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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 TRACIA CHEVANNESE YOUNG, et al.,

13 Plaintiffs,

14 v.

15 JOSEPH R. BIDEN, et al.,

16 Defendants.

Case No. 3:20-cv-07183-EMC

**NOTICE OF RELATED CASE
PURSUANT TO CIVIL L.R. 3-12
TO BE FILED IN CASE NO. c.
20-cv-07183; ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER CASES SHOULD
BE RELATED PURSUANT TO
CIVIL L.R. 3-12**

17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 PLEASE TAKE NOTICE that *Anunciato et al. v. Biden et al.* (No. 20-cv-07869-RS) is a
19 case related to *Young et al. v. Biden et al.* (No. 20-cv-07183-EMC) currently pending in the United
20 States District Court for the Northern District of California.

21 *Young v. Biden* was filed on October 14, 2020. See ECF No. 1, *Complaint* (“*Young*
22 *Complaint*”). *Anunciato v. Biden* was filed approximately one month later on November 11, 2020.
23 See Exhibit A, *Anunciato, et al. v. Biden, et al., Amended Complaint* (“*Anunciato Amended*
24 *Complaint*”).
25

26 Defendants are well aware that this apparently related case has existed since November 11,
27 2020, and in fact, their counsel entered an appearance on December 1, 2020. However, this full
28

1 extent of its relatedness only came to light to Plaintiffs on February 3, 2021, in a government filing
2 in another case pending in this District, *Jacob et al. v. Biden et al.*, (No. 21-00261-EMC). *See*
3 Exhibit B, *Jacob et al. v. Biden et al., Defendants' Motion*. In that filing, Defendants claim that
4 *Jacob* is a related case to *Anunciato*. *See Generally*, Exhibit B, *Jacob et al. v. Biden et al.,*
5 *Defendants' Motion*. Before that filing, *Young* Plaintiffs were of course aware the *Anunciato* case
6 existed, but could never verify the particular causes of action or the proposed class definition with
7 the certainty necessary for a notice of related case.¹

9 On January 19, 2021, this Court ordered that *Young et al. v. Biden et al.* and *Jacob et al. V.*
10 *Biden et al.*, filed on January 14, 2021, are related cases. *See* ECF No. 20, *Related Case Order*.

11 As Defendants claim that *Jacob* and *Anunciato* are related cases, and Defendants are well
12 aware this Court has found *Jacob* to be related to *Young*, Defendants have conceded that *Anunciato*
13 and *Young* are also related.

15 Pursuant to Civil Local Rule 3-12 of the United States District Court for the Northern
16 District of California, Plaintiffs in this present case submit this Administrative Motion in the lowest
17 numbered case in order to consider whether *Young et al. v. Biden et al.* and *Anunciato, et al. v.*
18 *Biden, et al.* should be related.

21
22 ¹ Ironically, Plaintiffs' counsel Curtis Lee Morrison attempted in vain to crowdsource this
23 information from the public about three weeks ago on social media. *See*:
24 <https://twitter.com/curtisatlaw/status/1349211828337790979>, (“We get asked a lot about the
25 *Anunciato* lawsuit and I have never seen that complaint or the TRO motion that was converted to
26 PI motion. If you have that and want to share it with me, that's cool.
27 curtis@curtismorrisonlaw.com.”)

1 **I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

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3 Under Civil Local Rule 3-12(a) “an action is related to another when: (1) The actions
4 concern substantially the same parties, property, transaction or event; and (2) It appears likely that
5 there will be an unduly burdensome duplication of labor and expense or conflicting results if the
6 cases are conducted before different Judges.” Civil L.R. 3-12(a).

7
8 Under Civil Local Rule 3-12(b) “Whenever a party knows or learns that an action, filed in
9 or removed to this district is (or the party believes that the action may be) related to an action
10 which is or was pending in this District as defined in Civil L.R. 3-12(a), the party must promptly
11 file in the lowest-numbered case an Administrative Motion to Consider Whether Cases Should be
12 Related, pursuant to Civil L.R. 7-11.²

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15 **II. RELATED CASES**

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17 *Anunciato et al. v. Biden et al.* (No. 20-cv-07869-RS) is an action that should be deemed
18 related to *Young et al. v. Biden et al.*, (No. 20-cv-07183). *Young* was filed on October 14, 2020.
19 *Anunciato* was filed approximately one month after on November 11, 2020. Both cases grow out
20 of the same transaction or event, namely Presidential Proclamation 10014 and its extensions (“PP
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25 ² “In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of
26 service to Civil L.R. 5-5, must be served on all known parties to each apparently related action.
27 A courtesy copy of the motion must be lodged with the assigned Judge in each apparently related
28 case under Civil L.R. 5-1(e).” Civil L.R. 3-12(b).

1 10014 and its Extensions”), which, as currently implemented, bars the adjudication of immigrant
2 visas to Plaintiffs in both cases.

3
4 Both *Anunciato* and *Young* require determination of substantially the same question of fact
5 and law. Both apparently related cases challenge the Proclamations and the U.S. Department of
6 State’s policies implementing them during this global pandemic. The language of PP 10014
7 suspends the “entry” of aliens under immigrant and non-immigrant visas. However, in
8 implementing PP 10014 and its Extensions, the U.S. Department of State has ceased the processing,
9 adjudication, and issuance of visas of Plaintiffs from both apparently related cases during the time
10 the Proclamation has been in effect.
11

12
13 Specifically, *Anunciato* Plaintiffs, like *Young* Plaintiffs before them, allege that President
14 Trump’s issuance of PP 10014 and its Extensions “exceed the authority provided by 8 U.S.C.
15 §1182(f).” Ex. A at ¶ 321, *Anunciato Amended Complaint*; See also *Docket No. 1, Young*
16 *Complaint*, at ¶ 1245-1252. Plaintiffs in both cases also allege that PP 10014 and its Extensions
17 are *ultra vires* to the Immigration and Nationality Act. Ex. A at ¶ 325-331, *Anunciato Amended*
18 *Complaint*; See also *Docket No. 1, Young Complaint*, at ¶ 1253-1256. Moreover, *Anunciato*
19 plaintiffs, like *Young* plaintiffs before them, allege PP 10014 and its Extensions violate the APA.
20 Ex. A at ¶ 332-338, *Anunciato Amended Complaint*; See also *Docket No. 1, Young Complaint*, at
21 ¶ 1257-1299.
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23
24 Furthermore, the parties of each apparently related case are substantially similar. The
25 Plaintiffs in both cases are visa applicants negatively impacted by the implementation of the
26 Proclamations. See Ex. A at ¶8, *Anunciato Amended Complaint*; See also *Docket No. 1, Young*
27 *Complaint*, at ¶ 1235-1244. The Defendants in both cases are nearly identical and both include the
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1 Secretary of State, the Secretary of Homeland Security, and the President. *See* Ex. A at ¶¶227-232
2 *Anunciato Amended Complaint; See also Docket No. 1, Young Complaint, at* ¶ 1145-1147.

3 Accordingly, there will be an unduly burdensome duplication of labor and expense or the
4 possibility of conflicting results if the cases proceed before different judges.

5 On February 5, 2021, Jonathan Joshua Aftalion, an attorney with Plaintiffs’ counsel,
6 reached out to Defendants’ counsel Kimberly Robinson via email for Defendants’ position on
7 whether the Defendants stipulate to the case being related. Defendants’ counsel responded,
8 “Defendants do not agree to the stipulation and reserve the right to oppose any motion you file
9 with the Court.”
10

11 Dated: February 6, 2021
12 Rancho Santa Margarita, California

13 By: /s/ Curtis Lee Morrison
14 Curtis Lee Morrison, Esq.

15 Kristina Ghazaryan
16 Abadir Barre
17 The Law Office of Rafael Ureña
18 *Attorney for the Plaintiffs*
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CERTIFICATE OF SERVICE

On the below date, I electronically filed **PLAINTIFFS’ NOTICE OF RELATED CASE, and all attached exhibits**, with the Clerk of the United States District Court for the Northern District of California, using the CM/ECF System. The Courts CM/ECF System will send an electronically email all noticed parties to the action who are registered with the Court’s CM/ECF System.

Dated: February 6, 2021
Rancho Santa Margarita, California

By: /s/ Curtis Lee Morrison
Curtis Lee Morrison
The Law Office of Rafael Ureña
Attorney for the Plaintiffs

CHARLES H. KUCK
Georgia Bar #: 429940
Kuck Baxter Immigration, LLC
365 Northridge Rd, Suite 300
Atlanta, GA 30350
ckuck@immigration.net
(Appearing *Pro Hac Vice*)

EXHIBIT A

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Attorneys for Plaintiffs
**additional attorneys listed
on signature page*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

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Aline Anunciato; Amena Al Azzani;
Mohammad Qasem;
**additional Plaintiffs listed
on signature page per Civil L.R.3-4(a)(1)*

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States

MICHAEL POMPEO, Secretary of the U.S. Department of State
c/o Executive Office
Office of the Legal Advisor
Suite 5.600
600 19th St. NW
Washington, D.C. 20522;

U.S. DEPARTMENT OF STATE
Executive Office,
Office of the Legal Advisor
Suite 5.600
600 19th St. NW
Washington, D.C. 20522;

WILLIAM P. BARR, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001;

CHAD F. WOLF, Acting Secretary for the Department of Homeland Security
Department of Homeland Security
1880 2nd Street SW
Washington, DC 20024

U.S. DEPARTMENT OF HOMELAND SECURITY
Office of the General Counsel
Department of Homeland Security
Mail Stop 3650
Washington, D.C. 20528;

Defendants.

Civil Action No. 3:20-cv-07869-SK

**AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

CLASS ACTION

1 Throughout its history, America’s prosperity has been driven by the ingenuity,
2 entrepreneurial spirit, and hard work of waves of new immigrants and their families. Congress,
3 under its constitutional authority to regulate commerce with foreign nations and to establish a
4 uniform rule of naturalization, has enacted a detailed and complex statutory scheme prioritizing
5 family unity and the attraction of talent, labor, and entrepreneurship, while delineating specific
6 grounds disqualifying certain noncitizens from admission to the United States. While Congress
7 could have chosen to allow immigration to the United States only in times of great domestic
8 prosperity or in periods of full employment, it did not. Instead, recognizing that immigrants
9 and their families have long been drivers of innovation and more economic opportunity for the
10 country as a whole, Congress declined to tether the availability of immigrant visas to
11 unemployment rate or other macroeconomic markers of domestic economic health. The
12 President, through executive proclamations, has sought to nullify Congress’s carefully
13 calibrated statutory scheme by categorically banning large swaths of immigrant visas on a
14 purported and unsupported concern for the domestic labor market. Because he lacks the
15 statutory or constitutional authority to do so, Plaintiffs seek injunctive and declaratory relief.

18 INTRODUCTION

19 1. Presidential Proclamation 10014 (“P.P. 10014”) banned the entry of noncitizens
20 to the United States effective on April 23, 2020 at 11:59 p.m. *Suspension of Entry of*
21 *Immigrants Who Present a Risk to the United States Labor Market During the Economic*
22 *Recovery Following the 2019 Novel Coronavirus Outbreak*, 85 Fed. Reg. 23,441 (Apr. 27,
23 2020). P.P. 10014, originally set to expire after 60 days, was extended through Presidential
24 Proclamation 10052 (“P.P. 10052”) through December 31, 2020, with discretion for further
25 extension or modification “as necessary.” *See Suspension of Entry of Immigrants and*
26 *Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic*
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1 *Recovery Following the 2019 Novel Coronavirus Outbreak*, 85 Fed. Reg. at 38,263 (June 25,
2 2020). P.P. 10014 will be in effect through at least the end of 2020, if not longer, and is
3 causing severe harms to immigrant visa applicants who would otherwise be able to lawfully
4 immigrate to the United States.

5
6 2. P.P. 10014’s ban on immigrant visa entries applies to noncitizens who (i) were
7 outside the U.S. on the April 23, 2020, the effective date of the proclamation; (ii) did not have a
8 valid immigrant visa on the effective date of the proclamation; and (iii) do not have an
9 alternative official travel document allowing entry or admission to the United States. 85 Fed.
10 Reg. at 23,442.

11 3. The ban exempted (i) lawful permanent residents; (ii) individuals, and their
12 spouses and children, who seek to enter the U.S. as a physician, nurse, or other healthcare
13 professional to perform research intended to combat the spread of COVID-19 or to perform
14 work essential to combating, recovering from, or otherwise alleviating the effects of the
15 COVID-19 outbreak; (iii) individuals applying to enter under the EB-5 immigrant investor visa
16 program; (iv) spouses of U.S. citizens; (v) children of U.S. Citizens under the age of 21 and
17 prospective adoptees seeking to enter on an IR-4 or IH-4 visa; (vi) individuals who would
18 further important U.S. law enforcement objectives; (vii) members of the U.S. Armed Forces
19 and their spouses and children; (viii) individuals eligible for Special Immigrant Visas as
20 Afghan or Iraqi translators or U.S. Government Employee and their spouses and children; and
21 (ix) individuals whose entry would be in the national interest as determined by the Secretaries
22 of State and the Department of Homeland Security. 85 Fed. Reg. at 23,442.

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24 4. Any immigrant visa applicant not falling within these exceptions is banned from
25 entry through *at least* the end of 2020. *See* 85 Fed. Reg. at 38,263.
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1 5. In response to then-rising cases of COVID-19 in certain regions of the world, the
2 President issued five additional, geographical Proclamations (P.P. 9984, 9992, 9993, 9996, and
3 10041) between January 31, 2020, and May 24, 2020, restricting the entry of all noncitizens to
4 the United States, with certain exceptions, who had been physically present in certain countries
5 during the 14-day period preceding their entry or attempted entry into the United States. *See*
6 *Suspension of Entry as Immigrants and Nonimmigrants of Persons who Pose a Risk of*
7 *Transmitting 2019 Novel Coronavirus*, 85 Fed. Reg. at 6,709 (Feb. 5, 2020) (China);
8 *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who*
9 *Pose a Risk of Transmitting 2019 Novel Coronavirus*, 85 Fed. Reg. at 12,855 (Mar. 4, 2020)
10 (Iran); *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons*
11 *Who Pose a Risk of Transmitting 2019 Novel Coronavirus*, 85 Fed. Reg. at 15,045 (Mar. 16,
12 2020) (European Schengen Area); *Suspension of Entry as Immigrants and Nonimmigrants of*
13 *Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*, 85 Fed.
14 Reg. at 15,341 (Mar. 18, 2020) (United Kingdom and Ireland); *Suspension of Entry as*
15 *Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of*
16 *Transmitting 2019 Novel Coronavirus*, 85 Fed. Reg. at 31,933 (May 28, 2020) (Brazil).

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19 6. P.P. 10014’s immigrant visa ban is premised on a purported finding that lawful
20 permanent resident (intending Americans), once admitted, pose a threat to unemployed other
21 Americans in the form of competition for scarce jobs during a period of unemployment due to
22 the COVID-19 pandemic. 85 Fed. Reg. at 23442.

23
24 7. Indeed, the 2019 Novel Coronavirus (“COVID-19”) has upended life for
25 hundreds of millions of people around the world. However, for many individuals—namely,
26 parents of United States citizens; spouses, children, and siblings being sponsored in the Family
27 Preference Categories, certain employment-based applicants, and Diversity Visa (“DV”)
28

1 Lottery winners—the pandemic, and the U.S. government’s actions in responding to it, have
2 created new challenges, including prolonged separation, an inability to enter the United States
3 to start or continue a family or employment relationship, and numerous financial and emotional
4 hardships not only for the foreign national beneficiaries but also for their U.S. citizen and
5 Lawful Permanent Resident family members and employers.

6
7 **PARTIES**

8 8. Plaintiffs include petitioners and beneficiaries of approved I-130 Petitions for
9 Alien Relative and I-140 Petitions for Alien Worker, as well as DV-2020 and DV-2021 lottery
10 winners, whose cases are at various stages of processing with the Department of State.

11 9. Although the I-130 and I-140 petitions have been approved by the United States
12 Citizenship and Immigration Services (“USCIS”) and DV winners selected by DOS, the
13 Department of State has refused to adjudicate Immigrant Visa applications during the pandemic
14 as a result of P.P. 10014. These cases are languishing at various stages of DOS processing, with
15 no end in sight.

16
17 **Family-Based Immigrant Visa Category Plaintiffs**

18 10. Plaintiffs are U.S. citizens and Lawful Permanent Residents with approved I-130
19 Petitions for Alien Relative and their family member beneficiaries applying for Family-
20 Sponsored Preference Category and Family-Sponsored Immediate Relative Immigrant Visas
21 that will allow them to enter the United States and join their family members here.

22
23 **Family First Preference Immigrant Visa Category Plaintiffs**

24 11. Plaintiff **Connie Ruiz** is a United States Citizen who currently resides in Virginia.
25 Plaintiff Connie Ruiz is currently sponsoring her unmarried adult child for an immigrant visa in
26 the first preference category. The I-130 petition was filed on October 1, 2012. The I-130
27 petition was approved by USCIS and transferred to the National Visa Center. Plaintiff Connie
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1 Ruiz’s adult child beneficiary attended her interview on December 4, 2019, but had to submit
2 additional documentation, which took approximately 3 months—completed at the start of the
3 COVID pandemic. All processing of Plaintiff’s child’s application has since ceased. The
4 processing of Plaintiff’s case has been unlawfully and indefinitely delayed due to the
5 Proclamation that affected the Department of State’s policies, procedures, and practices
6 suspending adjudications of immigrant visa applications for Family First preference categories.
7 Plaintiff has suffered psychological, emotional, and economic damage as a result of
8 Defendants’ unlawful actions.

10 12. Plaintiff **Rasha Ghaida** is the unmarried adult child of a United States Citizen.
11 Plaintiff Rasha Ghaida currently resides in United Arab Emirates, though she is a citizen of
12 Lebanon. An immigrant petition was filed on Plaintiff Rasha Ghaida’s behalf on May 29,
13 2012. Plaintiff’s approved petition became current, and an interview was scheduled for April
14 1, 2020 at the U.S. Consulate in Lebanon, but was later cancelled due to COVID-19. Plaintiff
15 Rasha Ghaida has children, one of whom is a U.S. citizen whom she is separated from due to
16 Defendants’ unreasonable delay. No further action has been taken by Defendants on Plaintiff’s
17 case. The processing of Plaintiff’s case has been unlawfully and indefinitely delayed due to the
18 Proclamation that affected the Department of State’s policies, procedures, and practices
19 suspending adjudications of immigrant visa applications for Family First preference categories.
20 Plaintiff has suffered psychological, emotional, and economic damage as a result of
21 Defendants’ unlawful actions.

24 13. Plaintiff **Tatyana Popova** is the unmarried adult child of a United States citizen.
25 Plaintiff Tatyana Popova currently resides in Russia. An immigrant petition was filed on
26 Plaintiff Tatyana Popova’s behalf on July 23, 2012. Plaintiff’s approved petition became
27 current, and she was assigned case number MOS2014794007 and scheduled for an interview on
28

1 December 23, 2019. Plaintiff attended the interview, and her case went into administrative
2 processing without explanation. Multiple inquiries have been submitted to the U.S. consulate
3 without a substantive response. Plaintiff has now been stuck outside of the United States for
4 approximately one year. All necessary documents have been sent by Plaintiff to Defendants.
5 No further action has been taken by Defendants on Plaintiff’s case. The processing of
6 Plaintiff’s case is now unlawfully and indefinitely delayed due to the Proclamation that affected
7 the Department of State’s policies, procedures, and practices suspending adjudications of
8 immigrant visa applications for Family First preference categories. Plaintiff has suffered
9 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

11 14. Plaintiff Abu Nur is a United States citizen who currently resides in San Carlos,
12 California. Plaintiff Abu Nur is currently sponsoring his mother for an immigrant visa in the
13 first preference category. The I-130 petition was filed on January 14, 2019. The I-130 was
14 approved by USCIS and transferred to the National Visa Center. Plaintiff Abu Nur has
15 submitted all the required documents to the National Visa Center. All processing of Plaintiff’s
16 mother’s application has since ceased. The processing of Plaintiff’s case has been unlawfully
17 and indefinitely delayed due to the Proclamation that affected the Department of State’s
18 policies, procedures, and practices suspending adjudications of immigrant visa applications for
19 Family First preference categories. Plaintiff has suffered psychological, emotional, and
20 economic damage as a result of Defendants’ unlawful actions.

23 **Family 2A Preference Immigrant Visa Category Plaintiffs**

24 15. Plaintiff **Aline Afonso Anunciato** is the spouse of a U.S. Lawful Permanent
25 Resident who is sponsoring her for an immigrant visa in the Family 2A preference category.
26 Plaintiff Aline Afonso Anunciato’s spouse, Plaintiff **Kael Alberto Teodorowicz Rodriguez**,
27 resides in San Francisco, California. Plaintiff Aline Anunciato resides in Sao Paulo, Brazil.
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1 Plaintiff Aline Anunciato has an approved I-130 Immigrant Visa Petition, which was sent to the
2 National Visa Center and is still pending there. As of June 4, 2020, all required applicant
3 documents have been received and approved. The Defendants have unlawfully delayed further
4 adjudication of Plaintiffs' case, and indefinitely stopped the same due to the Proclamation that
5 affected the Department's policies, procedures, and practices suspending adjudications of
6 immigrant visa applications for Family 2A preference categories. Defendants' illegal inaction
7 has caused Plaintiffs physical, financial, and emotional damage.

9 16. Plaintiff **Mohammad Qasem** is a Lawful Permanent Resident of the United
10 States who currently resides in Oakland, California. Plaintiff Mohammad Qasem is sponsoring
11 his spouse, Plaintiff Heba, for an immigrant visa in the Family 2A preference category. An
12 immigrant visa petition was filed on November 16, 2018 for Plaintiff Qasem's spouse and
13 minor child, who was born on August 17, 2020. The I-130 was approved and has been sent to
14 the National Visa Center. All required documents have been received by Defendants. The
15 Defendants have unlawfully delayed further adjudication of Plaintiffs' case, and indefinitely
16 stopped the same due to the Proclamation that affected the Department's policies, procedures,
17 and practices suspending adjudications of immigrant visa applications for Family 2A
18 preference categories. Defendants' illegal inaction has caused Plaintiffs physical, financial, and
19 emotional damage, and has caused Plaintiff Qasem to have never met his new baby.

22 17. Plaintiff **Anvar Muzafarov** is a Lawful Permanent Resident of the United States,
23 and currently lives in Staten Island, New York. Plaintiff Anvar Muzafarov is sponsoring his
24 spouse, Plaintiff **Malika Muzafarova**, for an immigrant visa in the Family 2A preference
25 category. Plaintiff Anvar Muzafarov and his spouse have an approved I-130 Immigrant Visa
26 Petition, which was forwarded to the U.S. consulate in Uzbekistan for further processing.
27 Plaintiff Anvar Muzafarov's spouse's interview was scheduled for April 9, 2019. The U.S.
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1 Consulate required further documentation to demonstrate Plaintiff Malika Muzafarova and their
2 2-year-old child would not become a “public charge.” The documentation was sent to the
3 Consulate, which responded that they received the documentation but were closed. The
4 consulate in Uzbekistan has unlawfully delayed further adjudication of Plaintiffs’ case, and
5 indefinitely stopped due to the Proclamation that affected the Department’s policies,
6 procedures, and practices, suspending adjudications of immigrant visa applications for Family
7 2A preference categories. Defendants illegal inaction has caused Plaintiffs physical, financial,
8 and emotional damage.

