Amended Order dated September 14, 2020, (collectively, the "PI Order") in *Gomez v. Trump*, Case No. 20-cv-1419 (APM). Specifically, I have knowledge regarding the number of visa applications issued and refused.
3. All the statistical information is accurate for the period indicated. However, because the status of a visa adjudication can change over time, data reflected in one period may appear inconsistent with data reflecting adjudication outcomes in another period or a cumulative period. For example, a diversity visa applicant may have been refused prior to September 4, and then issued after September 4. That adjudication would appear as a refusal in reporting period prior to September 4, but as an issuance from the date of issuance onward. If the reporting period includes the date of issuance, then that case would be reflected only as one issuance and not as a refusal. Likewise, diversity visas issued between October 2019 and March of 2020 would have expired within six months. For those that have been re-issued, those will count only as one issuance in cumulative data for the fiscal year. However, if the visa was issued first on October 1, 2019 and re-issued after September 5, that would count as one issuance in both paragraphs 4 and 5. However, in paragraph 6, where I provide the total issuance for the fiscal year, that case would be reflected as only one issuance.
4. From October 1, 2019, through September 4, 2020, the Department of State issued 11,632 diversity immigrant visas as part of the 2020 Diversity Visa Program.
5. From September 5, 2020, through September 24, 2020, State Department consular officers adjudicated 5,093 diversity visa applications, issuing 3,208 diversity visas and refusing 1,885 applications.
6. From October 1, 2019, through September 24, 2020, the Department of State has issued 14,636 diversity visas. From October 1, 2019, through September 24, 2020, U.S. Citizenship and Immigration Services has used 765 diversity visa numbers. These figures combined show that the total usage of diversity visa numbers allocated for Fiscal Year 2020 is 15,401, roughly 28 percent of the total diversity visa allotment of 55,000 for Fiscal Year 2020.

7. From July 15, 2020, through September 4, 2020, the Department of State adjudicated 15,093 immigrant visa applications. Of those 956 or 6.3 percent were diversity visa applications. Of those diversity visa applications, 488 were issued and 468 were refused, meaning the Department of State used 488 diversity visa numbers during that period.
8. From July 15, 2019, through September 4, 2019, the Department of State adjudicated 92,276 immigrant visa applications. Of those, 11,917 or 12.9 percent were diversity visa applications. Of those diversity visa applications, 8,834 were issued and 3,083 were refused, meaning the Department of State used 8,834 diversity visa numbers during that period.
9. From July 15, 2018, through September 4, 2018, the Department of State adjudicated 98,844 immigrant visa applications. Of those, 10,814 or 10.9 percent were diversity visa applications. Of those diversity visa applications, 7,699 were issued and 3,115 were refused, meaning the Department of State used 7,699 diversity visa numbers during that period.
10. From July 15, 2017, through September 4, 2017, the Department of State adjudicated 95,451 immigrant visa applications. Of those, 6,688 or 7.0 percent were diversity visa applications. Of those diversity visa applications, 4,753 were issued and 1,935 were refused, meaning the Department of State used 4,753 diversity visa numbers during that period.
11. Over July 15 through September 4 during 2017, 2018, and 2019, the Department of State processed on average 95,523 of immigrant visa applications. On average, 9,806 or 10.3 percent of those were diversity visa applications. Of those diversity visa applications, on average, 7,095 were issued and 2,711 were refused, meaning that on average the Department of State used 7,095 diversity visa numbers during the period of July 15 through September 4 over the last three years.
12. Based on this historical data, had the Department processed diversity visa applications from July 15, 2020, through September 4, 2020, in proportion to overall immigrant visa applications over the last three fiscal years, the Department would have processed 1,554 number of diversity visa applications or 10.3 percent of 15,093 total immigrant visa applications processed during this period.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

September 25, 2020



Brenda L. Grewe, Director
Office of Domestic Operations, Visa Office
Bureau of Consular Affairs
United States Department of State