10 18. Plaintiff **Rakan Khraisha** is a Lawful Permanent Resident of the United States.
11 Plaintiff Rakan Khraisha currently lives in Orlando, Florida. Plaintiff Rakan Khraisha is
12 currently sponsoring his spouse, Plaintiff **Anwar Alshaakh Moh’d Mari**, for an immigrant
13 visa in the Family 2A preference category (Case# AMM2020691001). The I-130 Immigrant
14 Visa Petition has been approved and sent to the National Visa Center (“NVC”) for further
15 processing, but has not been forwarded to the U.S. embassy in Jordan. Plaintiff Rakan Khraisha
16 has made multiple attempts of communication with the NVC and the U.S. Embassy in Jordan,
17 even asking for expedited processing for an exceptions per P.P. 10014. The NVC responded
18 stating that “[t]he U.S. Embassy in Amman, Jordan declined to accept your case for expeditious
19 processing . . . [but] did not comment upon your reasoning that your F2A case is exempt from
20 [the Proclamation].” The NVC further indicated that a visa interview would not be scheduled
21 because “applicants that are not exempt from this Proclamation cannot be scheduled by [the]
22 National Visa Center until [the] Proclamation is lifted. The U.S. Embassy in Jordan indicated
23 that it would not act until Plaintiff received notification from the NVC informing of an
24 interview date. Plaintiff’s spouse Plaintiff Anwar Alshaakh Moh’d Mari is a licensed physician
25 and would qualify for an exemption under the Proclamation as a physician. Despite asking for
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1 an exemption, Plaintiffs were not answered regarding their exemption request. The NVC and
 2 the consulate in Jordan has unlawfully delayed and denied further adjudication of Plaintiffs’
 3 case, and indefinitely stopped due to the Proclamation that affected the Department’s policies,
 4 procedures, and practices, suspending adjudication of immigrant visa applications for Family
 5 2A preference categories. Defendants illegal inaction has caused Plaintiffs physical, financial,
 6 and emotional damage.
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8 19. Plaintiff **Mahmud Ul Hasan** is the minor child of a Lawful Permanent Resident
 9 parent residing in the United States. Plaintiff Mahmud Ul Hasan currently resides in
 10 Bangladesh. Plaintiff Mahmud Ul Hasan is currently being sponsored by his Lawful Permanent
 11 Resident Parent in the Family 2A preference category. The I-130 Immigrant Visa Petition has
 12 been approved and sent to the National Visa Center (“NVC” for further processing, but has not
 13 been forwarded to the U.S. embassy in Bangladesh for further processing. The Department of
 14 State has unlawfully delayed and denied further adjudication of Plaintiffs’ case, and
 15 indefinitely stopped due to the Proclamation that affected the Department’s policies,
 16 procedures, and practices, suspending adjudication of immigrant visa applications for Family
 17 2A preference categories. Defendants’ illegal inaction has caused Plaintiffs physical, financial,
 18 and emotional damage.
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20 20. Plaintiff **Franco Taricani** is a citizen of Venezuela currently living in Florida.
 21 Plaintiff Franco Taricani is the minor child of a Lawful Permanent Resident who is sponsoring
 22 him for an immigrant visa in the Family 2A preference category. An immigrant visa petition
 23 (I-130) was filed on his behalf on August 2, 2018. The I-130 petition was approved and sent to
 24 the National Visa Center for processing and to be forwarded to the U.S. Consulate in Colombia.
 25 However, the interview has never been scheduled. No further action has been taken by
 26 Defendants on Plaintiff’s case. The Department of State has unlawfully delayed and denied
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1 further adjudication of Plaintiffs’ case, and indefinitely stopped due to the Proclamation that
2 affected the Department’s policies, procedures, and practices, suspending adjudication of
3 immigrant visa applications for Family 2A preference categories. Defendants’ illegal inaction
4 has caused Plaintiffs physical, financial, and emotional damage.

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6 21. Plaintiff **Diana Malynka** is a Lawful Permanent Resident of the United States
7 who currently lives in Oak Park, Michigan. Plaintiff Diana Malynka is sponsoring her spouse,
8 Plaintiff **Roman Tatarinkov** (KEV2020524003), for an immigrant visa in the Family 2A
9 immigrant visa preference category. An immigrant visa petition (I-130) was filed on his behalf
10 on September 19, 2018. The I-130 petition was approved and sent to the National Visa center
11 for processing and to be forwarded to the U.S. Consulate in Ukraine. However, the interview
12 has never been scheduled. No further action has been taken by Defendants on Plaintiff’s case.
13 The Department of State has unlawfully delayed and denied further adjudication of Plaintiffs’
14 case, and indefinitely stopped due to the Proclamation that affected the Department’s policies,
15 procedures, and practices, suspending adjudication of immigrant visa applications for Family
16 2A preference categories. Defendants illegal inaction has caused Plaintiffs physical, financial,
17 and emotional damage
18

19 22. Plaintiff **Keily Contreras** is a Lawful Permanent Resident of the United States.
20 Plaintiff Keily Contreras currently lives in Broomfield, Colorado. Plaintiff is a U.S. lawful
21 permanent resident who is sponsoring her minor child for an immigrant visa in the Family 2A
22 immigrant visa preference category. The immigrant visa petition for Plaintiff’s child was filed
23 on January 30, 2017. The petition was approved by USCIS and thereafter sent to the NVC
24 where it remains pending. No further action has been taken by Defendants on Plaintiff’s case.
25 The Department of State has unlawfully delayed and denied further adjudication of Plaintiffs’
26 case, and indefinitely stopped due to the Proclamation that affected the Department’s policies,
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1 procedures, and practices, suspending adjudication of immigrant visa applications for Family
2 2A preference categories. Defendants' illegal inaction has caused Plaintiffs physical, financial,
3 and emotional damage.

4 23. Plaintiff **Sasha Sookhoo** is a Lawful Permanent Resident of the United States
5 who is living in Los Angeles, California. Plaintiff Sasha Sookhoo is sponsoring her spouse for
6 an immigrant visa in the Family 2A preference category. The immigrant visa petition was filed
7 on March 13, 2019, and upon approval was sent to the National Visa Center where it is still
8 pending. No further action has been taken by Defendants on Plaintiff's case. The Department of
9 State has unlawfully delayed and denied further adjudication of Plaintiffs' case, and
10 indefinitely stopped due to the Proclamation that affected the Department's policies,
11 procedures, and practices, suspending adjudication of immigrant visa applications for Family
12 2A preference categories. Defendants' illegal inaction has caused Plaintiffs physical, financial,
13 and emotional damage.

14
15
16 **Family 2B Preference Immigrant Visa Category Plaintiffs**

17 24. Plaintiff **Amena Al Azzani** is a United States citizen currently residing in
18 Richmond, California. She filed a visa petition for her three children, Plaintiff Ahlam Al
19 Azzani, Plaintiff Afrah Al Azzani, and Yaser Al Azzani, in the Family 2B preference category
20 on October 27, 2014. At the time of filing the visa petition, Plaintiff Al Azzani was a lawful
21 permanent resident. She recently naturalized but informed the National Visa Center that she
22 wished to opt out of the F1 preference category in order to preserve the more advantageous
23 F2B preference date on the visa petition. USCIS approved the visa petition and forwarded the
24 matter on to the National Visa Center. National Visa Center completed processing and
25 forwarded the file to the U.S. consulate in Djibouti on about December 13, 2020. No interview
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1 has ever been scheduled. Defendants’ illegal actions have caused Plaintiffs emotional and
2 financial damage as they continue to wait to be reunited with no end date in sight.

3 **Family Third Preference Immigrant Visa Category Plaintiffs**

4 25. Plaintiff **Shafiq Qureshi** is a United States Citizen. Plaintiff Qureshi is
5 sponsoring his adult married child for an immigrant visa in the Family Third preference
6 category. The immigrant visa petition for Plaintiff Shafiq Qureshi’s daughter was filed on
7 March 26, 2007. Plaintiff Shafiq Qureshi has been waiting well over a decade for the priority
8 date relating to this petition to become current and to be reunited as a family. Plaintiff’s
9 daughter lives in Afghanistan. Plaintiff’s daughter’s immigrant visa interview was scheduled
10 for March 24, 2020, but was cancelled. The U.S. Department of State has unlawfully delayed
11 and denied further adjudication of Plaintiffs’ case, and indefinitely stopped due to the
12 Proclamation that affected the Department’s policies, procedures, and practices, suspending
13 adjudication of immigrant visa applications for Family Third preference categories.
14 Defendants’ illegal inaction has caused Plaintiffs physical, financial, and emotional damage.
15
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17 **Family Fourth Preference Immigrant Visa Category Plaintiffs**

18 26. Plaintiff **Rugina Dabit** is a United States Citizen currently residing in Denver,
19 Colorado. Plaintiff Rugina Dabit is sponsoring her sibling, Plaintiff **Dineez Dbiet**, for an
20 immigrant visa in the Family Fourth preference category. Plaintiff Rugina Dabit submitted an
21 I-130 Petition for her sister on June 28, 2005, which was approved. Once the priority date
22 became current, Plaintiffs’ application was sent to the National Visa Center, for which a DS-
23 260 application was submitted by Plaintiff Dineez Dbiet on June 12, 2019. The Department of
24 State has unlawfully delayed and denied further adjudication of Plaintiffs’ case, and
25 indefinitely stopped due to the Proclamation that affected the Department’s policies,
26 procedures, and practices, suspending adjudication of immigrant visa applications for Family
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1 Fourth preference categories. Defendants' illegal inaction has caused Plaintiffs physical,
2 financial, and emotional damage.

3 27. Plaintiff **Enas Elzogpy** is the beneficiary of an approved I-130 petition that has
4 been pending at the National Visa Center since August 2019. Plaintiff Enas Elzogpy currently
5 resides in Egypt. The Department of State has unlawfully delayed and denied further
6 adjudication of Plaintiffs' case, and indefinitely stopped due to the Proclamation that affected
7 the Department's policies, procedures, and practices, suspending adjudication of immigrant
8 visa applications for Family Fourth preference categories. Defendants' illegal inaction has
9 caused Plaintiffs physical, financial, and emotional damage.
10

11
12 **Immediate Relative Immigrant Visa Category Plaintiffs**

13 28. Plaintiff **Miguel Ramos Vallen**as is a United States Citizen and currently lives in
14 Bethesda, Maryland. Plaintiff Miguel Ramos Vallen

15 **Miguel Luciano Ramos** (BEN2020586002), and his mother, Plaintiff **Consuelo Vallen**as de
16 **Ramos** (BEN2020586003), for immediate relative immigrant visas. Plaintiffs Miguel Ramos
17 and Consuelo Vallen

18 as became documentarily qualified and were waiting for an interview in
19 Switzerland (where they reside) but have yet to receive one due to the Department of State's
20 unreasonable delay. The Department of State has unlawfully delayed and denied further
21 processing and adjudication of Plaintiffs' cases due to the Proclamation affecting the
22 Department's policies, procedures, and practices suspending adjudication of immediate relative
23 immigrant visa applications. The Department of State's unlawful actions have resulted in
24 physical, psychological, emotional, and economic damage to the Plaintiffs.
25

26 29. Plaintiff **Philip Kinsley** is a United States Citizen and currently lives in Virginia.
27 Plaintiff Philip Kinsley is sponsoring his father, Plaintiff **David James Kinsley**
28 (LND2019557007), for an immediate relative immigrant visa. Plaintiff David James Kinsley

1 suffered a stroke in September 2020. He is in desperate need to be reunited with his family in
2 the United States. Plaintiffs have asked for a National Interest Waiver to the Presidential
3 Proclamations based on humanitarian grounds due to Plaintiff David James Kinsley's health
4 concerns. The requested waiver was denied, and Defendants have indicated that they will not
5 process Plaintiffs case further during the pendency of the proclamation. Plaintiff David James
6 Kinsley is documentarily qualified and needs only for Defendants to do their job. The
7 Department of State has unlawfully delayed and denied further processing and adjudication of
8 Plaintiffs' cases due to the Proclamation affecting the Department's policies, procedures, and
9 practices suspending adjudication of immediate relative immigrant visa applications. The
10 Department of State's unlawful actions have resulted in physical, psychological, emotional, and
11 economic damage to the Plaintiffs.
12

13
14 30. Plaintiff **Alena Marciante** is a United States Citizen and currently lives in
15 Philadelphia, Pennsylvania. Plaintiff Alena Marciante is sponsoring her parents, Plaintiff
16 **Zinaida Kukharava** (WRW2020520003) and Plaintiff **Aliaksandr Kukharau**
17 (WRW2020520004), for immediate relative immigrant visas. Plaintiffs Zinaida Kukharava and
18 Aliaksandr Kukharau are documentarily qualified and need only for Defendants to complete the
19 processing including the immigrant visa interview. Plaintiffs sought an exemption to the
20 Proclamation based on essential work and hardship grounds but the request was denied. The
21 Department of State has unlawfully delayed and denied further processing and adjudication of
22 Plaintiffs' cases due to the Proclamation affecting the Department's policies, procedures, and
23 practices suspending adjudication of immediate relative immigrant visa applications. The
24 Department of State's unlawful actions have resulted in physical, psychological, emotional, and
25 economic damage to the Plaintiffs.
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1 31. Plaintiff **Nivedita Kakkar** is a United States Citizen and currently lives in North
2 Carolina. Plaintiff Nivedita Kakkar is sponsoring her elderly parents, Plaintiff **Shobha Khatri**
3 (BMB2019602085) and Plaintiff **Satish Chandra Khatri**, for immediate relative immigrant
4 visas. Both Plaintiffs Shobha Khatri and Satish Chandra Khatri are documentarily qualified.
5 The Department of State has unlawfully delayed and denied further processing and adjudication
6 of Plaintiffs' cases due to the Proclamation affecting the Department's policies, procedures, and
7 practices suspending adjudication of immediate relative immigrant visa applications. The
8 Department of State's unlawful actions have resulted in physical, psychological, emotional, and
9 economic damage to the Plaintiffs.
10

11 32. Plaintiff **Marisol Arriaga** is a United States Citizen currently residing in
12 Woodland, California. She petitioned for her 71 year-old mother, Plaintiff **Rosa Maria Bernal**
13 **Martinez**, who has already been approved for a waiver of inadmissibility due to the hardship
14 that Ms. Bernal Martinez's lawful permanent resident husband is suffering. The Department of
15 State has unlawfully delayed and denied further processing and adjudication of Plaintiff's case
16 due to the Proclamation affecting the Department's policies, procedures, and practices
17 suspending adjudication of immediate relative immigrant visa applications. The Department of
18 State's unlawful actions have resulted in emotional and economic damage to the Plaintiffs.
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21 **Employment-Based Immigrant Visa Plaintiffs**

22 33. Plaintiffs are U.S. employers and agents with approved I-140 Petitions for Alien
23 Worker and their employee beneficiaries applying for Employment-Based Preference Category
24 Immigrant Visas that will allow them to enter the United States and begin stateside
25 employment with their employers.

26 34. Plaintiff **Dmitrii Repenek** is the beneficiary of an approved EB-1A visa petition,
27 which is reserved for immigrants with extraordinary ability seeking to immigrate to the United
28

1 States. Plaintiff Dmitrii Repenek currently resides in Russia. Plaintiff I-140 Petition was
2 approved by USCIS and sent to the national Visa Center for processing and then forwarded to
3 the U.S. consulate in Russia. Plaintiff had an interview scheduled for April 3, 2020, which was
4 cancelled. Plaintiff would qualify for an exception to the Presidential Proclamation as a jobs
5 creator. Defendants have refused to further process Plaintiff Dmitrii Repenek's application
6 contrary to law. The Department of State has unlawfully delayed and denied further processing
7 and adjudication of Plaintiff's cases due to the Proclamation affecting the Department's
8 policies, procedures, and practices suspending adjudication of employment-based immigrant
9 visa applications. The Department of State's unlawful actions have resulted in physical,
10 psychological, emotional, and economic damage to the Plaintiff.

11
12 35. Plaintiff **Jonathan Garvey** is the beneficiary of an approved EB-3 employment-
13 based immigrant visa petition. Plaintiff Jonathan Garvey has a derivative beneficiary spouse to
14 the application, Plaintiff **Gabriella Silva Rodrigues de Almeida**. After the I-140 petition was
15 approved, the application was sent to the NVC, where it is still pending four months later. The
16 NVC case number is DBL2020727001. Defendants have refused to further process Plaintiff's
17 application contrary to law. The Department of State has unlawfully delayed and denied
18 further processing and adjudication of Plaintiffs' cases due to the Proclamation affecting the
19 Department's policies, procedures, and practices suspending adjudication of employment-based
20 immigrant visa applications. The Department of State's unlawful actions have resulted in
21 physical, psychological, emotional, and economic damage to the Plaintiffs.

22
23 36. Plaintiff **Jekaterina Makatrovskaja** is the beneficiary of an approved EB-1
24 employment-based immigrant visa petition. After USCIS approved the I-140 petition, the
25 Plaintiff's application was sent to the National Visa Center. An interview was scheduled at the
26 U.S. Consulate in Moscow in April 2020, but was cancelled. Defendants have refused to
27
28

1 further process Plaintiff's application contrary to law. The Department of State has unlawfully
2 delayed and denied further processing and adjudication of Plaintiffs' cases due to the
3 Proclamation affecting the Department's policies, procedures, and practices suspending
4 adjudication of employment-based immigrant visa applications. The Department of State's
5 unlawful actions have resulted in physical, psychological, emotional, and economic damage to
6 the Plaintiffs.

7
8 37. Plaintiff **Mariam Danelia** is the beneficiary of an approved EB-1A employment-
9 based immigrant visa petition based on her extraordinary ability as a renowned chess
10 champion. Plaintiff Mariam Danelia currently resides in Tbilisi, Georgia. Plaintiff's I-140 was
11 approved by USCIS on September 14, 2018. After her application became current, Plaintiff's
12 application was sent to the U.S. Embassy in Georgia in April 2020 and was assigned case
13 number, TBL2019864001. No further action has been taken by Defendants on Plaintiff's
14 application. Defendants have unlawfully delayed and denied further processing and
15 adjudication of Plaintiffs' cases due to the Proclamation affecting the Department's policies,
16 procedures, and practices suspending adjudication of employment-based immigrant visa
17 applications. The Department of State's unlawful actions have resulted in physical,
18 psychological, emotional, and economic damage to the Plaintiffs.

19
20
21 38. Plaintiff **Anduela Rucaj** is the beneficiary of an approved EB-3 employment-
22 based immigrant visa application. Plaintiff Anduela Rucaj currently resides in Canada.
23 Plaintiff's I-140 was approved by USCIS. After the application became current, it was sent to
24 the National Visa Center for processing and then forwarded to the U.S. Consulate in Montreal,
25 Canada. No further action has been taken by Defendants on Plaintiff's application. Defendants
26 have unlawfully delayed and denied further processing and adjudication of Plaintiffs' cases due
27 to the Proclamation affecting the Department's policies, procedures, and practices suspending
28

1 adjudication of employment-based immigrant visa applications. The Department of State’s
2 unlawful actions have resulted in physical, psychological, emotional, and economic damage to
3 the Plaintiffs.

4 **2020 Diversity Visa Lottery Winner Plaintiffs**

5 39. Plaintiffs are also winners of the 2020 Diversity Visa Lottery (DV-2020) Program
6 who have been chosen by the Department of State to receive an Immigrant Visa and immigrate
7 to the United States.

8
9 40. Plaintiff **Daniel James Terry** was selected for the DV-2020 program, with his
10 spouse, Plaintiff **Josie Leigh Terry** as a derivative of the same. Plaintiffs Daniel James Terry
11 and Josie Leigh Terry currently reside in Australia. The DOS Kentucky Consular Center
12 (“KCC”) assigned Plaintiff Daniel Terry case number 2020OC00000714. On September 28,
13 2020, Plaintiffs received email notification from the Department of State indicating that their
14 visa was approved and issued subject to PP10014 with expiry of March 14, 2021. Defendants
15 refuse to allow entry to Plaintiffs to enter despite being qualified for an exception to the
16 Presidential Proclamations on the grounds of national interest and employment, which is
17 essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19
18 outbreak. Admitting Plaintiffs into the United States would improve the economic situation in
19 the United States, which is the very basis of the Proclamation. The unlawful refusal of entry
20 into the United States has resulted in psychological and economic damage to Plaintiffs.

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22
23 41. Plaintiff **Kioi Muthanga** was selected for the DV-2020 program. Plaintiff Kioi
24 Muthanga currently resides in Kenya. The KCC assigned Plaintiff Kioi Muthanga a case
25 number, 2020AF25423. On September 30, 2020, Plaintiff Kioi Muthanga received notification
26 that the immigrant visa had been issued but that Plaintiff could not travel to the United States
27 due to the Presidential Proclamation 10014 and that the visa was valid only until March 25,
28 2021. Plaintiff Kioi Muthanga has family in the United States. Defendants refuse to allow

1 entry to Plaintiff to enter due to the Presidential Proclamation. Admitting Plaintiff into the
2 United States would improve the economic situation in the United States, which is the very
3 basis of the Proclamation. In fact, refusing to admit Plaintiff Kioi Muthanga into the United
4 States would be an economic detriment to Plaintiff as Plaintiff will be paying college tuition in
5 the United States. The unlawful refusal of entry into the United States has resulted in
6 economic, emotional, and psychological damage to Plaintiff Kioi Muthanga.
7

8 42. Plaintiff **Irina Aab** was selected for the DV-2020 program along with her
9 derivative beneficiary spouse, **Vladimir Aab**. Plaintiff Irina Aab and Vladimir Aab currently
10 reside in Kazakhstan. The KCC assigned Plaintiffs case number 2020EU0001290. In
11 September, Plaintiffs received their issued immigrant visas but were informed that they could
12 not travel to the United States due to the Presidential Proclamation and that the visa was valid
13 only until March 2021. Defendants refuse to allow entry to Plaintiff to enter due to the
14 Presidential Proclamation. Admitting Plaintiff into the United States would improve the
15 economic situation in the United States, which is the very basis of the Proclamation—to
16 improve the country's economic state. The unlawful refusal of entry into the United States has
17 resulted in economic, emotional, and psychological damage to Plaintiffs.
18

19 43. Plaintiff **Erik Alibekov** was selected as a DV-2020 Visa Lottery program winner
20 and his spouse, Plaintiff **Dana Alibekova** is a derivative beneficiary to the same. Plaintiffs
21 Erik Alibekov and Dana Alibekova currently reside in Kazakhstan. The KCC assigned
22 Plaintiffs a case number. In September, Plaintiffs received their issued immigrant visas but
23 were informed that they could not travel to the United States due to the Presidential
24 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
25 entry to Plaintiff to enter due to the Presidential Proclamation. Admitting Plaintiff into the
26 United States would improve the economic situation in the United States, which is the very
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1 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
2 economic, emotional, and psychological damage to Plaintiffs.

3 44. Plaintiff **Vadim Miterev** was selected as a DV-2020 Visa Lottery program
4 winner and his Plaintiff Spouse is a derivative beneficiary to the same. Plaintiffs currently
5 reside in Belarus. The KCC assigned Plaintiffs a case number. In September, Plaintiffs
6 received their issued immigrant visas but were informed that they could not travel to the United
7 States due to the Presidential Proclamation and that the visa was valid only until March 2021.
8 Defendants refuse to allow entry to Plaintiff to enter due to the Presidential Proclamation.
9 Admitting Plaintiff into the United States would improve the economic situation in the United
10 States, which is the very basis of the Proclamation. The unlawful refusal of entry into the
11 United States has resulted in economic, emotional, and psychological damage to Plaintiffs.
12

13 45. Plaintiff **Arij Abdulmajid** was selected as a DV-2020 Visa Lottery program
14 winner and his Plaintiff family members, who are derivative beneficiaries to the same.
15 Plaintiffs currently reside in Yemen. The KCC assigned Plaintiffs case number
16 2020AS00015567. In September, Plaintiffs were told by their interviewing officer at the
17 consulate that everything “appeared good” (i.e. they passed), but that a visa could not be issued
18 due to the travel bans in place. Defendants refuse to issue a visa to Plaintiff or allow entry to
19 Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the United States
20 would improve the economic situation in the United States, which is the very basis of the
21 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
22 emotional, and psychological damage to Plaintiffs.
23

24 46. Plaintiff **Kuanysh Baimenov** was selected as a DV-2020 Visa Lottery program
25 winner along with his derivative beneficiary family members. Plaintiff Kuanysh Baimenov
26 currently resides in Kazakhstan with his wife, derivative beneficiary **Ainur Baimenova**. The
27
28

1 KCC assigned Plaintiffs case number 2020EU00007286. In September, Plaintiffs received
2 their issued immigrant visas but were informed that they could not travel to the United States
3 due to the Presidential Proclamation and that the visa was valid only until March 2021.

4 Defendants refuse to allow entry to Plaintiff to enter due to the Presidential Proclamation.
5 Admitting Plaintiff into the United States would improve the economic situation in the United
6 States, which is the very basis of the Proclamation. The unlawful refusal of entry into the
7 United States has resulted in economic, emotional, and psychological damage to Plaintiffs.
8

9 47. Plaintiff **Esra Boylu** was selected as a DV-2020 Visa Lottery program winner
10 along with his derivative beneficiary family members. Plaintiff Esra Boylu currently resides in
11 Turkey. The KCC assigned Plaintiffs a case number. In September, Plaintiffs received their
12 issued immigrant visas but were informed that they could not travel to the United States due to
13 the Presidential Proclamation and that the visa was valid only until March 2021. Defendants
14 refuse to allow entry to Plaintiff due to the Presidential Proclamation. Admitting Plaintiff into
15 the United States would improve the economic situation in the United States, which is the very
16 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
17 economic, emotional, and psychological damage to Plaintiffs.
18

19 48. Plaintiff **Ergun Er** was selected as a DV-2020 Visa Lottery program winner.
20 Plaintiff Ergun Er currently resides in Turkey. The KCC assigned Plaintiff Ergun Er a case
21 number. In September, Plaintiffs received their issued immigrant visas but were informed that
22 they could not travel to the United States due to the Presidential Proclamation and that the visa
23 was valid only until March 2021. Defendants refuse to allow entry to Plaintiff due to the
24 Presidential Proclamation. Admitting Plaintiff into the United States would improve the
25 economic situation in the United States, which is the very basis of the Proclamation. The
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1 unlawful refusal of entry into the United States has resulted in economic, emotional, and
2 psychological damage to Plaintiffs.

3 49. Plaintiff **Caner Hidir** was selected as a DV-2020 Visa Lottery program winner.
4 Plaintiff Caner Hidir currently resides in Turkey. The KCC assigned Plaintiff Caner Hidir a
5 case number. In September Plaintiff Plaintiff Caner Hidir received their issued immigrant visas
6 but were informed that they could not travel to the United States due to the Presidential
7 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
8 entry to Plaintiff Caner Hidir due to the Presidential Proclamation. Admitting Plaintiff Caner
9 Hidir into the United States would improve the economic situation in the United States, which
10 is the very basis of the Proclamation. The unlawful refusal of entry into the United States has
11 resulted in economic, emotional, and psychological damage to Plaintiffs.
12

13 50. Plaintiff **Hatim Joubair** was selected as a DV-2020 Visa Lottery program
14 winner. Plaintiff Hatim Joubair currently resides in Morocco. The KCC assigned Plaintiff
15 Hatim Joubair a case number. Although Plaintiff had the visa interview in March and was
16 approved, due to the Presidential Proclamation being issued weeks later, the visa was never
17 stamped. In September, Plaintiff Hatim Joubair received their issued immigrant visas but were
18 informed that they could not travel to the United States due to the Presidential Proclamation
19 and that the visa was valid only until March 2021. Defendants refuse to allow entry to Plaintiff
20 Hatim Joubair due to the Presidential Proclamation. Admitting Plaintiff into the United States
21 would improve the economic situation in the United States, which is the very basis of the
22 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
23 emotional, and psychological damage to Plaintiffs.
24

25 51. Plaintiff **Ceyhun Karakaya** was selected as a DV-2020 Visa Lottery program
26 winner. Plaintiff Ceyhun Karakaya currently resides in Morocco. The KCC assigned Plaintiff
27
28

1 Ceyhun Karakaya a case number. In September, Plaintiff Ceyhun Karakaya received their
2 issued immigrant visas but were informed that they could not travel to the United States due to
3 the Presidential Proclamation and that the visa was valid only until March 2021. Defendants
4 refuse to allow entry to Plaintiff due to the Presidential Proclamation. Admitting Plaintiff
5 Ceyhun Karakaya into the United States would improve the economic situation in the United
6 States, which is the very basis of the Proclamation. The unlawful refusal of entry into the
7 United States has resulted in economic, emotional, and psychological damage to Plaintiffs.

9 52. Plaintiff **Oguzhan Kukul** was selected as a DV-2020 Visa Lottery program
10 winner along with his derivative beneficiary family members. Plaintiff Oguzhan Kukul
11 currently resides in Turkey. The KCC assigned Plaintiff Oguzhan Kukul a case number. In
12 September, Plaintiffs received their issued immigrant visas but were informed that they could
13 not travel to the United States due to the Presidential Proclamation and that the visa was valid
14 only until March 2021. Defendants refuse to allow entry to Plaintiff Oguzhan Kukul due to the
15 Presidential Proclamation. Admitting Plaintiff Oguzhan Kukul into the United States would
16 improve the economic situation in the United States, which is the very basis of the
17 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
18 emotional, and psychological damage to Plaintiffs.

20 53. Plaintiff **Olga Moisyeyeva** was selected as a DV-2020 Visa Lottery program
21 winner along with Plaintiff's derivative beneficiary family members. Plaintiff Olga
22 Moisyeyeva currently resides in Ukraine. The KCC assigned Plaintiff Olga Moisyeyeva a case
23 number. In September, Plaintiff Olga Moisyeyeva received their issued immigrant visas but
24 were informed that they could not travel to the United States due to the Presidential
25 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
26 entry to Plaintiff Olga Moisyeyeva due to the Presidential Proclamation. Admitting Plaintiff
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1 into the United States would improve the economic situation in the United States, which is the
2 very basis of the Proclamation. The unlawful refusal of entry into the United States has
3 resulted in economic, emotional, and psychological damage to Plaintiffs.

4 54. Plaintiff **Serhii Oher** was selected as a DV-2020 Visa Lottery program winner.
5 Plaintiff Serhii Oher currently resides in Ukraine. The KCC assigned Plaintiff Serhii Oher
6 number 2020EU00018286. In September, Plaintiff Serhii Oher received their issued immigrant
7 visas but were informed that they could not travel to the United States due to the Presidential
8 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
9 entry to Plaintiff Serhii Oher due to the Presidential Proclamation. Admitting Plaintiff Serhii
10 Oher into the United States would improve the economic situation in the United States, which
11 is the very basis of the Proclamation. The unlawful refusal of entry into the United States has
12 resulted in economic, emotional, and psychological damage to Plaintiffs.

13 14 15 55. Plaintiff **Kostiantyn Volosov** was selected as a DV-2020 Visa Lottery program
16 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
17 Ukraine. The KCC assigned Plaintiffs case number 2020EU00012745. In September, Plaintiff
18 received their issued immigrant visas but were informed that they could not travel to the United
19 States due to the Presidential Proclamation and that the visa was valid only until March 2021.
20 Defendants refuse to allow entry to Plaintiff due to the Presidential Proclamation. Admitting
21 Plaintiff into the United States would improve the economic situation in the United States,
22 which is the very basis of the Proclamation. The unlawful refusal of entry into the United
23 States has resulted in economic, emotional, and psychological damage to Plaintiffs.

24 25 26 56. Plaintiff **Darya Izman** was selected as a DV-2020 Visa Lottery program winner
27 along with her derivative beneficiary family member. Plaintiffs currently reside in Russia. The
28 KCC assigned Plaintiffs case number 2020EU00020947. In September, Plaintiffs received

1 their issued immigrant visas but were informed that they could not travel to the United States
2 due to the Presidential Proclamation and that the visa was valid only until March 2021.

3 Defendants refuse to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting
4 Plaintiffs into the United States would improve the economic situation in the United States,
5 which is the very basis of the Proclamation. The unlawful refusal of entry into the United
6 States has resulted in economic, emotional, and psychological damage to Plaintiffs.
7

8 57. Plaintiff **Alexandr Komissarov** was selected as a DV-2020 Visa Lottery program
9 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
10 China. The KCC assigned Plaintiffs a case number. In September, Plaintiffs received their
11 issued immigrant visas but were informed that they could not travel to the United States due to
12 the Presidential Proclamation and that the visa was valid only until March 2021. Defendants
13 refuse to allow entry to Plaintiff due to the Presidential Proclamation. Admitting Plaintiff into
14 the United States would improve the economic situation in the United States, which is the very
15 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
16 economic, emotional, and psychological damage to Plaintiffs.
17

18 58. Plaintiff **M Palakuttige Sujantha Dilip Prasantha Fernando** was selected as a
19 DV-2020 Visa Lottery program winner along with his spouse, Plaintiffs currently reside in Sri
20 Lanka. The KCC assigned Plaintiffs case number 2020AS00007349. In October, Plaintiffs
21 received their issued immigrant visas but were informed that they could not travel to the United
22 States due to the Presidential Proclamation and that the visa was valid only until March 2021.
23 Defendants refuse to allow entry to Plaintiff due to the Presidential Proclamation. Admitting
24 Plaintiff into the United States would improve the economic situation in the United States,
25 which is the very basis of the Proclamation. The unlawful refusal of entry into the United
26 States has resulted in economic, emotional, and psychological damage to Plaintiffs.
27
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1 59. Plaintiff **Gallage Harindra Dineetha Nipun Ariyaratne** was selected as a DV-
2 2020 Visa Lottery program winner. Plaintiff currently resides in Sri Lanka. The KCC assigned
3 Plaintiff case number 2020AS00009373. In October, Plaintiff received their issued immigrant
4 visas but were informed that they could not travel to the United States due to the Presidential
5 Proclamation and that the visa was valid only until March 2021. Plaintiff would qualify for an
6 exemption to the Presidential Proclamation due to his medical research. Defendants refuse to
7 allow entry to Plaintiff due to the Presidential Proclamation. Admitting Plaintiff into the
8 United States would improve the health and economic situation in the United States, which is
9 the very basis of the Proclamation. The unlawful refusal of entry into the United States has
10 resulted in economic, emotional, and psychological damage to Plaintiff.

11
12 60. Plaintiff **Batagoda Nahallage Don Oga Ranjeewa Seneviratne** was selected as a
13 DV-2020 Visa Lottery program winner along with Plaintiff's derivative beneficiary family
14 members, Plaintiffs **Pannila Vithanage Chamila Iroshini and B.N.D.C.D.** Plaintiff currently
15 resides in Sri Lanka. The KCC assigned Plaintiffs case number 2020AS00010019. In October,
16 Plaintiffs received their issued immigrant visas but were informed that they could not travel to
17 the United States due to the Presidential Proclamation and that the visa was valid only until
18 March 2021. Defendants refuse to allow entry to Plaintiffs due to the Presidential
19 Proclamation. Admitting Plaintiffs into the United States would improve the economic
20 situation in the United States, which is the very basis of the Proclamation. The unlawful refusal
21 of entry into the United States has resulted in economic, emotional, and psychological damage
22 to Plaintiffs.

23
24 61. Plaintiff **Nadia Nait Cherif** was selected as a DV-2020 Visa Lottery program
25 winner along with Plaintiff's derivative beneficiary family members, Plaintiffs **Mohamed Si**
26 **Hadi and B.S.H.** Plaintiffs currently reside in Algeria. The KCC assigned Plaintiffs a case
27
28

1 number. Plaintiffs received their issued immigrant visas but were informed that they could not
2 travel to the United States due to the Presidential Proclamation and that the visa was valid only
3 until March 2021. Defendants refuse to allow entry to Plaintiffs due to the Presidential
4 Proclamation. Admitting Plaintiffs into the United States would improve the economic
5 situation in the United States, which is the very basis of the Proclamation. The unlawful refusal
6 of entry into the United States has resulted in economic, emotional, and psychological damage
7 to Plaintiffs.
8

9 62. Plaintiff **Dibin Pokharel** was selected as a DV-2020 Visa Lottery program
10 winner along with Plaintiff's derivative beneficiary family members. Plaintiffs currently reside
11 in Canada. The KCC assigned Plaintiffs a case number. Plaintiffs received their issued
12 immigrant visas but were informed that they could not travel to the United States due to the
13 Presidential Proclamation and that the visa was valid only until March 2021. Defendants refuse
14 to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the
15 United States would improve the economic situation in the United States, which is the very
16 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
17 economic, emotional, and psychological damage to Plaintiffs.
18

19 63. Plaintiff **Dechen Choden** was selected as a DV-2020 Visa Lottery program
20 winner along with Plaintiff's derivative beneficiary family members. Plaintiffs currently reside
21 in Australia. The KCC assigned Plaintiffs a case number. Plaintiffs received their issued
22 immigrant visas but were informed that they could not travel to the United States due to the
23 Presidential Proclamation and that the visa was valid only until March 2021. Defendants refuse
24 to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the
25 United States would improve the economic situation in the United States, which is the very
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1 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
2 economic, emotional, and psychological damage to Plaintiffs.

3 64. Plaintiff **Ezgi Kaysi Kesler** was selected as a DV-2020 Visa Lottery program
4 winner along with her derivative beneficiary family. Plaintiffs currently reside in Turkey. The
5 KCC assigned Plaintiffs is a case number. Plaintiffs received their issued immigrant visas but
6 were informed that they could not travel to the United States due to the Presidential
7 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
8 entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the United
9 States would improve the economic situation in the United States, which is the very basis of the
10 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
11 emotional, and psychological damage to Plaintiffs.
12

13 65. Plaintiff **Vitalii Horbachov** was selected as a DV-2020 Visa Lottery program
14 winner along with his derivative spouse, Plaintiff **Valeriia Horbachova**. Plaintiffs currently
15 reside in Ukraine. The KCC assigned Plaintiffs case number 2020EU00015784. Plaintiffs
16 received their issued immigrant visas but were informed that they could not travel to the United
17 States due to the Presidential Proclamation and that the visa was valid only until March 2021.
18 Defendants refuse to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting
19 Plaintiffs into the United States would improve the economic situation in the United States,
20 which is the very basis of the Proclamation. The unlawful refusal of entry into the United
21 States has resulted in economic, emotional, and psychological damage to Plaintiffs.
22

23 66. Plaintiff **Andrey Ichshenko** was selected as a DV-2020 Visa Lottery program
24 winner along with her derivative beneficiary family. Plaintiffs currently reside in Kazakhstan.
25 The KCC assigned Plaintiffs a case number. Plaintiffs received their issued immigrant visas
26 but were informed that they could not travel to the United States due to the Presidential
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1 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
2 entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the United
3 States would improve the economic situation in the United States, which is the very basis of the
4 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
5 emotional, and psychological damage to Plaintiffs.
6

7 67. Plaintiff **Jovan Postoloski** was selected as a DV-2020 Visa Lottery program
8 winner along with his derivative beneficiary family members. Plaintiff currently resides in
9 North Macedonia. The KCC assigned Plaintiff a case number. Plaintiffs received their issued
10 immigrant visas but were informed that they could not travel to the United States due to the
11 Presidential Proclamation and that the visa was valid only until March 2021. Defendants refuse
12 to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the
13 United States would improve the economic situation in the United States, which is the very
14 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
15 economic, emotional, and psychological damage to Plaintiffs.
16

17 68. Plaintiff **Zhazira Temirbayeva** was selected as a DV-2020 Visa Lottery program
18 winner along with his derivative beneficiary family members. Plaintiff currently resides in
19 Kazakhstan. The KCC assigned Plaintiff a case number. Plaintiffs received their issued
20 immigrant visas but were informed that they could not travel to the United States due to the
21 Presidential Proclamation and that the visa was valid only until March 2021. Defendants refuse
22 to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the
23 United States would improve the economic situation in the United States, which is the very
24 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
25 economic, emotional, and psychological damage to Plaintiffs.
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1 69. Plaintiff **Yana Yanko** was selected as a DV-2020 Visa Lottery program winner
2 along with her derivative beneficiary family members. Plaintiff currently resides in Ukraine.
3 The KCC assigned Plaintiff a case number. Plaintiffs received their issued immigrant visas but
4 were informed that they could not travel to the United States due to the Presidential
5 Proclamation and that the visa was valid only until March 2021. Defendants refuse to allow
6 entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the United
7 States would improve the economic situation in the United States, which is the very basis of the
8 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
9 emotional, and psychological damage to Plaintiffs.
10

11 70. Plaintiff **Andrei Zhorau** was selected as a DV-2020 Visa Lottery program
12 winner. Plaintiff was also selected for the DV-2021 Visa Lottery program. Plaintiff currently
13 resides in Belarus. The KCC assigned Plaintiff a case number for each year—
14 2020EU00016507 and 2021EU00005177. Plaintiff received his issued immigrant visa but was
15 informed that he could not travel to the United States due to the Presidential Proclamation and
16 that the visa was valid only until March 2021. Defendants refuse to allow entry to Plaintiff due
17 to the Presidential Proclamation. Admitting Plaintiff into the United States would improve the
18 economic situation in the United States, which is the very basis of the Proclamation. The
19 unlawful refusal of entry into the United States has resulted in economic, emotional, and
20 psychological damage to Plaintiff. Defendants unlawful delay in adjudicating Plaintiff's 2021
21 Diversity Visa application has resulted in damage to Plaintiff.
22
23

24 71. Plaintiff **Eugeni Ossipow** was selected as a DV-2020 Visa Lottery program
25 winner along with Plaintiff's derivative beneficiary family members. Plaintiffs currently reside
26 in Israel. The KCC assigned Plaintiffs a case number. Plaintiffs received their issued
27 immigrant visas but were informed that they could not travel to the United States due to the
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1 Presidential Proclamation and that the visa was valid only until March 2021. Defendants refuse
2 to allow entry to Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the
3 United States would improve the economic situation in the United States, which is the very
4 basis of the Proclamation. The unlawful refusal of entry into the United States has resulted in
5 economic, emotional, and psychological damage to Plaintiffs.
6

7 72. Plaintiff **Meruyert Zhumagulova** was selected as a DV-2020 Visa Lottery
8 program winner along with Plaintiff's derivative beneficiary family members, Plaintiffs
9 **Dauren Zhumagulov, and A.Z. and A.Z.** Plaintiffs currently reside in Kazakhstan. The KCC
10 assigned Plaintiffs a case number. Plaintiffs received their issued immigrant visas but were
11 informed that they could not travel to the United States due to the Presidential Proclamation
12 and that the visa was valid only until March 2021. Defendants refuse to allow entry to
13 Plaintiffs due to the Presidential Proclamation. Admitting Plaintiffs into the United States
14 would improve the economic situation in the United States, which is the very basis of the
15 Proclamation. The unlawful refusal of entry into the United States has resulted in economic,
16 emotional, and psychological damage to Plaintiffs.
17

18 73. Plaintiff **Aliaksandr Nikita** was selected as a DV-2020 Visa Lottery program
19 winner along with his derivative beneficiary family members, Plaintiffs **Vera Nikita, A.N.,**
20 **and Y.N.** Plaintiffs Aliaksandr Nikita, Vera Nikita, A.N., and Y.N. currently reside in Belarus.
21 The KCC assigned Plaintiffs case number 2020EU00019211. Mr. Nikita and his family were
22 issued visas on September 28, 2020, but are currently barred from entering the U.S. due to the
23 Proclamations. Their immigration based on their DV-2020 visa has been unlawfully and
24 indefinitely delayed due to the Proclamation. Plaintiff Aliaksandr Nikita has suffered
25 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
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1 **2021 Diversity Visa Lottery Winner Plaintiffs**

2 74. Finally, Plaintiffs are winners of the 2021 Diversity Visa Lottery (DV-2021)
3 Program who have been chosen by the Department of State to receive an Immigrant Visa and
4 immigrate to the United States.

5 75. Plaintiff **Mitko Kocev** is a 2021 DV Lottery Winner along with his Plaintiff
6 derivative beneficiary spouse **Sofija Kocev**. The KCC assigned Plaintiff Mitko Kocev the case
7 number 2021EU00002543. Plaintiffs Mitko Kocev and Sofija Kocev are citizens of North
8 Macedonia. Plaintiff Mitko Kocev was selected for DV 2021 and is applying for an immigrant
9 visa as a Diversity Visa winner. Plaintiffs Mitko Kocev and Sofija Kocev’s cases have been
10 unlawfully delayed by the KCC, which has refused to process their applications and schedule
11 an interview. Plaintiff Mitko Kocev’s application was unlawfully and indefinitely stopped due
12 to the Proclamation that affected the Department’s policies, procedures, and practices
13 suspending adjudications of immigrant visa applications for DV-2021 program selectees. The
14 delay in processing Plaintiff Mitko Kocev’s application has caused much suffering physically,
15 emotionally, and financially to Plaintiffs.

16 76. Plaintiff **Dmitry Klimenko** is a 2021 DV Lottery winner and his wife, Plaintiff
17 **Anastasia Fedorova**, and their sons, Plaintiffs **D.K. and M.K.** are derivative beneficiaries of
18 the same. The KCC assigned Plaintiff Dmitry Klimenko the case number 2021EU00016414.
19 Plaintiffs Dmitry Klimenko, Anastasia Fedorova, D.K., and M.K. currently reside in United
20 Arab Emirates. Plaintiff Dmitry Klimenko was selected for DV 2021 and is applying for an
21 immigrant visa as a Diversity Visa winner. . The Plaintiffs’ applications have been unlawfully
22 and indefinitely delayed due to the Proclamation that affected the Department’s policies,
23 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
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1 program selectees. The delay in processing Plaintiffs' applications has resulted in
2 psychological, emotional and economic damages.

3 77. Plaintiff **Orkan Bedre** is a DV-2021 Lottery Winner. The KCC assigned
4 Plaintiff Orkan Bedre the case number 2021EU00038560. Plaintiff Orkan Bedre currently
5 lives in Turkey. Plaintiff Orkan Bedre was selected for DB-2021 and is applying for an
6 immigrant visa based on the same. Plaintiff Orkan Bedre has been unlawfully delayed by the
7 KCC, which has refused to process his application and schedule an interview. Plaintiff Orkan
8 Bedre's application has been unlawfully and indefinitely delayed due to the Proclamation that
9 affected the Department's policies, procedures, and practices suspending adjudications of
10 immigrant visa applications for DV-2021 program selectees. The delay in processing
11 Plaintiff's applications has resulted in physical, emotional, and economic damages to Plaintiff.
12

13 78. Plaintiff **Venelin Tsonev** is a 2021 DV Lottery Winner. The KCC assigned
14 Plaintiff Venelin Tsonev the case number 2021EU00020348. Plaintiff Venelin Tsonev is a
15 citizen of Bulgaria. Plaintiff Venelin Tsonev was selected for the 2021 DV Program after more
16 than 10 years of unsuccessful attempts. Plaintiff Venelin Tsonev submitted his DS-260 in June
17 of 2020. Plaintiff Venelin Tsonev wrote to the Immigrant Visa Department of the Sofia,
18 Bulgaria embassy, which replied stating that "they are not authorized to process any DV-2021
19 cases currently," stating that DV-2021 applicants would only be scheduled for interviews after
20 the expiration of the Proclamations. The KCC has unlawfully refused to act by indefinitely
21 stopping processing of Plaintiff Venelin Tsonev's DV-2021 case due to the Proclamation that
22 affected the Department's policies, procedures, and practices suspending adjudications of
23 immigrant visa applications for DV-2021 program selectees. The delay in processing Plaintiff
24 Venelin Tsonev's application has caused emotional and economic damage to Plaintiff.
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1 79. Plaintiff **Olga Moisyeyeva** is a DV-2021 Visa Lottery program winner who is
2 currently applying for an immigrant visa. Plaintiff Olga Moisyeyeva is a citizen of Ukraine.
3 The KCC assigned Plaintiff Olga Moisyeyeva a case number. Plaintiff Olga Moisyeyeva has
4 attempted contacting the KCC on multiple occasions without success. The KCC has
5 unlawfully refused to act by indefinitely stopping processing of Plaintiff Olga Moisyeyeva’s
6 DV-2021 case due to the Proclamation that affected the Department’s policies, procedures, and
7 practices suspending adjudications of immigrant visa applications for DV-2021 program
8 selectees. The delay in processing Plaintiff Olga Moisyeyeva’s application has caused
9 emotional and economic damage to Plaintiff.
10

11 80. Plaintiff **Abdelkader Boureghida** is a DV-2021 Visa Lottery program winner
12 who is currently applying for an immigrant visa. Plaintiff Abdelkader Boureghida is a citizen
13 of Algeria. The KCC assigned Plaintiff Abdelkader Boureghida a case number. The
14 processing of Plaintiff Abdelkader Boureghida’s case has been unlawfully and indefinitely
15 delayed due to the Proclamation that affected the Department’s policies, procedures, and
16 practices suspending adjudications of immigrant visa applications for DV-2021 program
17 selectees. The delay in processing Plaintiff Abdelkader Boureghida’s application has caused
18 emotional damage to Plaintiff.
19

20 81. Plaintiff **Amine Ichergui** is a DV-2021 Visa Lottery program winner who is
21 currently applying for an immigrant visa based on the same. Plaintiff Amine Ichergui is a
22 citizen of Morocco. The KCC assigned Plaintiff Amine Ichergui a case number. The
23 processing of Plaintiff Amine Ichergui’s case has been unlawfully and indefinitely delayed due
24 to the Proclamation that affected the Department of State’s policies, procedures, and practices
25 suspending adjudications of immigrant visa applications for DV-2021 program selectees. The
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1 delay in processing Plaintiff Amine Ichergui's application has caused emotional damage to
2 Plaintiff.

3 82. Plaintiff **Noor Mukahhal** is a DV-2021 Visa Lottery program winner who is
4 currently applying for an immigrant visa based on the same. Plaintiff Noor Mukahhal currently
5 resides in Jordan. The KCC assigned Plaintiff Noor Mukahhal a case number. The processing
6 of Plaintiff Noor Mukahhal's case has been unlawfully and indefinitely delayed due to the
7 Proclamation that affected the Department of State's policies, procedures, and practices
8 suspending adjudications of immigrant visa applications for DV-2021 program selectees. The
9 delay in processing Plaintiff Noor Mukahhal's application has caused emotional damage to
10 Plaintiff.
11

12 83. Plaintiff **Mohammed Benelbekkay** is a DV-2020 and DV-2021 Visa lottery
13 program winner who is currently applying for an immigrant visa based on the same. Plaintiff
14 Mohammed Benelbekkay currently resides in Morocco. The KCC assigned Plaintiff
15 Mohammed Benelbekkay case number 2021AF00018756. Plaintiff Mohammed Benelbekkay
16 completed and submitted his DS-260 on July 3, 2020. Plaintiff Mohammed Benelbekkay sent
17 the required documents on July 6, 2020. On August 14, 2020, Plaintiff Mohammed
18 Benelbekkay received an email from the KCC asking for him to send the documents he had
19 already sent. Plaintiff Mohammed Benelbekkay resent the documents on August 16, 2020.
20 Plaintiff Mohammed Benelbekkay emailed the KCC for a case status on August 20, 2020 and
21 was told that his DS-260 had been processed. Plaintiff Mohammed Benelbekkay called the
22 KCC on September 14, 2020 for a case status check but had been told that his documents had
23 been received but not processed. To date, no further movement has been made on Plaintiff
24 Mohammed Benelbekkay's case. The processing of Plaintiff Mohammed Benelbekkay's case
25 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
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1 Department of State’s policies, procedures, and practices suspending adjudications of
2 immigrant visa applications for DV-2021 program selectees. The delay in processing Plaintiff
3 Mohammed Benelbakkay’s application has caused emotional damage to Plaintiff.

4 84. Plaintiff **Yacine Benabdelaziz** is a DV-2021 Visa lottery program winner who is
5 currently applying for an immigrant visa based on the same. Plaintiff Yacine Benabdelaziz
6 currently resides in Algeria. The KCC assigned Plaintiff Yacine Benabdelaziz a case number.
7 Plaintiff Yacine Benabdelaziz has attempted frequent contact with the KCC without response
8 beyond form letters. To date, no further movement has been made on Plaintiff Yacine
9 Benabdelaziz’s case. The processing of Plaintiff Yacine Benabdelaziz’s case has been
10 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
11 State’s policies, procedures, and practices suspending adjudications of immigrant visa
12 applications for DV-2021 program selectees. The delay in processing Plaintiff Yacine
13 Benabdelaziz’s application has caused emotional and economic damage to Plaintiff.

14 85. Plaintiff **Sarita Dangol Mahato** and Plaintiff derivative beneficiary spouse,
15 **Brham Dev Mahato** were selected for the DV-2021 Visa Lottery program. Plaintiffs Sarita
16 Dangol Mahato and Brham Dev Mahato currently reside in Nepal. The KCC assigned Plaintiff
17 Sarita Dangol Mahato case number 2021AS000004392. All of Plaintiffs’ documents have been
18 accepted and approved by the KCC. The processing of Plaintiffs’ case has been unlawfully and
19 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
20 procedures, and practices suspending adjudications of immigrant visa applications for DB-2021
21 program selectees. The delay in processing Plaintiff Sarita Dangol Mahato’s application has
22 caused damage to Plaintiffs.

23 86. Plaintiff **Jose Luis Friedrich** was selected for the DV-2021 Visa Lottery
24 program. Plaintiff Jose Luis Friedrich currently resides in Argentina. The KCC assigned
25

1 Plaintiff Jose Luis Friedrich a case number, 2021SA00003786. Plaintiff Jose Luis Friedrich
2 completed his DS-260, sent in supporting documentation, and received confirmation from the
3 KCC indicating he was ready for the interview. However, the KCC has unlawfully delayed and
4 refused to schedule an interview for Plaintiff Jose Luis Friedrich. The processing of Plaintiff
5 Jose Luis Friedrich's case has been unlawfully and indefinitely delayed due to the Proclamation
6 that affected the Department of State's policies, procedures, and practices suspending
7 adjudications of immigrant visa applications for DV-2021 program selectees. The delay in
8 processing Plaintiff Jose Luis Friedrich's application has caused psychological and economic
9 damage to Plaintiff.
10

11 87. Plaintiff **Aleksandr Ialyshev** was selected as a DV-2021 Visa Lottery program
12 winner, and his spouse, Plaintiff **Larisa Ialysheva** is a derivative beneficiary of the same.
13 Plaintiffs Aleksandr Ialyshev and Laris Ialysheva currently reside in Russia. The KCC
14 assigned Plaintiffs case number 2021EU00011128. Plaintiffs completed their only DS-260
15 forms on July 25, 2020 but have not received work back from the KCC since. Plaintiffs have a
16 son who is a U.S. Lawful Permanent Resident living in New York. The processing of
17 Plaintiffs' case has been unlawfully and indefinitely delayed due to the Proclamation that
18 affected the Department of State's policies, procedures, and practices suspending adjudications
19 of immigrant visa applications for DV-2021 program selectees. Their inability to reunite with
20 their son has caused much psychological, emotional and economic damage to Plaintiffs.
21

22 88. Plaintiff **Narine Karagezyan** was selected as a DV-2021 Visa Lottery program
23 winner and Plaintiff spouse is a derivative beneficiary of the same. Plaintiff Narine
24 Karagezyan and Plaintiff derivative beneficiary spouse currently reside in Armenia. The KCC
25 has assigned Plaintiffs a case number. The KCC has ceased all further processing on Plaintiffs'
26 application. The processing of Plaintiffs' case has been unlawfully and indefinitely delayed
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1 due to the Proclamation that affected the Department of State’s policies, procedures, and
2 practices suspending adjudications of immigrant visa applications for DV-2021 program
3 selectees. Plaintiffs have suffered psychological, emotional, and economic damage as a result
4 of Defendants’ unlawful actions.

5
6 89. Plaintiff **Kseniia Lobanova** was selected as a DV-2021 Visa Lottery program
7 winner. Plaintiff Kseniia Lobanova currently resides in Russia. The KCC assigned Plaintiff
8 Kseniia Lobanova a case number. The KCC has ceased all further processing on Plaintiff
9 Kseniia Lobanova’s application. The processing of Plaintiff Kseniia Lobanova’s case has been
10 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
11 State’s policies, procedures, and practices suspending adjudications of immigrant visa
12 applications for DV-2021 program selectees. Plaintiff Kseniia Lobanova has suffered
13 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
14

15 90. Plaintiff **Victoria Luchian** was selected as a DV-2021 Visa Lottery program
16 winner, and her spouse, Plaintiff **Victor Luchian** and children Plaintiff **T.L.** and Plaintiff **M.L.**
17 are derivative beneficiaries of the same. Plaintiffs Victoria Luchian, Victor Luchian, T.L., and
18 M.L. currently reside in Moldova. The KCC assigned Plaintiffs case number
19 2021EU00029263. The processing of Plaintiffs’ case has been unlawfully and indefinitely
20 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
21 and practices suspending adjudications of immigrant visa applications for DV-2021 program
22 selectees. Plaintiffs have suffered psychological, emotional, and economic damage as a result
23 of Defendants’ unlawful actions.
24

25 91. Plaintiff **Alina Malimonenko** was selected as a DV-2021 Visa Lottery program
26 winner. Plaintiff Alina Malimonenko currently resides in Russia. The KCC assigned Plaintiff
27 a case number. Plaintiff Alina Malimonenko has attempted to contact the KCC regarding
28

1 further processing of her case. The processing of Plaintiff Alina Malimonenko's case has been
2 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
3 State's policies, procedures, and practices suspending adjudications of immigrant visa
4 applications for DV-2021 program selectees. Plaintiff Alina Malimonenko has suffered
5 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.

6
7 92. Plaintiff **Abed Alrahman Mukahhal** was selected as a DV-2021 Visa Lottery
8 program winner. Plaintiff Abed Alrahman Mukahhal currently resides in Jordan. The KCC
9 assigned Plaintiff a case number. Plaintiff Abed Alrahman Mukahhal has attempted to contact
10 the KCC regarding further processing of her case. The processing of Plaintiff Abed Alrahman
11 Mukahhal's case has been unlawfully and indefinitely delayed due to the Proclamation that
12 affected the Department of State's policies, procedures, and practices suspending adjudications
13 of immigrant visa applications for DV-2021 program selectees. Plaintiff Abed Alrahman
14 Mukahhal has suffered psychological, emotional, and economic damage as a result of
15 Defendants' unlawful actions,
16

17 93. Plaintiff **Tuna Zergecit** was selected as a DV-2021 Visa Lottery Program winner.
18 Plaintiff Tuna Zergecit currently resides in Turkey. The Plaintiff Tuna Zergecit assigned
19 Plaintiff case number 2021EU00008919. Plaintiff Tuna Zergecit has attempted to contact the
20 KCC regarding further processing of her case. The processing of Plaintiff Tuna Zergecit's case
21 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
22 Department of State's policies, procedures, and practices suspending adjudications of
23 immigrant visa applications for DV-2021 program selectees. Plaintiff Tuna Zergecit has
24 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
25 actions.
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1 94. Plaintiff **Ibrahim Al Khalaila** was selected as a DV-2021 Visa Lottery Program
2 winner. Plaintiff Ibrahim Al Khalaila currently resides in United Arab Emirates. The KCC
3 assigned Plaintiff Ibrahim Al Khalaila case number 2021AS00034360. Plaintiff Ibrahim Al
4 Khalaila submitted DS-260 to the KCC, and has not received a response from the KCC. The
5 processing of Plaintiff Ibrahim Al Khalaila’s case has been unlawfully and indefinitely delayed
6 due to the Proclamation that affected the Department of State’s policies, procedures, and
7 practices suspending adjudications of immigrant visa applications for DV-2021 program
8 selectees. Plaintiff Ibrahim Al Khalaila has suffered psychological, emotional, and economic
9 damage as a result of Defendants’ unlawful actions.
10

11 95. Plaintiff **Amer Ba Qatyan** was selected as a DV-2021 Visa Lottery Program
12 winner. Plaintiff Amer Ba Qatyan currently resides in Saudi Arabia. The KCC assigned
13 Plaintiff Amer Ba Qatyan a case number. Plaintiff Amer Ba Qatyan submitted DS-260 to the
14 KCC, and has not received a response from the KCC. The processing of Plaintiff Amer Ba
15 Qatyan’s case has been unlawfully and indefinitely delayed due to the Proclamation that
16 affected the Department of State’s policies, procedures, and practices suspending adjudications
17 of immigrant visa applications for DV-2021 program selectees. Plaintiff Amer Ba Qatyan has
18 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
19 actions.
20

21 96. Plaintiff **Brandon Kin Shaun Goh** was selected as a DV-2021 Visa Lottery
22 Program winner. Plaintiff Brandon Kin Shaun Goh currently resides in Malaysia. The KCC
23 assigned Plaintiff Brandon Kin Shaun Goh case number 2021AS00035780. Plaintiff Brandon
24 Kin Shaun Goh submitted DS-260 to the KCC, and has not received a meaningful response
25 from the KCC. The processing of Plaintiff Brandon Kin Shaun Goh’s case has been unlawfully
26 and indefinitely delayed due to the Proclamation that affected the Department of State’s
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1 policies, procedures, and practices suspending adjudications of immigrant visa applications for
2 DV-2021 program selectees. Plaintiff Brandon Kin Shaun Goh has suffered psychological,
3 emotional, and economic damage as a result of Defendants' unlawful actions.

4 97. Plaintiff **Aleksandr Osokin** was selected as a DV-2021 Visa Lottery program
5 winner, and his Plaintiff spouse is a derivative beneficiary of the same. Plaintiff Aleksandr
6 Osokin currently resides in Russia. The KCC assigned Plaintiff Aleksandr Osokin a case
7 number, 24325. Plaintiff submitted DS-260 to the KCC, and has not received a meaningful
8 response from the KCC. The processing of Plaintiff Aleksandr Osokin's case has been
9 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
10 State's policies, procedures, and practices suspending adjudications of immigrant visa
11 applications for DV-2021 program selectees. Plaintiff Aleksandr Osokin has suffered
12 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
13
14

15 98. Plaintiff **Ekaterina Rabota** was selected as a DV-2021 Visa Lottery program
16 winner and has Plaintiff derivative beneficiaries to the same. Plaintiff Ekaterina Rabota
17 currently resides in Russia. The KCC assigned Plaintiff Ekaterina Rabota a case number.
18 Plaintiff Ekaterina Rabota submitted DS-260 to the KCC, and has not received a meaningful
19 response from the KCC. The processing of Plaintiff Ekaterina Rabota's case has been
20 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
21 State's policies, procedures, and practices suspending adjudications of immigrant visa
22 applications for DV-2021 program selectees. Plaintiff Ekaterina Rabota has suffered
23 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
24

25 99. Plaintiff **Mikhail Reznikov** was selected as a DV-2021 Visa Lottery program
26 winner and has a Plaintiff derivative beneficiary spouse and children to the same. Plaintiff
27 Mikhail Reznikov currently resides in Russia. The KCC assigned Plaintiff Mikhail Reznikov a
28

1 case number. The processing of Plaintiff Mikhail Reznikov’s case has been unlawfully and
2 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
3 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
4 program selectees. Plaintiff Mikhail Reznikov has suffered psychological, emotional, and
5 economic damage as a result of Defendants’ unlawful actions.

6
7 100. Plaintiff **Veronika Riabova** was selected as a DV-2021 Visa Lottery program
8 winner. Plaintiff Veronika Riabova currently resides in Russia. The KCC assigned Plaintiff
9 Veronika Riabova a case number, 2021EU25308. Plaintiff Veronika Riabova submitted DS-
10 260 to the KCC, and has not received a meaningful response from the KCC. The processing of
11 Plaintiff Veronika Riabova’s case has been unlawfully and indefinitely delayed due to the
12 Proclamation that affected the Department of State’s policies, procedures, and practices
13 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
14 Plaintiff Veronika Riabova has suffered psychological, emotional, and economic damage as a
15 result of Defendants’ unlawful actions.

16
17 101. Plaintiff **Aleksandra Sakovich** was selected as a DV-2021 Visa Lottery program
18 winner, and has a Plaintiff derivative beneficiary spouse, Krill Sakovich, to the same. Plaintiff
19 Aleksandra Sakovich and her Plaintiff derivative beneficiary spouse currently reside in Russia.
20 The KCC assigned Plaintiff Aleksandra Sakovich case number 2021EU00019141. Plaintiff
21 Aleksandra Sakovich submitted DS-260 to the KCC, and has not received a meaningful
22 response from the KCC. The processing of Plaintiff Aleksandra Sakovich’s case has been
23 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
24 State’s policies, procedures, and practices suspending adjudications of immigrant visa
25 applications for DV-2021 program selectees. Plaintiff Aleksandra Sakovich has suffered
26 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
27
28

1 102. Plaintiff **Viktoriia Sevastianova** was selected as a DV-2021 Visa Lottery
2 program winner, and has Plaintiff derivative beneficiary family members to the same. Plaintiff
3 Viktoriia Sevastianova currently reside in Ukraine. The KCC assigned Plaintiffs a case
4 number. Plaintiffs submitted DS-260 to the KCC, and have not received a meaningful response
5 from the KCC. The processing of Plaintiffs' case has been unlawfully and indefinitely delayed
6 due to the Proclamation that affected the Department of State's policies, procedures, and
7 practices suspending adjudications of immigrant visa applications for DV-2021 program
8 selectees. Plaintiffs have suffered psychological, emotional, and economic damage as a result
9 of Defendants' unlawful actions.
10

11 103. Plaintiff **Esraa Magdi Mounir Abass Ebrahim** was selected as a DV-2021 Visa
12 Lottery program winner. Plaintiff Esraa Magdi Mounir Abass Ebrahim currently resides in
13 Egypt. The KCC assigned Plaintiff Esraa Magdi Mounir Abass Ebrahim case number
14 2021AF00028290. Plaintiff Esraa Magdi Mounir Abass Ebrahim submitted DS-260 to the
15 KCC, and has not received a meaningful response from the KCC. The processing of Plaintiff
16 Esraa Magdi Mounir Abass Ebrahim's case has been unlawfully and indefinitely delayed due to
17 the Proclamation that affected the Department of State's policies, procedures, and practices
18 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
19 Plaintiff Esraa Magdi Mounir Abass Ebrahim has suffered psychological, emotional, and
20 economic damage as a result of Defendants' unlawful actions.
21

22 104. Plaintiff **Rustem Kurtbedinov** was selected as a DV-2021 Visa Lottery program
23 winner. Plaintiff Rustem Kurtbedinov currently resides Ukraine. The KCC assigned Plaintiff
24 Rustem Kurtbedinov case number 2021EU00025423. Plaintiff Rustem Kurtbedinov submitted
25 DS-260 to the KCC, and has not received a meaningful response from the KCC. The
26 processing of Plaintiff Rustem Kurtbedinov's case has been unlawfully and indefinitely
27
28

1 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
2 and practices suspending adjudications of immigrant visa applications for DV-2021 program
3 selectees. Plaintiff Rustem Kurtbedinov has suffered psychological, emotional, and economic
4 damage as a result of Defendants’ unlawful actions.

5
6 105. Plaintiff **Harumitsu Matasunaga** was selected as a DV-2021 Visa Lottery
7 program winner. Plaintiff Harumitsu Matasunaga currently resides in Japan. The KCC
8 assigned Plaintiff Harumitsu Matasunaga a case number. Plaintiff Harumitsu Matasunaga
9 submitted DS-260 to the KCC, and has not received a meaningful response from the KCC. The
10 processing of Plaintiff Harumitsu Matasunaga’s case has been unlawfully and indefinitely
11 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
12 and practices suspending adjudications of immigrant visa applications for DV-2021 program
13 selectees. Plaintiff Harumitsu Matasunaga has suffered psychological, emotional, and
14 economic damage as a result of Defendants’ unlawful actions.

15
16 106. Plaintiff **Elvin Miralamov** was selected as a DV-2021 Visa Lottery program
17 winner. Plaintiff Elvin Miralamov resides in Azerbaijan. The KCC assigned Plaintiff Elvin
18 Miralamov a case number, 2021EU00025344. The processing of Plaintiff Elvin Miralamov’s
19 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
20 Department of State’s policies, procedures, and practices suspending adjudications of
21 immigrant visa applications for DV-2021 program selectees. Plaintiff Elvin Miralamov has
22 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
23 actions.

24
25 107. Plaintiff **Mahmoud Abdou** was selected as a DV-2021 Visa Lottery program
26 winner. Plaintiff Mahmoud Abdou currently resides in Egypt. The KCC assigned Plaintiff
27 Mahmoud Abdou case number 2021AF00027553. The processing of Plaintiff Mahmoud
28

1 Abdou's case has been unlawfully and indefinitely delayed due to the Proclamation that
2 affected the Department of State's policies, procedures, and practices suspending adjudications
3 of immigrant visa applications for DV-2021 program selectees. Plaintiff Mahmoud Abdou has
4 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
5 actions.

6
7 108. Plaintiff **Osama Abdalla** was selected as a DV-2021 Visa Lottery program
8 winner. Plaintiff Osama Abdalla currently resides in Egypt. The KCC assigned Plaintiff
9 Osama Abdalla case number 2021AF00030222. The processing of Plaintiff Osama Abdalla's
10 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
11 Department of State's policies, procedures, and practices suspending adjudications of
12 immigrant visa applications for DV-2021 program selectees. Plaintiff Osama Abdalla has
13 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
14 actions.

15
16 109. Plaintiff **Michael Abdelsid** was selected as a DV-2021 Visa Lottery program
17 winner, along with his Plaintiff derivative beneficiary family members. Plaintiff Michael
18 Abdelsid currently resides in Egypt. The KCC assigned Plaintiff Michael Abdelsid case
19 number 2021AF00023941. The processing of Plaintiff Michael Abdelsid's case has been
20 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
21 State's policies, procedures, and practices suspending adjudications of immigrant visa
22 applications for DV-2021 program selectees. Plaintiff Michael Abdelsid has suffered
23 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.

24
25 110. Plaintiff **Bashar Abuzurairq** was selected as a DV-2021 Visa Lottery program
26 winner, along with his Plaintiff derivative beneficiary family members. Plaintiff Bashar
27 Abuzurairq currently resides in Qatar. The KCC assigned Plaintiff Bashar Abuzurairq case
28

1 number 2021AS00015821. The processing of Plaintiff Bashar Abuzuraiq’s case has been
2 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
3 State’s policies, procedures, and practices suspending adjudications of immigrant visa
4 applications for DV-2021 program selectees. Plaintiff Bashar Abuzuraiq has suffered
5 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
6

7 111. Plaintiff **Amine Icergui** was selected as a DV-2021 Visa Lottery program winner.
8 Plaintiff is also a DV-2020 winner. Despite a Federal Court Judge’s declaration that more than
9 9000 DV-2020 visas were reserved, and despite Plaintiff Amine Icergui’s repetitive attempts to
10 get scheduled for an interview by the KCC, no further action has been taken by Defendants on
11 the DV-2020 case. Plaintiff Amine Icergui currently resides in Morocco. The KCC assigned
12 Plaintiff Amine Icergui a case number. The processing of Plaintiff Amine Icergui’s DV-2021
13 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
14 Department of State’s policies, procedures, and practices suspending adjudications of
15 immigrant visa applications for DV-2021 program selectees. Plaintiff Amine Icergui has
16 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
17 actions.
18

19 112. Plaintiff **Abderrahmane Amzgane** was selected as a DV-2021 Visa Lottery
20 program winner. Plaintiff Abderrahmane Amzgane currently resides in Morocco. The KCC
21 assigned Plaintiff Abderrahmane Amzgane a case number. The processing of Plaintiff’s DV-
22 2021 case has been unlawfully and indefinitely delayed due to the Proclamation that affected
23 the Department of State’s policies, procedures, and practices suspending adjudications of
24 immigrant visa applications for DV-2021 program selectees. Plaintiff Abderrahmane Amzgane
25 has suffered psychological, emotional, and economic damage as a result of Defendants’
26 unlawful actions.
27
28

1 113. Plaintiff **Aveenash Appadoo** was selected as a DV-2021 Visa Lottery program
2 winner along with his Plaintiff derivative beneficiary spouse and Plaintiff children. Plaintiff
3 Aveenash Appadoo currently resides in Mauritius. The KCC assigned Plaintiff Aveenash
4 Appadoo case number 2021AF00046706. The processing of Plaintiff Aveenash Appadoo's
5 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
6 affected the Department of State's policies, procedures, and practices suspending adjudications
7 of immigrant visa applications for DV-2021 program selectees. Plaintiff Aveenash Appadoo
8 has suffered psychological, emotional, and economic damage as a result of Defendants'
9 unlawful actions.
10

11 114. Plaintiff **Aysenur Aydin** was selected as a DV-2021 Visa Lottery program
12 winner along with his Plaintiff derivative beneficiary family members. Plaintiff Aysenur
13 Aydin currently resides in Turkey. The KCC assigned Plaintiff Aysenur Aydin a case number.
14 The processing of Plaintiff Aysenur Aydin's DV-2021 case has been unlawfully and
15 indefinitely delayed due to the Proclamation that affected the Department of State's policies,
16 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
17 program selectees. Plaintiff Aysenur Aydin has suffered psychological, emotional, and
18 economic damage as a result of Defendants' unlawful actions.
19

20 115. Plaintiff **Rafik Barakat** was selected as a DV-2021 Visa Lottery program.
21 Plaintiff Rafik Barakat currently resides in Egypt. The KCC assigned Plaintiff Rafik Barakat a
22 case number. The processing of Plaintiff Rafik Barakat's DV-2021 case has been unlawfully
23 and indefinitely delayed due to the Proclamation that affected the Department of State's
24 policies, procedures, and practices suspending adjudications of immigrant visa applications for
25 DV-2021 program selectees. Plaintiff Rafik Barakat has suffered psychological, emotional,
26 and economic damage as a result of Defendants' unlawful actions.
27
28

1 116. Plaintiff **Yasmeen Bebars** was selected as a DV-2021 Visa Lottery program.
2 Plaintiff Yasmeen Bebars currently resides in Saudi Arabia. The KCC assigned Plaintiff
3 Yasmeen Bebars case number 2021AS00034003. The processing of Plaintiff Yasmeen
4 Bebars's DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
5 that affected the Department of State's policies, procedures, and practices suspending
6 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff
7 Yasmeen Bebars has suffered psychological, emotional, and economic damage as a result of
8 Defendants' unlawful actions.
9

10 117. Plaintiff **Beshara Maher Samwel Ghaly** was selected as a DV-2021 Visa Lottery
11 program winner along with his Plaintiff derivative beneficiary family members. Plaintiff
12 Beshara Maher Samwel Ghaly currently resides in Egypt. The KCC assigned Plaintiff Beshara
13 Maher Samwel Ghaly case number 2021AF00024996. The processing of Plaintiff Beshara
14 Maher Samwel Ghaly's DV-2021 case has been unlawfully and indefinitely delayed due to the
15 Proclamation that affected the Department of State's policies, procedures, and practices
16 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
17 Plaintiff Beshara Maher Samwel Ghaly has suffered psychological, emotional, and economic
18 damage as a result of Defendants' unlawful actions.
19

20 118. Plaintiff **Fatma Mohamed Mahmoud Ibrahim Elsafty** was selected as a DV-
21 2021 Visa Lottery program winner. Plaintiff Fatma Mohamed Mahmoud Ibrahim Elsafty
22 currently resides in Egypt. The KCC assigned Plaintiff Fatma Mohamed Mahmoud Ibrahim
23 Elsafty case number 2021AF00030686. The processing of Plaintiff Fatma Mohamed
24 Mahmoud Ibrahim Elsafty's DV-2021 case has been unlawfully and indefinitely delayed due to
25 the Proclamation that affected the Department of State's policies, procedures, and practices
26 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
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1 Plaintiff Fatma Mohamed Mahmoud Ibrahim Elsafty has suffered psychological, emotional,
2 and economic damage as a result of Defendants’ unlawful actions.

3 119. Plaintiff **Fadi Hamdan** was selected as a DV-2021 Visa Lottery program winner.
4 Plaintiff Fadi Hamdan currently resides in Jordan. The KCC assigned Plaintiff Fadi Hamdan
5 case number 2021AS00033380. The processing of Plaintiff Fadi Hamdan’s DV-2021 case has
6 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
7 of State’s policies, procedures, and practices suspending adjudications of immigrant visa
8 applications for DV-2021 program selectees. Plaintiff Fadi Hamdan has suffered
9 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
10

11 120. Plaintiff **Islam Hussien** was selected as a DV-2021 Visa Lottery program winner.
12 Plaintiff Islam Hussien currently resides in Saudi Arabia. The KCC assigned Plaintiff Islam
13 Hussien a case number. The processing of Plaintiff Islam Hussien’s DV-2021 case has been
14 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
15 State’s policies, procedures, and practices suspending adjudications of immigrant visa
16 applications for DV-2021 program selectees. Plaintiff Islam Hussien has suffered
17 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
18

19 121. Plaintiff **Artem Kosolapov** was selected as a DV-2021 Visa Lottery program
20 winner along with his Plaintiff derivative beneficiary family members. Plaintiff Artem
21 Kosolapov currently resides in Russia. The KCC assigned Plaintiff Artem Kosolapov case
22 number 2021EU00023966. The processing of Plaintiff Artem Kosolapov’s DV-2021 case has
23 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
24 of State’s policies, procedures, and practices suspending adjudications of immigrant visa
25 applications for DV-2021 program selectees. Plaintiff Artem Kosolapov has suffered
26 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
27
28

1 122. Plaintiff **Iuliia Kupelskaia** was selected as a DV-2021 Visa Lottery program
2 winner along with her Plaintiff derivative beneficiary family members. Plaintiff Iuliia
3 Kupelskaia currently resides in Russia. The KCC assigned Plaintiff Iuliia Kupelskaia a case
4 number. The processing of Plaintiff Iuliia Kupelskaia’s DV-2021 case has been unlawfully and
5 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
6 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
7 program selectees. Plaintiff Iuliia Kupelskaia has suffered psychological, emotional, and
8 economic damage as a result of Defendants’ unlawful actions.

9
10 123. Plaintiff **Shaun Shavnil Lal** was selected as a DV-2021 Visa Lottery program
11 winner along with his Plaintiff derivative beneficiary family members. Plaintiff Shaun Shavnil
12 Lal currently resides in Fiji. The KCC assigned Plaintiff Shaun Shavnil Lal case number
13 2021OC00001843. The processing of Plaintiff Shaun Shavnil Lal’s DV-2021 case has been
14 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
15 State’s policies, procedures, and practices suspending adjudications of immigrant visa
16 applications for DV-2021 program selectees. Plaintiff Shaun Shavnil Lal has suffered
17 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

18
19 124. Plaintiff **Marian Louka** was selected as a DV-2021 Visa Lottery program winner
20 along with her Plaintiff derivative beneficiary family members. Plaintiff Marian Louka
21 currently resides in Egypt. The KCC assigned Plaintiff Marian Louka case number
22 2021AF00028831. The processing of Plaintiff Marian Louka’s DV-2021 case has been
23 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
24 State’s policies, procedures, and practices suspending adjudications of immigrant visa
25 applications for DV-2021 program selectees. Plaintiff Marian Louka has suffered
26 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
27
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1 125. Plaintiff **Rafael Mekhael** was selected as a DV-2021 Visa Lottery program
2 winner along with his Plaintiff derivative beneficiary family members. Plaintiff Rafael
3 Mekhael currently resides in Egypt. The KCC assigned Plaintiff Rafael Mekhael case number
4 2021AF00022386. The processing of Plaintiff Rafael Mekhael’s DV-2021 case has been
5 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
6 State’s policies, procedures, and practices suspending adjudications of immigrant visa
7 applications for DV-2021 program selectees. Plaintiff Rafael Mekhael has suffered
8 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
9

10 126. Plaintiff **Remon Moaud** was selected as a DV-2021 Visa Lottery program winner
11 along with his Plaintiff derivative beneficiary family members. Plaintiff Remon Moaud
12 currently resides in Egypt. The KCC assigned Plaintiff Remon Moaud case number
13 2021AF00031045. The processing of Plaintiff Remon Moaud’s DV-2021 case has been
14 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
15 State’s policies, procedures, and practices suspending adjudications of immigrant visa
16 applications for DV-2021 program selectees. Plaintiff Remon Moaud has suffered
17 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
18

19 127. Plaintiff **Abdalla Odat** was selected as a DV-2021 Visa Lottery program winner.
20 Plaintiff Abdalla Odat currently resides in Jordan. The KCC assigned Plaintiff Abdalla Odat
21 case number 2021AS00026608. The processing of Plaintiff Abdalla Odat’s DV-2021 case has
22 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
23 of State’s policies, procedures, and practices suspending adjudications of immigrant visa
24 applications for DV-2021 program selectees. Plaintiff Abdalla Odat has suffered
25 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
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1 128. Plaintiff **Amira Saleh** was selected as a DV-2021 Visa Lottery program winner.
2 Plaintiff Amira Saleh currently resides in Egypt. The KCC assigned Plaintiff Amira Saleh a
3 case number. The processing of Plaintiff Amira Saleh’s DV-2021 case has been unlawfully
4 and indefinitely delayed due to the Proclamation that affected the Department of State’s
5 policies, procedures, and practices suspending adjudications of immigrant visa applications for
6 DV-2021 program selectees. Plaintiff Amira Saleh has suffered psychological, emotional, and
7 economic damage as a result of Defendants’ unlawful actions.
8

9 129. Plaintiff **Ayman Suleiman Taher Suleiman** was selected as a DV-2021 Visa
10 Lottery program winner. The KCC assigned Plaintiff Ayman Suleiman Taher Suleiman case
11 number 2021AF00023340. The processing of Plaintiff Ayman Suleiman Taher Suleiman’s
12 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
13 affected the Department of State’s policies, procedures, and practices suspending adjudications
14 of immigrant visa applications for DV-2021 program selectees. Plaintiff Ayman Suleiman
15 Taher Suleiman has suffered psychological, emotional, and economic damage as a result of
16 Defendants’ unlawful actions.
17

18 130. Plaintiff **Nabil El Youbi** was selected as a DV-2021 Visa Lottery program winner
19 along with Plaintiff derivative beneficiary family members. Plaintiff Nabil El Youbi currently
20 resides in Morocco. The KCC assigned Plaintiff Nabil El Youbi a case number. The
21 processing of Plaintiff Nabil El Youbi’s DV-2021 case has been unlawfully and indefinitely
22 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
23 and practices suspending adjudications of immigrant visa applications for DV-2021 program
24 selectees. Plaintiff Nabil El Youbi has suffered psychological, emotional, and economic
25 damage as a result of Defendants’ unlawful actions.
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1 131. Plaintiff **Mina Tadors** was selected as a DV-2021 Visa Lottery program winner.
2 Plaintiff Mina Tadors currently resides in Kuwait. The KCC assigned Plaintiff Mina Tadors a
3 case number. The processing of Plaintiff Mina Tadors' DV-2021 case has been unlawfully and
4 indefinitely delayed due to the Proclamation that affected the Department of State's policies,
5 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
6 program selectees. Plaintiff Mina Tadors has suffered psychological, emotional, and economic
7 damage as a result of Defendants' unlawful actions.
8

9 132. Plaintiff **Ruba Mohammad Abdallah Theeb** was selected as a DV-2021 Visa
10 Lottery program winner. Plaintiff Ruba Mohammad Abdallah Theeb currently resides in
11 Jordan. The KCC assigned Plaintiff Ruba Mohammad Abdallah Theeb case number
12 2021AS00026180. The processing of Plaintiff Ruba Mohammad Abdallah Theeb's DV-2021
13 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
14 Department of State's policies, procedures, and practices suspending adjudications of
15 immigrant visa applications for DV-2021 program selectees. Plaintiff Ruba Mohammad
16 Abdallah Theeb has suffered psychological, emotional, and economic damage as a result of
17 Defendants' unlawful actions.
18

19 133. Plaintiff **Cristina Pizzuto** was selected as a DV-2021 Visa Lottery program
20 winner. Plaintiff Cristina Pizzuto currently resides in Italy. The KCC assigned Plaintiff
21 Cristina Pizzuto case number 2021EU00011794. Plaintiff Cristina Pizzuto would qualify for
22 an exception to the Presidential Proclamation as a medical worker. The processing of Plaintiff
23 Cristina Pizzuto's DV-2021 case has been unlawfully and indefinitely delayed due to the
24 Proclamation that affected the Department of State's policies, procedures, and practices
25 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
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1 Plaintiff Cristina Pizzuto has suffered psychological, emotional, and economic damage as a
2 result of Defendants' unlawful actions.

3 134. Plaintiff **Shaul Stavi** was selected as a DV-2021 Visa Lottery program winner
4 along with his derivative beneficiary family members, Plaintiffs **Orit Stavi Rif, and Y.S.**
5 Plaintiffs Shaul Stavi, Orit Stavi Rif, and Y.S. currently reside in Israel. The KCC assigned
6 Plaintiffs Shaul Stavi, Orit Stavi Rif, and Y.S. case number 2021AS00000088. They have
7 received notice that their case is ready to be scheduled for an interview but the processing of
8 Plaintiffs Shaul Stavi, Orit Stavi Rif, and Y.S.'s DV-2021 case has been unlawfully and
9 indefinitely delayed due to the Proclamation that affected the Department of State's policies,
10 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
11 program selectees. Plaintiffs Shaul Stavi, Orit Stavi Rif, and Y.S. have suffered psychological,
12 emotional, and economic damage as a result of Defendants' unlawful actions.

13
14
15 135. Plaintiff **Evgenii Karasev** was selected as a DV-2021 Visa Lottery program
16 winner along with Plaintiff's derivative beneficiary family members, Plaintiffs **Elena**
17 **Surovtceva, and M.K. and M.K.** Plaintiffs Evgenii Karasev, Elena Surovtceva, M.K and
18 M.K. currently reside in Russia. The KCC assigned Plaintiffs Evgenii Karasev, Elena
19 Surovtceva, M.K and M.K. case number 2021EU00030215. The processing of Plaintiffs
20 Plaintiffs Evgenii Karasev, Elena Surovtceva, M.K and M.K.'s DV-2021 case has been
21 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
22 State's policies, procedures, and practices suspending adjudications of immigrant visa
23 applications for DV-2021 program selectees. Plaintiffs Evgenii Karasev, Elena Surovtceva,
24 M.K and M.K. have suffered psychological, emotional, and economic damage as a result of
25 Defendants' unlawful actions.
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1 136. Plaintiff **Ruslan Mamedov** was selected as a DV-2021 Visa Lottery program
2 winner. Plaintiff Ruslan Mamedov currently resides in Russia. The KCC assigned Plaintiff
3 Ruslan Mamedov case number 2021EU00012785. The processing of Plaintiff Ruslan
4 Mamedov's DV-2021 case has been unlawfully and indefinitely delayed due to the
5 Proclamation that affected the Department of State's policies, procedures, and practices
6 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
7 Plaintiff Ruslan Mamedov has suffered psychological, emotional, and economic damage as a
8 result of Defendants' unlawful actions.

9
10 137. Plaintiff **Valerian Beliaev** was selected for both the DV-2020 and DV-2021 Visa
11 Lottery programs along with Plaintiff's derivative beneficiary family members, Iuliia Beliaeva,
12 spouse, and Evgenii Beliaev, child. Plaintiff Valerian Beliaev and Plaintiff's derivative
13 beneficiary family members currently reside in Russia. The KCC assigned Plaintiff Valerian
14 Beliaev a case number. 15998, in 2020 and in 2021. Despite a Federal Court Judge ordering
15 Defendants to adjudicate up to 9,000 diversity visas after Defendants unreasonable delay with
16 regard to the DV-2020 program, Plaintiffs have not received any movement in the DV-2020
17 program. Similarly, the processing of Plaintiff Valerian Beliaev's DV-2021 case has been
18 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
19 State's policies, procedures, and practices suspending adjudications of immigrant visa
20 applications for DV-2021 program selectees. Plaintiff Valerian Beliaev has suffered
21 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.

22
23 138. Plaintiff **Illia Buchynskyi** was selected as a DV-2021 Visa Lottery program
24 winner along with Plaintiff's derivative beneficiary family members. Plaintiff Illia Buchynskyi
25 and Plaintiff's derivative beneficiary family members currently reside in Ukraine. The KCC
26 assigned Plaintiffs a case number, 2021EU00009366. The processing of Plaintiff Illia
27
28

1 Buchynskiy's DV-2021 case has been unlawfully and indefinitely delayed due to the
2 Proclamation that affected the Department of State's policies, procedures, and practices
3 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
4 Plaintiff Illia Buchynskiy has suffered psychological, emotional, and economic damage as a
5 result of Defendants' unlawful actions.

6
7 139. Plaintiff **Gaukhar Dzhartybaeva** was selected as a DV-2021 Visa Lottery
8 program winner along with Plaintiff's derivative beneficiary family members, Dijar Jaikenov,
9 spouse, and Adel Jaikenova, child.. Plaintiff Gaukhar Dzhartybaeva and Plaintiff's derivative
10 beneficiary family members currently reside in Kazakhstan. The KCC assigned Plaintiffs a case
11 number, 2021EU00017595. The processing of Plaintiff Guakhar Dzhartybaeva's DV-2021
12 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
13 Department of State's policies, procedures, and practices suspending adjudications of
14 immigrant visa applications for DV-2021 program selectees. Plaintiff Gaukhar Dzhartybaeva
15 has suffered psychological, emotional, and economic damage as a result of Defendants'
16 unlawful actions.

17
18 140. Plaintiff **Iaroslav Kharlamov** was selected as a DV-2021 Visa Lottery program
19 winner. Plaintiff Iaroslav Kharlamov currently resides in Russia. The KCC assigned Plaintiff
20 Iaroslav Kharlamov a case number. The processing of Plaintiff Iaroslav Kharlamov's DV-2021
21 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
22 Department of State's policies, procedures, and practices suspending adjudications of
23 immigrant visa applications for DV-2021 program selectees. Plaintiff Iaroslav Kharlamov has
24 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
25 actions.
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1 141. Plaintiff **Iuliia Kulikova** was selected as a DV-2021 Visa Lottery program
2 winner along with Plaintiff's derivative beneficiary family members. Plaintiff Iuliia Kulikova
3 and Plaintiff's derivative beneficiary family members currently reside in Russia. The KCC
4 assigned Plaintiffs a case number. The processing of Plaintiff Iuliia Kulikova's DV-2021 case
5 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
6 Department of State's policies, procedures, and practices suspending adjudications of
7 immigrant visa applications for DV-2021 program selectees. Plaintiff Iuliia Kulikova has
8 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
9 actions.
10

11 142. Plaintiff **Artur Mkrtumian** was selected as a DV-2021 Visa Lottery program
12 winner along with Plaintiff's derivative beneficiary family members, Plaintiffs **Vitalina**
13 **Mkrtumian, D.M., and O.M.** Plaintiffs Artur Mkrtumian, Vitalina Mkrtumian, D.M., and
14 O.M. currently reside in Ukraine. The KCC assigned Plaintiffs Artur Mkrtumian, Vitalina
15 Mkrtumian, D.M., and O.M. a case number. The processing of Plaintiff Artur Mkrtumian's
16 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
17 affected the Department of State's policies, procedures, and practices suspending adjudications
18 of immigrant visa applications for DV-2021 program selectees. Plaintiff Artur Mkrtumian has
19 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
20 actions.
21

22 143. Plaintiff **Pavel Mylnikov** was selected as a DV- 2021 Visa Lottery program
23 winner along with Plaintiffs' derivative beneficiary family members, Plaintiffs **Svetlana**
24 **Mylnikova, M.M. D.M. and P.M.** Plaintiffs Pavel Mylnikov, Svetlana Mylnikova, M.M.
25 D.M. and P.M. currently reside in Russia. The KCC assigned Plaintiffs Pavel Mylnikov,
26 Svetlana Mylnikova, M.M. D.M. and P.M. a case number, 2021EU00025333. The processing
27
28

1 of Plaintiff Pavel Mylnikov’s DV-2021 case has been unlawfully and indefinitely delayed due
2 to the Proclamation that affected the Department of State’s policies, procedures, and practices
3 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
4 Plaintiff Pavel Mylnikov has suffered psychological, emotional, and economic damage as a
5 result of Defendants’ unlawful actions.

6
7 144. Plaintiff **Yuriy Sobchak** was selected as a DV-2021 Visa Lottery program
8 winner, along with his derivative spouse, Hanna Sobchak. Plaintiff Yuriy Sobchak currently
9 resides in Italy. The KCC assigned Plaintiff Yuriy Sobchak a case number, 2021EU0036414.
10 The processing of Plaintiff Yuriy Sobchak’s DV-2021 case has been unlawfully and
11 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
12 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
13 program selectees. Plaintiff Yuriy Sobchak has suffered psychological, emotional, and
14 economic damage as a result of Defendants’ unlawful actions.

15
16 145. Plaintiff **Sergei Sokolovskii** was selected as a DV-2021 Visa Lottery program
17 winner. Plaintiff Sergei Sokolovskii resides in Russia. The KCC assigned Plaintiff Sergei
18 Sokolovskii a case number. The processing of Plaintiff Sergei Sokolovskii’s DV-2021 case has
19 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
20 of State’s policies, procedures, and practices suspending adjudications of immigrant visa
21 applications for DV-2021 program selectees. Plaintiff Sergei Sokolovskii has suffered
22 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

23
24 146. Plaintiff **Ivan Torba** was selected as a DV-2021 Visa Lottery program winner
25 along with his Plaintiff derivative beneficiary spouse, Vira Hetman. Plaintiff Ivan Torba
26 resides in Ukraine. The KCC assigned Plaintiffs a case number, 2021EU00008464. The
27 processing of Plaintiff Ivan Torba’s DV-2021 case has been unlawfully and indefinitely
28

1 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
2 and practices suspending adjudications of immigrant visa applications for DV-2021 program
3 selectees. Plaintiff Ivan Torba has suffered psychological, emotional, and economic damage as
4 a result of Defendants’ unlawful actions.

5
6 147. Plaintiff **Flyur Utyagulov** was selected as a DV-2021 Visa Lottery program
7 winner along with his derivative beneficiary family members. Plaintiffs reside in Kazakhstan.
8 The KCC assigned Plaintiffs a case number. The processing of Plaintiff Flyur Utyagulov’s
9 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
10 affected the Department of State’s policies, procedures, and practices suspending adjudications
11 of immigrant visa applications for DV-2021 program selectees. Plaintiff Flyur Utyagulov has
12 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
13 actions.

14
15 148. Plaintiff **Boris Vasilenko** was selected as a DV-2021 Visa Lottery program
16 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
17 Russia. The KCC assigned Plaintiffs a case number. The processing of Plaintiff Boris
18 Vasilenko’s DV-2021 case has been unlawfully and indefinitely delayed due to the
19 Proclamation that affected the Department of State’s policies, procedures, and practices
20 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
21 Plaintiff Boris Vasilenko has suffered psychological, emotional, and economic damage as a
22 result of Defendants’ unlawful actions.

23
24 149. Plaintiff **Amr Barmo** was selected as a DV-2021 Visa Lottery program winner
25 along with his Plaintiff derivative beneficiary family members. Plaintiffs currently reside in
26 Saudi Arabia. The KCC assigned Plaintiffs a case number. The processing of Plaintiff Amr
27 Barmo’s DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
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1 that affected the Department of State’s policies, procedures, and practices suspending
2 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Amr
3 Barmo has suffered psychological, emotional, and economic damage as a result of Defendants’
4 unlawful actions.

5
6 150. Plaintiff **Tatiana Bezobrazova** was selected as a DV-2021 Visa Lottery program
7 winner along with his derivative beneficiary family members, Dmitrii Bezobrazov, spouse, and
8 Aleksandr Bezobrazov, child. Plaintiffs currently reside in Russia. The KCC assigned
9 Plaintiffs case number 2021EU00025596. The processing of Plaintiff Tatiana Bezobrazova’s
10 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
11 affected the Department of State’s policies, procedures, and practices suspending adjudications
12 of immigrant visa applications for DV-2021 program selectees. Plaintiff Tatiana Bezobrazova
13 has suffered psychological, emotional, and economic damage as a result of Defendants’
14 unlawful actions.

15
16 151. Plaintiff **Dmitry Borodin** was selected as a DV-2021 Visa Lottery program
17 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
18 Russia. The KCC assigned Plaintiffs a case number, 2021EU00002485. The processing of
19 Plaintiff Dmitry Borodin’s DV-2021 case has been unlawfully and indefinitely delayed due to
20 the Proclamation that affected the Department of State’s policies, procedures, and practices
21 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
22 Plaintiff Dmitry Borodin has suffered psychological, emotional, and economic damage as a
23 result of Defendants’ unlawful actions.

24
25 152. Plaintiff **Mohammed Humaid** was selected as a DV-2021 Visa Lottery program
26 winner. Plaintiff Mohammed Humaid currently resides in Saudi Arabia. The KCC assigned
27 Plaintiff Mohammed Humaid case number 2021AS00019652. The processing of Plaintiff
28

1 Mohammed Humaid’s DV-2021 case has been unlawfully and indefinitely delayed due to the
2 Proclamation that affected the Department of State’s policies, procedures, and practices
3 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
4 Plaintiff Mohammed Humaid has suffered psychological, emotional, and economic damage as
5 a result of Defendants’ unlawful actions.

6
7 153. Plaintiff **Mark Iarantsev** was selected as a DV-2021 Visa Lottery program
8 winner. Plaintiff Mark Iarantsev currently resides in Russia. The KCC assigned Plaintiff Mark
9 Iarantsev case number 2021EU2628. The processing of Plaintiff Mark Iarantsev’s DV-2021
10 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
11 Department of State’s policies, procedures, and practices suspending adjudications of
12 immigrant visa applications for DV-2021 program selectees. Plaintiff Mark Iarantsev has
13 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
14 actions.

15
16 154. Plaintiff **Alexandra Meshkova** was selected as a DV-2021 Visa Lottery program
17 winner. Plaintiff Alexandra Meshkova currently resides in Israel. The KCC assigned Plaintiff
18 Alexandra Meshkova case number 2021EU00031783. The processing of Plaintiff Alexandra
19 Meshkova’s DV-2021 case has been unlawfully and indefinitely delayed due to the
20 Proclamation that affected the Department of State’s policies, procedures, and practices
21 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
22 Plaintiff Alexandra Meshkova has suffered psychological, emotional, and economic damage as
23 a result of Defendants’ unlawful actions.

24
25 155. Plaintiff **Dmitrii Moiseev** was selected as a DV-2021 Visa Lottery program
26 winner, along with Plaintiff’s derivative beneficiary family members. Plaintiff Dmitrii
27 Moiseev currently resides in Russia. The KCC assigned Plaintiff Dmitrii Moiseev case number
28

1 2021EU00023903. The processing of Plaintiff Dmitrii Moiseev’s DV-2021 case has been
2 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
3 State’s policies, procedures, and practices suspending adjudications of immigrant visa
4 applications for DV-2021 program selectees. Plaintiff Dmitrii Moiseev has suffered
5 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

6
7 156. Plaintiff **Ekaterina Stepenko** was selected as a DV-2021 Visa Lottery program
8 winner, along with Plaintiff’s derivative beneficiary family members, Plaintiffs **Tolibzhon**
9 **Khalikov and A.K.** Plaintiff Ekaterina Stepenko currently resides in the United Arab
10 Emirates. The KCC assigned Plaintiffs Ekaterina Stepenko, Tolibzhon Khalikov and A.K. case
11 number 2021EU00012923. The processing of Plaintiff Ekaterina Stepenko’s DV-2021 case
12 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
13 Department of State’s policies, procedures, and practices suspending adjudications of
14 immigrant visa applications for DV-2021 program selectees. Plaintiff Ekaterina Stepenko has
15 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
16 actions.

17
18 157. Plaintiff **Chun Wai Wong** was selected as a DV-2021 Visa Lottery program
19 winner. Plaintiff Chun Wai Wong currently resides in Taiwan. The KCC assigned Plaintiff
20 Chun Wai Wong a case number. The processing of Plaintiff Chun Wai Wong’s DV-2021 case
21 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
22 Department of State’s policies, procedures, and practices suspending adjudications of
23 immigrant visa applications for DV-2021 program selectees. Plaintiff Chun Wai Wong has
24 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
25 actions.

1 158. Plaintiff **Boubacar Alpha Barry** was selected as a DV-2021 Visa Lottery
2 program winner. Plaintiff Boubacar Alpha Barry currently resides in Guinea. The KCC
3 assigned Plaintiff Boubacar Alpha Barry a case number. The processing of Plaintiff Boubacar
4 Alpha Barry’s DV-2021 case has been unlawfully and indefinitely delayed due to the
5 Proclamation that affected the Department of State’s policies, procedures, and practices
6 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
7 Plaintiff Boubacar Alpha Barry has suffered psychological, emotional, and economic damage
8 as a result of Defendants’ unlawful actions.
9

10 159. Plaintiff **Gennady Glushenkov** was selected as a DV-2021 Visa Lottery program
11 winner along with derivative family members, Margarita Borodina, spouse, and Valeriia
12 Glushenkov, child. Plaintiff Gennady Glushenkov currently resides in Russia. The KCC
13 assigned Plaintiff Gennady Glushenkov a case number, 2021EU00017264. The processing of
14 Plaintiff Gennady Glushenkov’s DV-2021 case has been unlawfully and indefinitely delayed
15 due to the Proclamation that affected the Department of State’s policies, procedures, and
16 practices suspending adjudications of immigrant visa applications for DV-2021 program
17 selectees. Plaintiff Gennady Glushenkov has suffered psychological, emotional, and economic
18 damage as a result of Defendants’ unlawful actions.
19

20 160. Plaintiff **Ian Kursakov** was selected as a DV-2021 Visa Lottery program winner
21 along with his derivative beneficiary family members. Plaintiff Ian Kursakov currently resides
22 in Russia. The KCC assigned Plaintiff Ian Kursakov a case number. The processing of
23 Plaintiff Ian Kursakov’s DV-2021 case has been unlawfully and indefinitely delayed due to the
24 Proclamation that affected the Department of State’s policies, procedures, and practices
25 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
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1 Plaintiff Ian Kursakov has suffered psychological, emotional, and economic damage as a result
2 of Defendants' unlawful actions.

3 161. Plaintiff **Antonina Livaeva** was selected as a DV-2021 Visa Lottery program
4 winner along with her derivative beneficiary family members, Rustam Livaev, spouse, Zakhar
5 Livaev, child, and Diana Livaeva, child. . Plaintiff Antonina Livaeva currently resides in
6 Russia. The KCC assigned Plaintiff Antonina Livaeva case number 2021EU00003432. The
7 processing of Plaintiff Antonina Livaeva's DV-2021 case has been unlawfully and indefinitely
8 delayed due to the Proclamation that affected the Department of State's policies, procedures,
9 and practices suspending adjudications of immigrant visa applications for DV-2021 program
10 selectees. Plaintiff Antonina Livaeva has suffered psychological, emotional, and economic
11 damage as a result of Defendants' unlawful actions.

12 162. Plaintiff **Oksana Machekhina** was selected as a DV-2021 Visa Lottery program
13 winner along with her derivative beneficiary family members, Plaintiffs **Dmitrii Machekhin,**
14 **V.M., and G.M.** Plaintiff Oksana Machekhina has one U.S. citizen child. Plaintiff Oksana
15 Machekhina currently resides in Russia. The KCC assigned Plaintiff Oksana Machekhina a
16 case number. The processing of Plaintiff Oksana Machekhina's DV-2021 case has been
17 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
18 State's policies, procedures, and practices suspending adjudications of immigrant visa
19 applications for DV-2021 program selectees. Plaintiff Oksana Machekhina has suffered
20 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.

21 163. Plaintiff **Jonathan Mitchell Pitt** was selected as a DV-2021 Visa Lottery
22 program winner along with his derivative beneficiary family members. Plaintiff Jonathan
23 Mitchell Pitt currently resides in Australia. The KCC assigned Plaintiff Jonathan Mitchell Pitt
24 case number 2021OC00003122. The processing of Plaintiff Jonathan Mitchell Pitt's DV-2021
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1 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
2 Department of State’s policies, procedures, and practices suspending adjudications of
3 immigrant visa applications for DV-2021 program selectees. Plaintiff Jonathan Mitchell Pitt
4 has suffered psychological, emotional, and economic damage as a result of Defendants’
5 unlawful actions.

6
7 164. Plaintiff **Ivan Poliakov** was selected as a DV-2021 Visa Lottery program winner
8 along with his derivative beneficiary family members. Plaintiff Ivan Poliakov currently resides
9 in Russia. The KCC assigned Plaintiff Ivan Poliakov a case number. The processing of Plaintiff Ivan
10 Poliakov’s DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
11 that affected the Department of State’s policies, procedures, and practices suspending
12 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Ivan
13 Poliakov has suffered psychological, emotional, and economic damage as a result of
14 Defendants’ unlawful actions.

15
16 165. Plaintiff **Dmitry Sergeenko** was selected as a DV-2021 Visa Lottery program
17 winner. Plaintiff Dmitry Sergeenko currently resides in Russia. The KCC assigned Plaintiff
18 Dmitry Sergeenko a case number. The processing of Plaintiff Dmitry Sergeenko’s DV-2021
19 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
20 Department of State’s policies, procedures, and practices suspending adjudications of
21 immigrant visa applications for DV-2021 program selectees. Plaintiff Dmitry Sergeenko has
22 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
23 actions.

24
25 166. Plaintiff **Oleksii Smetanin** was selected as a DV-2021 Visa Lottery program
26 winner along with his derivative beneficiary family members. Plaintiff Oleksii Smetanin
27 currently resides in Ukraine. The KCC assigned Plaintiff Oleksii Smetanin a case number,
28

1 2021EU00007442 . The processing of Plaintiff Oleksii Smetanin’s DV-2021 case has been
2 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
3 State’s policies, procedures, and practices suspending adjudications of immigrant visa
4 applications for DV-2021 program selectees. Plaintiff Oleksii Smetanin has suffered
5 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
6

7 167. Plaintiff **Andrii Stebelskyi** was selected as a DV-2021 Visa Lottery program
8 winner. Plaintiff Andrii Stebelskyi currently resides in Ukraine. The KCC assigned Plaintiff
9 Andrii Stebelskyi case number 2021EU00026777. The processing of Plaintiff Andrii
10 Stebelskyi’s DV-2021 case has been unlawfully and indefinitely delayed due to the
11 Proclamation that affected the Department of State’s policies, procedures, and practices
12 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
13 Plaintiff Andrii Stebelskyi has suffered psychological, emotional, and economic damage as a
14 result of Defendants’ unlawful actions.
15

16 168. Plaintiff **Salim Ghetas** was selected as a DV-2021 Visa Lottery program winner.
17 Plaintiff Salim Ghetas currently resides in Algeria. The KCC assigned Plaintiff Salim Ghetas
18 a case number. The processing of Plaintiff Salim Ghetas’s DV-2021 case has been unlawfully
19 and indefinitely delayed due to the Proclamation that affected the Department of State’s
20 policies, procedures, and practices suspending adjudications of immigrant visa applications for
21 DV-2021 program selectees. Plaintiff Salim Ghetas has suffered psychological, emotional,
22 and economic damage as a result of Defendants’ unlawful actions.
23

24 169. Plaintiff **Kamil Szumanski** was selected as a DV-2021 Visa Lottery program
25 winner along with Plaintiff’s derivative beneficiary spouse. Plaintiff Kamil Szumanski
26 currently resides in Poland. The KCC assigned Plaintiff Kamil Szumanski a case number. The
27 processing of Plaintiff Kamil Szumanski’s DV-2021 case has been unlawfully and indefinitely
28

1 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
2 and practices suspending adjudications of immigrant visa applications for DV-2021 program
3 selectees. Plaintiff Kamil Szumanski has suffered psychological, emotional, and economic
4 damage as a result of Defendants’ unlawful actions.

5
6 170. Plaintiff **Vasilii Sokha** was selected as a DV-2021 Visa Lottery program winner
7 along with Plaintiff’s derivative beneficiary family members, Plaintiff **Anastasiia Ruzieva and**
8 **M.I.S.** Plaintiffs Vasilii Sokha, Anastasiia Ruzieva and M.L.S. currently reside in Ukraine.
9 The KCC assigned Plaintiffs a case number, 2021EU00022799. The processing of Plaintiff
10 Vasilii Sokha’s DV-2021 case has been unlawfully and indefinitely delayed due to the
11 Proclamation that affected the Department of State’s policies, procedures, and practices
12 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
13 Plaintiff Vasilii Sokha has suffered psychological, emotional, and economic damage as a result
14 of Defendants’ unlawful actions.

15
16 171. Plaintiff **Dmytro Doroshchuk** was selected as a DV-2021 Visa Lottery program
17 winner along with Plaintiff’s derivative beneficiary family members, Luliia Mufel, spouse, and
18 Daniil Doroshchuk, child. Plaintiffs currently reside in Ukraine. The KCC assigned Plaintiffs
19 a case number, 2021EU00020001 . The processing of Plaintiff Dmytro Doroshchuk’s DV-2021
20 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
21 Department of State’s policies, procedures, and practices suspending adjudications of
22 immigrant visa applications for DV-2021 program selectees. Plaintiff Dmytro Doroshchuk has
23 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
24 actions.

25
26 172. Plaintiff **Vitalii Vynnyk** was selected as a DV-2021 Visa Lottery program winner
27 along with Plaintiff’s derivative beneficiary family members. Plaintiffs currently reside in
28

1 Ukraine. The KCC assigned Plaintiffs case number 2021EU00032745. The processing of
2 Plaintiff Vitalii Vynnyk's DV-2021 case has been unlawfully and indefinitely delayed due to
3 the Proclamation that affected the Department of State's policies, procedures, and practices
4 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
5 Plaintiff Vitalii Vynnyk has suffered psychological, emotional, and economic damage as a
6 result of Defendants' unlawful actions.

7
8 173. Plaintiff **Irina Kostina** was selected as a DV-2021 Visa Lottery program winner
9 along with Plaintiff's derivative beneficiary family members, Gennadi Kostin, spouse, Evita
10 Costina, child, and Vladislav Kostin, child.. Plaintiffs currently reside in Russia. The KCC
11 assigned Plaintiffs case number 2021EU00029893. The processing of Plaintiff Irina Kostina's
12 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
13 affected the Department of State's policies, procedures, and practices suspending adjudications
14 of immigrant visa applications for DV-2021 program selectees. Plaintiff Irina Kostina has
15 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
16 actions.

17
18 174. Plaintiff **Pavel Romanov** was selected as a DV-2021 Visa Lottery program
19 winner along with Plaintiff's derivative beneficiary family members. Plaintiffs currently reside
20 in Russia. The KCC assigned Plaintiffs case number 2021EU00030. The processing of
21 Plaintiff Pavel Romanov's DV-2021 case has been unlawfully and indefinitely delayed due to
22 the Proclamation that affected the Department of State's policies, procedures, and practices
23 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
24 Plaintiff Pavel Romanov has suffered psychological, emotional, and economic damage as a
25 result of Defendants' unlawful actions.
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1 175. Plaintiff **Sangita Subedi** was selected as a DV-2021 Visa Lottery program
2 winner. Plaintiff Sangita Subedi currently resides in Nepal. The KCC assigned Plaintiff
3 Sangita Subedi case number 2021AS00001833. The processing of Plaintiff Sangita Subedi's
4 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
5 affected the Department of State's policies, procedures, and practices suspending adjudications
6 of immigrant visa applications for DV-2021 program selectees. Plaintiff Sangita Subedi has
7 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
8 actions.

9
10 176. Plaintiff **Zahia Ait Ali Yahia** was selected as a DV-2021 Visa Lottery program
11 winner. Plaintiff Zahia Ait Ali Yahia currently resides in Algeria. The KCC assigned Plaintiff
12 Zahia Ait Ali Yahia a case number 2021AF00061783. The processing of Plaintiff Zahia Ait
13 Ali Yahia's DV-2021 case has been unlawfully and indefinitely delayed due to the
14 Proclamation that affected the Department of State's policies, procedures, and practices
15 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
16 Plaintiff Zahia Ait Ali Yahia has suffered psychological, emotional, and economic damage as a
17 result of Defendants' unlawful actions.

18
19 177. Plaintiff **Akram Alkhalil** was selected as a DV-2021 Visa Lottery program
20 winner along with his derivative beneficiary family members. Plaintiff Akram Alkhalil
21 currently resides in the United Arab Emirates. The KCC assigned Plaintiffs case number
22 2021AS00009719. The processing of Plaintiff Akram Alkhalil's DV-2021 case has been
23 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
24 State's policies, procedures, and practices suspending adjudications of immigrant visa
25 applications for DV-2021 program selectees. Plaintiff Akram Alkhalil has suffered
26 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
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1 178. Plaintiff **Ofsid Alibenlatreche** was selected as a DV-2021 Visa Lottery program
2 winner along with his derivative beneficiary family members. Plaintiff Ofsid Alibenlatreche
3 currently resides in the United Arab Emirates. The KCC assigned Plaintiffs case number
4 2021AF00008886. The processing of Plaintiff Ofsid Alibenlatreche’s DV-2021 case has been
5 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
6 State’s policies, procedures, and practices suspending adjudications of immigrant visa
7 applications for DV-2021 program selectees. Plaintiff Ofsid Alibenlatreche has suffered
8 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
9

10 179. Plaintiff **John Byrne** was selected as a DV-2021 Visa Lottery program winner.
11 Plaintiff John Byrne currently resides in Indiana, but is a citizen of Ireland. The KCC assigned
12 Plaintiff John Byrne case number 2021EU00029182. The processing of Plaintiff John Byrne’s
13 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
14 affected the Department of State’s policies, procedures, and practices suspending adjudications
15 of immigrant visa applications for DV-2021 program selectees. Plaintiff John Byrne has
16 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
17 actions.
18

19 180. Plaintiff **Mikita Dzyakanau** was selected as a DV-2021 Visa Lottery program
20 winner. Plaintiff Mikita Dzyakanau currently resides in Russia. The KCC assigned Plaintiff
21 Mikita Dzyakanau a case number, 2021EU00023607. The processing of Plaintiff Mikita
22 Dzyakanau’s DV-2021 case has been unlawfully and indefinitely delayed due to the
23 Proclamation that affected the Department of State’s policies, procedures, and practices
24 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
25 Plaintiff Mikita Dzyakanau has suffered psychological, emotional, and economic damage as a
26 result of Defendants’ unlawful actions.
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1 181. Plaintiff **Deniz Ekin**ci was selected as a DV-2021 Visa Lottery program winner.
2 Plaintiff Deniz Ekin

3 ci currently resides in Turkey. The KCC assigned Plaintiff Deniz Ekin

4 ci case number 2021EU00032316. The processing of Plaintiff Deniz Ekin

5 ci's DV-2021 case has

6 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department

7 of State's policies, procedures, and practices suspending adjudications of immigrant visa

8 applications for DV-2021 program selectees. Plaintiff Deniz Ekin

9 ci has suffered

10 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.

11 182. Plaintiff **Cem Guler** was selected as a DV-2021 Visa Lottery program winner
12 along with his derivative beneficiary family members. Plaintiff Cem Guler has two U.S.

13 citizen children ages five and two. Plaintiff Cem Guler currently resides in Turkey. The KCC

14 assigned Plaintiffs case number 2021EU00019139. The processing of Plaintiff Cem Guler's

15 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that

16 affected the Department of State's policies, procedures, and practices suspending adjudications

17 of immigrant visa applications for DV-2021 program selectees. Plaintiff Cem Guler has

18 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful

19 actions.

20 183. Plaintiff **Hafini Junan** was selected as a DV-2021 Visa Lottery program winner.
21 Plaintiff Hafini Junan currently resides in Indonesia. The KCC assigned Plaintiff Hafini Junan

22 case number 2021AS00021345. The processing of Plaintiff Hafini Junan's DV-2021 case has

23 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department

24 of State's policies, procedures, and practices suspending adjudications of immigrant visa

25 applications for DV-2021 program selectees. Plaintiff Hafini Junan has suffered psychological,

26 emotional, and economic damage as a result of Defendants' unlawful actions.

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1 184. Plaintiff **Alena Maloroshvilo** was selected as a DV-2021 Visa Lottery program
2 winner. Plaintiff Alena Maloroshvilo currently resides in Russia. The KCC assigned Plaintiff
3 Alena Maloroshvilo a case number. The processing of Plaintiff Alena Maloroshvilo’s DV-
4 2021 case has been unlawfully and indefinitely delayed due to the Proclamation that affected
5 the Department of State’s policies, procedures, and practices suspending adjudications of
6 immigrant visa applications for DV-2021 program selectees. Plaintiff Alena Maloroshvilo has
7 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
8 actions.

9
10 185. Plaintiff **Michael Abdelsid** was selected as a DV-2021 Visa Lottery program
11 winner along with his derivative beneficiary family members. Plaintiff Michael Abdelsid
12 currently resides in Egypt. The KCC assigned Plaintiff Michael Abdelsid a case number. The
13 processing of Plaintiff Michael Abdelsid’s DV-2021 case has been unlawfully and indefinitely
14 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
15 and practices suspending adjudications of immigrant visa applications for DV-2021 program
16 selectees. Plaintiff Michael Abdelsid has suffered psychological, emotional, and economic
17 damage as a result of Defendants’ unlawful actions.

18
19 186. Plaintiff **Mariia Akubardiia** was selected as a DV-2021 Visa Lottery program
20 winner along with his derivative beneficiary family members, David Akubardiia, spouse.
21 Plaintiff Maria Akubardiia currently resides in Russia. The KCC assigned Plaintiff Maria
22 Akubardiia a case number, .2021EU00023389. The processing of Plaintiff Maria Akubardiia’s
23 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
24 affected the Department of State’s policies, procedures, and practices suspending adjudications
25 of immigrant visa applications for DV-2021 program selectees. Plaintiff Maria Akubardiia has
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27
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1 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
2 actions.

3 187. Plaintiff **Salima Allaf** was selected as a DV-2021 Visa Lottery program winner.
4 Plaintiff Salima Allaf currently resides in Morocco. The KCC assigned Plaintiff Salima Allaf a
5 case number. The processing of Plaintiff Salima Allaf’s DV-2021 case has been unlawfully
6 and indefinitely delayed due to the Proclamation that affected the Department of State’s
7 policies, procedures, and practices suspending adjudications of immigrant visa applications for
8 DV-2021 program selectees. Plaintiff Salima Allaf has suffered psychological, emotional, and
9 economic damage as a result of Defendants’ unlawful actions.
10

11 188. Plaintiff **Ahmad Awad** was selected as a DV-2021 Visa Lottery program winner.
12 Plaintiff Ahmad Awad currently resides in Saudi Arabia. The KCC assigned Plaintiff Ahmad
13 Awad case number 2021AS00007385. The processing of Plaintiff Ahmad Awad’s DV-2021
14 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
15 Department of State’s policies, procedures, and practices suspending adjudications of
16 immigrant visa applications for DV-2021 program selectees. Plaintiff Ahmad Awad has
17 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
18 actions.
19

20 189. Plaintiff **Alexander Baev** was selected as a DV-2021 Visa Lottery program
21 winner along with his derivative beneficiary family members. Plaintiff Alexander Baev
22 currently resides in Russia. The KCC assigned Plaintiffs case number 2021EU00020082. The
23 processing of Plaintiff Alexander Baev’s DV-2021 case has been unlawfully and indefinitely
24 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
25 and practices suspending adjudications of immigrant visa applications for DV-2021 program
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1 selectees. Plaintiff Alexander Baev has suffered psychological, emotional, and economic
2 damage as a result of Defendants' unlawful actions.

3 190. Plaintiff **Nikolay Bankov** was selected as a DV-2021 Visa Lottery program
4 winner along with his derivative beneficiary family members, Liudmila Bankova, spouse, and
5 Andrei Bankov, child. Plaintiffs currently reside in Russia. The KCC assigned Plaintiffs a case
6 number, 2021EU00008062. The processing of Plaintiff Nikolay Bankov's DV-2021 case has
7 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
8 of State's policies, procedures, and practices suspending adjudications of immigrant visa
9 applications for DV-2021 program selectees. Plaintiff Nikolay Bankov has suffered
10 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
11

12 191. Plaintiff **Abderrahim Berriche** was selected as a DV-2021 Visa Lottery program
13 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
14 Algeria. The KCC assigned Plaintiff case number 2021AF00045006. The processing of
15 Plaintiff Abderrahim Berriche's DV-2021 case has been unlawfully and indefinitely delayed
16 due to the Proclamation that affected the Department of State's policies, procedures, and
17 practices suspending adjudications of immigrant visa applications for DV-2021 program
18 selectees. Plaintiff Abderrahim Berriche has suffered psychological, emotional, and economic
19 damage as a result of Defendants' unlawful actions.
20

21 192. Plaintiff **Artem Boiko** was selected as a DV-2021 Visa Lottery program winner
22 along with his derivative beneficiary family members. Plaintiffs currently reside in Sweden.
23 The KCC assigned Plaintiffs a case number, 2021EU00015584. The processing of Plaintiff
24 Artem Boiko's DV-2021 case has been unlawfully and indefinitely delayed due to the
25 Proclamation that affected the Department of State's policies, procedures, and practices
26 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
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1 Plaintiff Artem Boiko has suffered psychological, emotional, and economic damage as a result
2 of Defendants' unlawful actions.

3 193. Plaintiff **Lucia Cardoso** was selected as a DV-2021 Visa Lottery program winner
4 along with her derivative beneficiary family members. Plaintiffs currently reside in Brazil.
5 The KCC assigned Plaintiffs case number 2021EU00015009. The processing of Plaintiff Lucia
6 Cardoso's DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
7 that affected the Department of State's policies, procedures, and practices suspending
8 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Lucia
9 Cardoso has suffered psychological, emotional, and economic damage as a result of
10 Defendants' unlawful actions.

11 194. Plaintiff **Tetiana Dmytriieva** was selected as a DV-2021 Visa Lottery program
12 winner with her derivative beneficiary child, Romaniuk Sviatoslav. Plaintiff Tetiana
13 Dmytriieva currently resides in Ukraine. The KCC assigned Plaintiff Tetiana Dmytriieva a
14 case number 2021EU00011080. She intends to immigrate with her minor son as a derivative.
15 The processing of Plaintiff Tetiana Dmytriieva's DV-2021 case has been unlawfully and
16 indefinitely delayed due to the Proclamation that affected the Department of State's policies,
17 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
18 program selectees. Plaintiff Tetiana Dmytriieva has suffered psychological, emotional, and
19 economic damage as a result of Defendants' unlawful actions.

20 195. Plaintiff **Volha Fedarava** was selected as a DV-2021 Visa Lottery program
21 winner along with her derivative beneficiary family members, Plaintiffs **Maksim Fedarau and**
22 **S.F.** Plaintiffs Volha Fedarava, Maksim Fedarau and S.F. currently reside in Belarus. The
23 KCC assigned Plaintiffs Volha Fedarava, Maksim Fedarau and S.F. a case number. The
24 processing of Plaintiff Volha Fedarava's DV-2021 case has been unlawfully and indefinitely
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1 delayed due to the Proclamation that affected the Department of State’s policies, procedures,
2 and practices suspending adjudications of immigrant visa applications for DV-2021 program
3 selectees. Plaintiff Volha Fedarava has suffered psychological, emotional, and economic
4 damage as a result of Defendants’ unlawful actions.

5
6 196. Plaintiff **Vasily Gushcha** was selected as a DV-2021 Visa Lottery program
7 winner along with Plaintiff’s derivative beneficiary family members. Plaintiffs currently reside
8 in Russia. The KCC assigned Plaintiffs a case number. The processing of Plaintiff Vasily
9 Gushcha’s DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
10 that affected the Department of State’s policies, procedures, and practices suspending
11 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Vasily
12 Gushcha has suffered psychological, emotional, and economic damage as a result of
13 Defendants’ unlawful actions.

14
15 197. Plaintiff **Vadym Kononenko** was selected as a DV-2021 Visa Lottery program
16 winner along with Plaintiff’s derivative beneficiary family member, Olena Kononenko, spouse.
17 Plaintiffs currently reside in Ukraine. The KCC assigned Plaintiffs a case number,
18 2021EU00031444. The processing of Plaintiff Vadym Kononenko’s DV-2021 case has been
19 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
20 State’s policies, procedures, and practices suspending adjudications of immigrant visa
21 applications for DV-2021 program selectees. Plaintiff Vadym Kononenko has suffered
22 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

23
24 198. Plaintiff **Dmitrii Kozlov and derivative Anna Orlova** were selected as a DV-
25 2021 Visa Lottery program winners. Plaintiff Dmitrii Kozlov and derivative Anna
26 Orlovacurrently reside in Russia. The KCC assigned Plaintiff Dmitrii Kozlov a case number,
27 2021EU26650 . The processing of Plaintiff Dmitrii Kozlov and derivative Anna Orlova’s DV-
28

1 2021 case has been unlawfully and indefinitely delayed due to the Proclamation that affected
2 the Department of State’s policies, procedures, and practices suspending adjudications of
3 immigrant visa applications for DV-2021 program selectees. Plaintiff Dmitrii Kozlov and
4 derivative Anna Orlova have suffered psychological, emotional, and economic damage as a
5 result of Defendants’ unlawful actions.

6
7 199. Plaintiff **Raushan Mambetova** was selected as a DV-2021 Visa Lottery program
8 winner along with Plaintiff’s derivative beneficiary family members, Dastan Nurgissayev,
9 spouse, and Raiana Kairat, child. Plaintiffs currently reside in Kazakhstan. The KCC assigned
10 Plaintiffs a case number, 2021EU00028803. The processing of Plaintiff Raushan Mambetova’s
11 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
12 affected the Department of State’s policies, procedures, and practices suspending adjudications
13 of immigrant visa applications for DV-2021 program selectees. Plaintiff Raushan Mambetova
14 has suffered psychological, emotional, and economic damage as a result of Defendants’
15 unlawful actions.

16
17 200. Plaintiff **Mahdi Obeidat** was selected as a DV-2021 Visa Lottery program
18 winner. Plaintiff Mahdi Obeidat currently resides in United Arab Emirates. The KCC assigned
19 Plaintiff Mahdi Obeidat case number 2021AS00035467. The processing of Plaintiff Mahdi
20 Obeidat’s DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
21 that affected the Department of State’s policies, procedures, and practices suspending
22 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Mahdi
23 Obeidat has suffered psychological, emotional, and economic damage as a result of
24 Defendants’ unlawful actions.

25
26 201. Plaintiff **Valentin Puchkov** was selected as a DV-2021 Visa Lottery program
27 winner. Plaintiff Valentin Puchkov currently resides in Russia. The KCC assigned Plaintiff
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1 Valentin Puchkov a case number. The processing of Plaintiff Valentin Puchkov’s DV-2021
2 case has been unlawfully and indefinitely delayed due to the Proclamation that affected the
3 Department of State’s policies, procedures, and practices suspending adjudications of
4 immigrant visa applications for DV-2021 program selectees. Plaintiff Valentin Puchkov has
5 suffered psychological, emotional, and economic damage as a result of Defendants’ unlawful
6 actions.
7

8 202. Plaintiff **Evita Ugrimova** was selected as a DV-2021 Visa Lottery program
9 winner along with her derivative beneficiary family member, Ugrimov Artem. Plaintiffs
10 currently reside in Russia. The KCC assigned Plaintiffs a case number, 2021EU00029567.
11 The processing of Plaintiff Evita Ugrimova’s DV-2021 case has been unlawfully and
12 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
13 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
14 program selectees. Plaintiff Evita Ugrimova has suffered psychological, emotional, and
15 economic damage as a result of Defendants’ unlawful actions.
16

17 203. Plaintiff **Muna Alfasisi** was selected as a DV-2021 Visa Lottery program winner
18 along with her derivative beneficiary family members. Plaintiffs currently reside in Saudi
19 Arabia. The KCC assigned Plaintiffs case number 2021AS00003474. Despite his case number
20 now being current, the processing of Plaintiff Muna Alfasisi’s DV-2021 case has been
21 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
22 State’s policies, procedures, and practices suspending adjudications of immigrant visa
23 applications for DV-2021 program selectees. Plaintiff Muna Alfasisi has suffered
24 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.
25

26 204. Plaintiff **Redouane Boumaila** was selected as a DV-2021 Visa Lottery program
27 winner. Plaintiff Redouane Boumaila currently resides in Algeria. The KCC assigned Plaintiff
28

1 Redouane Boumaila case number 2021AF00042373. The processing of Plaintiff Redouane
2 Boumaila's DV-2021 case has been unlawfully and indefinitely delayed due to the
3 Proclamation that affected the Department of State's policies, procedures, and practices
4 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
5 Plaintiff Redouane Boumaila has suffered psychological, emotional, and economic damage as a
6 result of Defendants' unlawful actions.

7
8 205. Plaintiff **Rinat Ishmukhametov** was selected as a DV-2021 Visa Lottery
9 program winner along with his derivative beneficiary family members, Anastasiia
10 Ishmukhametova, spouse, Alan Ishmukhametova ,child, and Aisha Ishmukhameotva,
11 child. Plaintiff Rinat Ishmukhametov currently resides in Russia. The KCC assigned Plaintiff
12 Rinat Ishmukhametov case number 2021EU00017003. The processing of Plaintiff Rinat
13 Ishmukhametov's DV-2021 case has been unlawfully and indefinitely delayed due to the
14 Proclamation that affected the Department of State's policies, procedures, and practices
15 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
16 Plaintiff Rinat Ishmukhametov has suffered psychological, emotional, and economic damage as
17 a result of Defendants' unlawful actions.

18
19 206. Plaintiff **Ashim Khanal** was selected as a DV-2021 Visa Lottery program winner.
20 Plaintiff Ashim Khanal currently resides in Nepal. The KCC assigned Plaintiff Ashim Khanal
21 case number 2021AS00009587. The processing of Plaintiff Ashim Khanal's DV-2021 case has
22 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
23 of State's policies, procedures, and practices suspending adjudications of immigrant visa
24 applications for DV-2021 program selectees. Plaintiff Ashim Khanal has suffered
25 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
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1 207. Plaintiff **Dmitry Korolev** was selected as a DV-2021 Visa Lottery program
2 winner. Plaintiff Dmitry Korolev currently resides in Russia. The KCC assigned Plaintiff
3 Dmitry Korolev a case number, 2021EU00008868. The processing of Plaintiff Dmitry
4 Korolev's DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
5 that affected the Department of State's policies, procedures, and practices suspending
6 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Dmitry
7 Korolev has suffered psychological, emotional, and economic damage as a result of
8 Defendants' unlawful actions.

9
10 208. Plaintiff **Hanna Kovanko** was selected as a DV-2021 Visa Lottery program
11 winner along with her derivative beneficiary family members. currently resides in Ukraine.
12 The KCC assigned Plaintiff Hanna Kovanko a case umber. The processing of Plaintiff Hanna
13 Kovanko's DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation
14 that affected the Department of State's policies, procedures, and practices suspending
15 adjudications of immigrant visa applications for DV-2021 program selectees. Plaintiff Hanna
16 Kovanko has suffered psychological, emotional, and economic damage as a result of
17 Defendants' unlawful actions.

18
19 209. Plaintiff **Andrey Lapin** was selected as a DV-2021 Visa Lottery program winner
20 along with derivative beneficiary family member, Plaintiff **Zi Xin Emily Wang**. Plaintiff
21 Andrey Lapin currently resides in Canada. The KCC assigned Plaintiff Andrey Lapin case
22 number 2021EU00014002. The processing of Plaintiff Andrey Lapin's DV-2021 case has been
23 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
24 State's policies, procedures, and practices suspending adjudications of immigrant visa
25 applications for DV-2021 program selectees. Plaintiff Andrey Lapin has suffered
26 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
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1 210. Plaintiff **Fernanda Manuela Leal de Oliveira Ribeiro** was selected as a DV-
2 2021 Visa Lottery program winner along with her derivative beneficiary family members.
3 Plaintiff Fernanda Manuela Leal de Oliveira Ribeiro currently resides in Portugal. The KCC
4 assigned Plaintiffs a case number. The processing of Plaintiff Fernanda Manuela Leal de
5 Oliveira Ribeiro’s DV-2021 case has been unlawfully and indefinitely delayed due to the
6 Proclamation that affected the Department of State’s policies, procedures, and practices
7 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
8 Plaintiff Fernanda Manuela Leal de Oliveira Ribeiro has suffered psychological, emotional, and
9 economic damage as a result of Defendants’ unlawful actions.
10

11 211. Plaintiff **Oleksandra Metkivska** was selected as a DV-2021 Visa Lottery
12 program winner. Plaintiff Oleksandra Metkivska currently resides in Ukraine. The KCC
13 assigned Plaintiff Oleksandra Metkivska a case number, 27407. The processing of Plaintiff
14 Oleksandra Metkivska’s DV-2021 case has been unlawfully and indefinitely delayed due to the
15 Proclamation that affected the Department of State’s policies, procedures, and practices
16 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
17 Plaintiff Oleksandra Metkivska has suffered psychological, emotional, and economic damage
18 as a result of Defendants’ unlawful actions.
19

20 212. Plaintiff **Victoria Pislaras** was selected as a DV-2021 Visa Lottery program
21 winner. Plaintiff Victoria Pislaras currently resides in Moldova. The KCC assigned Plaintiff
22 Victoria Pislaras a case number. The processing of Plaintiff Victoria Pislaras’s DV-2021 case
23 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
24 Department of State’s policies, procedures, and practices suspending adjudications of
25 immigrant visa applications for DV-2021 program selectees. Plaintiff Victoria Pislaras has
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1 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
2 actions.

3 213. Plaintiff **Lidiya Ryndina** was selected as a DV-2021 Visa Lottery program
4 winner along with her derivative beneficiary son, **M. K.** Plaintiff Lidiya Ryndina currently
5 resides in Russia. The KCC assigned Plaintiff Lidiya Ryndina case number 2021EU00022852.
6 The processing of Plaintiff Lidiya Ryndina's DV-2021 case has been unlawfully and
7 indefinitely delayed due to the Proclamation that affected the Department of State's policies,
8 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
9 program selectees. Plaintiff Lidiya Ryndina has suffered psychological, emotional, and
10 economic damage as a result of Defendants' unlawful actions.

11 214. Plaintiff **Kirill Semernin** was selected as a DV-2021 Visa Lottery program
12 winner along with his derivative beneficiary family members, **Anastassiya Shinkaryova**
13 **(spouse), and Maksim Semernin (child).** Plaintiff Kirill Smernin currently resides in Russia.
14 The KCC assigned Plaintiffs a case number. The processing of Plaintiff Kirill Smernin's DV-
15 2021 case, 2021EU00035018, has been unlawfully and indefinitely delayed due to the
16 Proclamation that affected the Department of State's policies, procedures, and practices
17 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
18 Plaintiff Kirill Smernin has suffered psychological, emotional, and economic damage as a
19 result of Defendants' unlawful actions.

20 215. Plaintiff **Aleksei Shirokov** was selected as a DV-2021 Visa Lottery program
21 winner along with his derivative beneficiary family members. Plaintiff Aleksei Shirokov
22 currently resides in Russia. The KCC assigned Plaintiffs a case number. The processing of
23 Plaintiff Aleksei Shirokov's DV-2021 case has been unlawfully and indefinitely delayed due to
24 the Proclamation that affected the Department of State's policies, procedures, and practices
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1 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
2 Plaintiff Aleksei Shirokov has suffered psychological, emotional, and economic damage as a
3 result of Defendants' unlawful actions.

4 216. Plaintiff **Ashot Stepanov** was selected as a DV-2021 Visa Lottery program
5 winner along with derivative applicants, Marina Kotlyarova, spouse, Anna Stepanova, child,
6 and Yana Stepanova, child. Plaintiff Ashot Stepanov currently resides in Turkmenistan. The
7 KCC assigned Plaintiff Ashot Stepanov a case number, 2021EU00025369. The processing of
8 Plaintiff Ashot Stepanov's DV-2021 case has been unlawfully and indefinitely delayed due to
9 the Proclamation that affected the Department of State's policies, procedures, and practices
10 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
11 Plaintiff Ashot Stepanov has suffered psychological, emotional, and economic damage as a
12 result of Defendants' unlawful actions.

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15 217. Plaintiff **Iryna Sydorenko** was selected as a DV-2021 Visa Lottery program
16 winner along with her derivative beneficiary family members, Oleksandr Sydorenko, spouse,
17 and Alina Sydorenko, child. Plaintiffs currently reside in Ukraine. The KCC assigned Plaintiffs
18 a case number, 2021EU26875. The processing of Plaintiff Iryna Sydorenko's DV-2021 case
19 has been unlawfully and indefinitely delayed due to the Proclamation that affected the
20 Department of State's policies, procedures, and practices suspending adjudications of
21 immigrant visa applications for DV-2021 program selectees. Plaintiff Iryna Sydorenko has
22 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
23 actions.

24
25 218. Plaintiff **Kiryl Valkovich** was selected as a DV-2021 Visa Lottery program
26 winner along with her derivative beneficiary family member, Plaintiff **Karyna**
27 **Kupryianovich**. Plaintiffs Kiryl Valkovich and Karyna Kuprvianovich currently reside in
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1 Belarus. The KCC assigned Plaintiffs a case number. The processing of Plaintiff Kiryl
2 Valkovich's DV-2021 case has been unlawfully and indefinitely delayed due to the
3 Proclamation that affected the Department of State's policies, procedures, and practices
4 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
5 Plaintiff Kiryl Valkovich has suffered psychological, emotional, and economic damage as a
6 result of Defendants' unlawful actions.

7
8 219. Plaintiff **Andrii Vyshnevskiy** was selected as a DV-2021 Visa Lottery program
9 winner along with his derivative beneficiary family members. Plaintiffs currently reside in
10 Ukraine. The KCC assigned Plaintiffs a case number—2021EU00025580. The processing of
11 Plaintiff Andrii Vyshnevskiy's DV-2021 case has been unlawfully and indefinitely delayed due
12 to the Proclamation that affected the Department of State's policies, procedures, and practices
13 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
14 Plaintiff Andrii Vyshnevskiy has suffered psychological, emotional, and economic damage as a
15 result of Defendants' unlawful actions.

16
17 220. Plaintiff **Mohamed Elsokkary** was selected as a DV-2021 Visa Lottery program
18 winner. Plaintiff Mohamed Elsokkary currently resides in Saudi Arabia. The KCC assigned
19 Plaintiff Mohamed Elsokkary case number 2021AS00020906. The processing of Plaintiff
20 Mohamed Elsokkary's DV-2021 case has been unlawfully and indefinitely delayed due to the
21 Proclamation that affected the Department of State's policies, procedures, and practices
22 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
23 Plaintiff Mohamed Elsokkary has suffered psychological, emotional, and economic damage as
24 a result of Defendants' unlawful actions.

25
26 221. Plaintiff **Donald Xhaferri** was selected as a DV-2021 Visa Lottery program
27 winner. Plaintiff Donald Xhaferri currently resides in the United Arab Emirates. The KCC
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1 assigned Plaintiff Donald Xhaferri case number 2021EU00012238. The processing of Plaintiff
2 Donald Xhaferri's DV-2021 case has been unlawfully and indefinitely delayed due to the
3 Proclamation that affected the Department of State's policies, procedures, and practices
4 suspending adjudications of immigrant visa applications for DV-2021 program selectees.
5 Plaintiff Donald Xhaferri has suffered psychological, emotional, and economic damage as a
6 result of Defendants' unlawful actions.

7
8 222. Plaintiff **Ruslan Mamedov** was selected as a DV-2021 Visa Lottery program
9 winner. Plaintiff Ruslan Mamedov currently resides in Russia. The KCC assigned Plaintiff
10 Ruslan Mamedov case number 2021EU12785. The processing of Plaintiff Ruslan Mamedov's
11 DV-2021 case has been unlawfully and indefinitely delayed due to the Proclamation that
12 affected the Department of State's policies, procedures, and practices suspending adjudications
13 of immigrant visa applications for DV-2021 program selectees. Plaintiff Ruslan Mamedov has
14 suffered psychological, emotional, and economic damage as a result of Defendants' unlawful
15 actions.

16
17 223. Plaintiff **Marina Vishnevetskaia, along with her derivates, Aleksei**
18 **Vishnevetskaia, Veronika Vishnevetskaia, Maksim Vishnevetskii, and Alisa**
19 **Vishnevetskaia** were selected as a DV-2021 Visa Lottery program winner. Plaintiff Marina
20 Vishnevetskaia currently resides in Russia. The KCC assigned Plaintiff Marina Vishnevetskaia
21 a case number. The processing of Plaintiff Marina Vishnevetskaia's DV-2021 case has been
22 unlawfully and indefinitely delayed due to the Proclamation that affected the Department of
23 State's policies, procedures, and practices suspending adjudications of immigrant visa
24 applications for DV-2021 program selectees. Plaintiff Marina Vishnevetskaia has suffered
25 psychological, emotional, and economic damage as a result of Defendants' unlawful actions.
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1 224. Plaintiff **Wafik Mohamed Hafiz** was selected as a DV-2021 Visa Lottery
2 program winner. Plaintiff Marina Vishnevetskaia currently resides in Algeriaa. The KCC
3 assigned Plaintiff Wafik Mohamed Hafiz case number 2021AF00062032. The processing of
4 Plaintiff Wafik Mohamed Hafiz’s DV-2021 case has been unlawfully and indefinitely delayed
5 due to the Proclamation that affected the Department of State’s policies, procedures, and
6 practices suspending adjudications of immigrant visa applications for DV-2021 program
7 selectees. Plaintiff Wafik Mohamed Hafiz has suffered psychological, emotional, and
8 economic damage as a result of Defendants’ unlawful actions.

9
10 225. Plaintiff **Elena Anikina** was selected as a DV-2021 Visa Lottery program winner.
11 Plaintiff Elena Anikina currently resides in Russia. The KCC assigned Elena Anikina a case
12 number. The processing of Plaintiff Elena Anikina’s DV-2021 case has been unlawfully and
13 indefinitely delayed due to the Proclamation that affected the Department of State’s policies,
14 procedures, and practices suspending adjudications of immigrant visa applications for DV-2021
15 program selectees. Plaintiff Elena Anikina has suffered psychological, emotional, and
16 economic damage as a result of Defendants’ unlawful actions.

17
18 226. Plaintiff **Robert Paronyan** was selected as a DV-2021 Visa Lottery program
19 winner. Plaintiff Robert Paronyan currently resides in Russia. The KCC assigned Robert
20 Paronyan a case number. The processing of Plaintiff Robert Paronyan’s DV-2021 case has
21 been unlawfully and indefinitely delayed due to the Proclamation that affected the Department
22 of State’s policies, procedures, and practices suspending adjudications of immigrant visa
23 applications for DV-2021 program selectees. Plaintiff Robert Paronyan has suffered
24 psychological, emotional, and economic damage as a result of Defendants’ unlawful actions.

25
26 **Defendants**

1 227. Defendant **Donald J. Trump** is the President of the United States and the head of
2 the Executive branch of the U.S. government. As President, he issued the Proclamations
3 barring large categories of individuals from entering the United States. He is sued in his
4 official capacity.

5 228. Defendant **William Barr** is the Attorney General of the United States and has
6 responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103. He is
7 sued in his official capacity.

8 229. Defendant **U.S. Department of State (DOS)** is a cabinet-level department of the
9 U.S. federal government. DOS is responsible for the issuance of immigrant visas abroad. The
10 Proclamations assign DOS a variety of responsibilities regarding their implementation and
11 enforcement. DOS is integral to the execution of the Proclamations' directive barring large
12 categories of individuals from entering the United States.

13 230. Defendant **Michael Pompeo** is the Secretary of State and has responsibility for
14 overseeing enforcement and implementation of the Proclamations by all DOS staff. He is sued
15 in his official capacity.

16 231. Defendant **Department of Homeland Security (DHS)** is a cabinet-level
17 department of the U.S. federal government. The Proclamations assign DHS a variety of
18 responsibilities regarding their implementation and enforcement, including which visa
19 categories qualify for a national interest exception. DHS is integral to the execution of the
20 Proclamations' directive barring large categories of individuals from entering the United States.
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1 238. All administrative remedies have been exhausted by Plaintiffs.

2 239. The doctrine of consular non-reviewability does not apply because Plaintiffs do
3 not challenge a decision by a consular officer denying a visa. *See Nine Iraqi Allies Under*
4 *Serious Threat Because of Their Faithful Serv. to the United States v. Kerry* (“*Nine Iraqi*
5 *Allies*”), 168 F. Supp. 3d 268, 290 (D.D.C. 2016) (“[T]he doctrine of consular nonreviewability
6 is not triggered until a consular officer has a made a decision with respect to a particular visa
7 application.”). Rather, Plaintiffs challenge the agency’s delay and refusal to act based on the
8 *ultra vires* actions of the Department of State and its failure to act. *See Patel v. Reno*, 134 F.3d
9 929, 931 (9th Cir. 1997).
10

11 240. Plaintiffs have standing. Defendants’ illegal actions in refusing to adjudicate and
12 issue visas has caused and continues to cause Plaintiffs a concrete and particularized injury by
13 preventing each Plaintiff from obtaining a visa and entering the U.S. The requested relief will
14 redress these injuries by allowing these individuals to obtain the immigration benefits for which
15 they are otherwise eligible.
16

17 INTRADISTRICT ASSIGNMENT

18 241. Assignment to the San Francisco Division of this District is proper pursuant to
19 Civil Local Rule 3-2(c)-(d) because venue is based on Plaintiff Kael Alberto Teodorowicz
20 Rodriguez’s residence in the city and county of San Francisco. Furthermore, Plaintiff Abu Nur
21 resides in city of San Carlos and county of San Mateo, Plaintiff Amena Alazzani resides in the
22 city of Richmond and county of Contra Costa, and Plaintiff Mohammad Qasem resides in the
23 city of Oakland and county of Alameda. A substantial part of the events giving rise to this
24 lawsuit are occurring in the counties of San Francisco, San Mateo, Contra Costa, and Alameda,
25 the locations where Plaintiffs Teodorowicz, Nur, Alazzani, and Qasem reside.
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STATUTORY BACKGROUND

A. VISA CATEGORIES

242. The Immigration and Nationality Act (INA) governs the admission to the United States. *See generally* 8 U.S.C. §§ 1101 *et seq.* The INA provides for various categories of immigrant visas for noncitizens intending to enter and become permanent residents of the United States. 8 U.S.C. §§ 1153-54. Immigrant visas are distinct from nonimmigrant visas, which are issued to noncitizens seeking to enter the United States temporarily and for a specific purpose. 8 U.S.C. §§ 1101(a)(15), 1184. At issue here are several categories of immigrant visas, subject to annual worldwide numerical limitations and allotted visas by preference category. 8 U.S.C. §§ 1151, 1153.

Employment-Based Immigrant Visas

243. Every fiscal year (October 1 to September 30), approximately 140,000 employment-based immigrant visas are made available to qualified applicants under the provisions of U.S. immigration law. 8 USC § 1151(d). Employment-based immigrant visas are divided into five preference categories, with the ability for certain spouses and children to accompany or follow-to-join employment-based immigrants. USC § 1153(b). Section 203(e) of the INA provides that all categories of employment-based immigrant visas be issued in the chronological order in which the petitions were filed until the annual numerical limit for the category is reached. 8 USC § 1153(e). If all the visas in the category are not used, they do not carry over to the following year. *Id.* Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. USC § 1153(d).

244. The Proclamations impact the following four employment- based visa categories: (1) Employment-Based First Preference Category (“EB-1”); (2) Employment-Based

1 Second Preference Category (“EB-2”); (3) Employment-Based Third Preference Category
2 (“EB-3”); and (4) Employment-Based Fourth Preference Category (“EB-4”).

3 245. EB-1 visas are available to Priority Workers, which include: (a) foreign
4 citizens with extraordinary ability in the sciences, arts, education, business, or athletics which
5 has been demonstrated by sustained national or international acclaim and whose achievements
6 have been recognized in the field through extensive documentation, who seek to enter the
7 United States to continue to work in the area of extraordinary ability, and whose entry into the
8 United States will substantially benefit prospectively the United States; (b) foreign citizens who
9 are recognized internationally as outstanding professors or teachers in a specific academic area,
10 who possess at least 3 years of experience in teaching or research in the academic area, and
11 who are seeking to the enter the United States for a tenured or tenure-track position within a
12 university or institution of higher education to teach in the academic area, for a comparable
13 position with a university or institution of higher education to conduct research in the area, or
14 for a comparable position to conduct research in the area with a department, division, or
15 institute of a private employer, if the department, division, or institute employs at least 3
16 persons full-time in research activities and has achieve documented accomplishments in an
17 academic field; and (c) certain multinational executives and managers who, in the 3 years
18 preceding the time of the noncitizen's application for classification and admission into the
19 United States, has been employed for at least 1 year by a firm or corporation or other legal
20 entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order
21 to continue to render services to the same employer or to a subsidiary or affiliate thereof in a
22 capacity that is managerial or executive. 8 U.S.C. § 1153(b)(1). Priority Workers receive 28.6
23 percent of the yearly worldwide limit of employment-based immigrant visas, plus any unused
24 visas from the Employment Fourth and Fifth Preference categories. *Id.*

1 246. To obtain an employment-based immigrant visa in the EB-1 category, the U.S.
2 employer or agent² must file a Form I-140, Petition for Alien Worker, with specific job offer,
3 with the U.S. Citizenship and Immigration Services (“USCIS”), a sub-agency of the
4 Department of Homeland Security (“DHS”), for the appropriate employment-based preference
5 category. In certain cases, EB-1 persons with extraordinary ability in the sciences, arts,
6 education, business, or athletics do not need specific job offers, so long as they are entering the
7 United States to continue work in the fields in which they have extraordinary ability. Such
8 applicants may also file their own I-140 petitions with the USCIS. Once the I-140 petition is
9 approved, the USCIS will send the petition to the National Visa Center (“NVC”), a component
10 of the Department of State (“DOS”), for further processing. The NVC will then forward the
11 petition to the appropriate U.S. embassy or consulate, where the foreign employee will then
12 apply and be interviewed for their immigrant visa.³

15 247. EB-2 visas are available to Members of the Professions Holding Advanced
16 Degrees or Persons of Exceptional Ability, which include: (a) members of the professions
17 holding advanced degrees and foreign citizens of exceptional ability in the sciences, arts, or
18 business, who will substantially benefit prospectively the national economy, cultural or
19 educational interests, or welfare of the United States, and whose services in the sciences, arts,
20 professions, or business are sought by an employer in the United States; and (b) those whose
21 presence has been deemed by the Attorney General to be in the national interest, such
22 as physicians in areas designated by the Secretary of Health and Human Services as having a
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25 ² EB-1 persons with extraordinary ability in the sciences, arts, education, business, or athletics do
26 not need specific job offers, so long as they are entering the United States to continue work in the
27 fields in which they have extraordinary ability. Such applicants may also file their own Form I-
28 140 with the USCIS.

³ U.S. Dep’t of State, *Employment-Based Immigrant Visas* (last accessed Oct. 21, 2020),
available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/employment-based-immigrant-visas.html>.

1 shortage of health care professional or at a health care facility under the jurisdiction of the
 2 Secretary of Veterans Affairs. 8 U.S.C. § 1153(b)(2). Professionals Holding Advanced
 3 Degrees and Persons of Exceptional Ability receive 28.6 percent of the yearly worldwide limit
 4 of employment-based immigrant visas, plus any unused visas from the Employment First
 5 Preference category. *Id.*

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 7 248. To obtain an employment-based immigrant visa in the EB-2 category, the U.S.
 8 employer sponsor must first obtain a labor certification approval from the Department of Labor
 9 (“DOL”). EB-2 applicants may apply for an exemption, known as a National Interest Waiver
 10 (“NIW”), from the job offer and labor certification if the exemption would be in the national
 11 interest. In such case, the applicant may self-petition by filing the Form I-140, Petition for
 12 Alien Worker, along with evidence of the national interest.⁴ In non-NIW cases, the DOL must
 13 certify, through an extensive and oft-expensive process for the U.S. employer, that there are not
 14 sufficient U.S. workers able, willing, qualified and available to accept the job opportunity in the
 15 area of intended employment and that employment of the foreign worker will not adversely
 16 affect the wages and working conditions of similarly employed U.S. workers.⁵ Once the labor
 17 certification is received from the DOL, the U.S. employer must file the Form I-140, Petition for
 18 Alien Worker, with job offer, with the USCIS for the appropriate employment-based preference
 19 category. Once the I-140 petition is approved, the USCIS will send the petition to the NVC for
 20 further processing. The NVC will then forward the petition to the appropriate U.S. embassy or
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27 ⁴ *Id.*

28 ⁵ U.S. Dep’t of Labor, *Permanent Labor Certification* (last accessed Oct. 21, 2020), available at <https://www.dol.gov/agencies/eta/foreign-labor/programs/permanent>.

1 consulate, where the foreign employee will then apply and be interview for their immigrant
2 visa.⁶

3 249. EB-3 visas are available to Skilled Workers, Professionals, and Other Workers,
4 which include, subject to certification by the Secretary of the Department of Labor (“DOL”):
5 (a) noncitizens who are qualified, skilled workers capable, at the time of petitioning for
6 classification under this category, of performing skilled labor (requiring at least 2 years training
7 or experience), not of a temporary or seasonal nature, for which qualified workers are not
8 available in the United States; (b) qualified, professional immigrants who hold baccalaureate
9 degrees; and (c) other qualified immigrants who are capable, at the time of petitioning for
10 classification under this category, of performing unskilled labor, not of a temporary or seasonal
11 nature. 8 U.S.C. § 1153(b)(3). Skilled Workers, Professionals, and Unskilled Workers (Other
12 Workers) receive 28.6 percent of the yearly worldwide limit of employment-based immigrant
13 visas, plus any unused visas from the Employment First Preference and Second Preference
14 categories. *Id.*

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17 250. To obtain an employment-based immigrant visa in the EB-3 category, the U.S.
18 employer sponsor typically must first obtain a labor certification approval from the DOL. Once
19 the labor certification is received from the DOL (if required), the U.S. employer must file the
20 Form I-140, Petition for Alien Worker, with job offer, with the USCIS for the appropriate
21 employment-based preference category. Once the I-140 petition is approved, the USCIS will
22 send the petition to the NVC for further processing. The NVC will then forward the petition to
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27 ⁶ U.S. Dep’t of State, *Employment-Based Immigrant Visas* (last accessed Oct. 21, 2020),
28 available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/employment-based-immigrant-visas.html>.

1 the appropriate U.S. embassy or consulate, where the foreign employee will then apply and be
2 interview for their immigrant visa.⁷

3 251. EB-4 visas are available to “Certain Special Immigrants,” who are named in 8
4 U.S.C. § 1101(a)(27). The EB-4 visa category covers many occupations, including but not
5 limited to religious workers, Special Immigrant Juveniles, broadcasters, G-4 international
6 organization and NATO-6 employees and their family members, international employees of the
7 U.S. government abroad, U.S. Armed Forces members, Panama Canal Zone employees, certain
8 physicians, and Iraqi and Afghani translators and nationals who have provided faithful service
9 in support of U.S. operations. 8 U.S.C. § 1153(b)(4). Special Immigrants receive 7.1 percent
10 of the yearly worldwide limit of employment-based immigrant visas. *Id.*

11
12 252. To obtain an employment-based immigrant visa in the EB-4 category, generally,
13 the U.S. employer or, in certain situations, the foreign citizen must file a Form I-360, Petition
14 for Amerasian, Widow(er), or Special Immigrant. An exception exists for certain employees or
15 former employees of the U.S. government abroad, who instead must file a Form DS-1884,
16 Petition To Classify Special Immigrant under INA 203(b)(4) As An Employee Or Former
17 Employee of the U.S. Government Abroad, with DOS. In I-360 cases, once approved, USCIS
18 will send the petition to the NVC for further processing. The NVC will then forward the
19 petition to the appropriate U.S. embassy or consulate, where the foreign citizen will then apply
20 and be interview for their immigrant visa. In DS-1884 cases, the petition, if approved, remains
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27 ⁷ U.S. Dep’t of State, *Employment-Based Immigrant Visas* (last accessed Oct. 21, 2020),
28 available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/employment-based-immigrant-visas.html>.

1 valid for six months, and the applicant, once granted such status, must pursue their application
2 for an immigrant visa immediately upon being notified that their petition has been approved.⁸

3 **Family-Sponsored Immigrant Visas**

4 253. To be eligible to apply for a family-sponsored immigrant visa, a foreign citizen
5 must be sponsored by a spouse, son, daughter, parent, or sibling who is at least 21 years of age
6 and is either a U.S. citizen or U.S. Lawful Permanent Resident. 8 U.S.C. § 1153(a). Section
7 201 of the INA sets an annual minimum family-sponsored preference limit of 226,000. 8
8 U.S.C. § 1151(c)(1)(B)(ii). As with employment-based preference visas, section 203(e) of the
9 INA provides that family-sponsored preference visas be issued to eligible immigrants in the
10 order in which a petition on behalf of each has been filed. 8 U.S.C. § 1153(e). Again, if all the
11 visas in the category are not used, they do not carry over to the following year. *Id.* Likewise,
12 section 203(d) provides that spouses and children of preference immigrants are entitled to the
13 same status, and the same order of consideration, if accompanying or following to join the
14 principal. 8 U.S.C. § 1153(d).

15 254. The Proclamations impact the following family-sponsored visa categories: (1)
16 Family-Sponsored First Preference Category (“F1”); (2) Family-Sponsored Second Preference
17 Category (“F2”); (3) Family-Sponsored Third Preference Category (“F3”); (4) Family-
18 Sponsored Fourth Preference Category (“F4”); and (5) Family-Sponsored Immediate Relatives
19 who are the parents of U.S. Citizens.

20 255. The F1 category includes the unmarried sons and daughters (21 years of age or
21 older) of U.S. citizens. 8 U.S.C. § 1153(a)(1). Unmarried Sons and Daughters of U.S. Citizens
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27 ⁸ U.S. Dep’t of State, *Employment-Based Immigrant Visas* (last accessed Oct. 21, 2020),
28 available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/employment-based-immigrant-visas.html>.

1 are allotted 23,400 visas annually, plus any unused visas from the fourth preference (F4)
2 category. *Id.*

3 256. The F2 category includes the spouses and children of permanent residents
4 (“F2A”) and the unmarried sons and daughters (21 years of age and older) of permanent
5 residents (“F2B”). 8 U.S.C. § 1153(a)(2). Spouses and Children, and Unmarried Sons and
6 Daughters of Permanent Residents are allotted 114,200 visas annually, plus the number (if any)
7 by which the worldwide family preference level exceeds 226,000, plus any unused first
8 preference numbers. Within these numbers, F2A immigrants receive 77 percent of the overall
9 second family-preference limitation, of which 75 percent are exempt from the per-country
10 limit; and F2B immigrants receive 23 percent of the overall second preference limitation. *Id.*

11 257. The F3 category includes the married sons and daughters of U.S. citizens. 8
12 U.S.C. § 1153(a)(3). Married Sons and Daughters of U.S. Citizens are allotted 23,400 visas
13 annually, plus any numbers not required by first and second preferences. *Id.*

14 258. The F4 category includes the brothers and sisters of adult U.S. citizens. 8
15 U.S.C. § 1153(a)(4). Brothers and Sisters of Adult U.S. Citizens are allotted 65,000 visas
16 annually, plus any numbers not required by first three preferences. *Id.*

17 259. One category of Family-Sponsored Immediate Relatives is also impacted by the
18 Proclamations: the parents of adult U.S. citizens.⁹ 8 U.S.C. § 1151(2)(A)(i). Visas for
19 immediate relatives of U.S. citizens are not subject to the per-country limitations and are thus
20 immediately available. *Id.*

21 260. To obtain a family-sponsored immigrant visa, the U.S. citizen or Lawful
22 Permanent Resident sponsor must first file Form I-130, Petition for Alien Relative with the
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28 ⁹ As mentioned previously, spouses and children of U.S. citizens are exempted from the Proclamations. *See* P.P. 10014, 85 Fed. Reg. 23,441.

1 USCIS. Once approved, the USCIS will send the petition to the NVC for further processing.
2 The NVC will then forward the petition to the appropriate U.S. embassy or consulate, where
3 the foreign relative will then apply and be interviewed for their immigrant visa.¹⁰

4 **Diversity Visas**

5 261. The final category of visas impacted by the Proclamations are diversity visas
6 (“DV visas”). Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal
7 year to permit additional immigration opportunities for persons from countries with low
8 admissions during the previous five years. 8 U.S.C. § 1153(c); 8 U.S.C. § 1151(e). DV visas
9 are divided among six geographic regions. No one country can receive more than seven
10 percent of the available diversity visas in any one year; and entitlement to immigrant status in
11 the DV category lasts only through the end of the fiscal (visa) year for which the applicant is
12 selected in the lottery. 8 U.S.C. § 1153(c).

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15 262. To obtain an immigrant visa through the DV lottery Program, an applicant must
16 submit an entry electronically on the Electronic Diversity Visa (E-DV) website during the
17 specific registration period. Each year, DOS publishes detailed instructions for entering the
18 DV lottery, which include the dates of the registration period during which applicants are able
19 to enter the lottery. Only one entry by or for each person is permitted during each registration
20 period; there is a limited time period during with a person can register for the program during
21 each fiscal year; and no late entries or paper entries are accepted. At the end of the registration
22 period, DOS conducts a random selection of DV applicants, based on allocations of available
23 visas in each region and country, from all registered entries. In the month of May each year,
24 DOS updates the E-DV and the Entrant Status Check websites to inform all entrants if their
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27 ¹⁰ U.S. Dep’t of State, *Immigrant Visa Process* (last accessed Oct. 21, 2020), available at
28 <https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/step-1-submit-a-petition.html>.

1 online registration was selected or not. Once an applicant’s entry is selected, the foreign citizen
2 must then successfully complete the Form DS-260, Immigrant Visa Application, and submit
3 certain documents before DOS will scheduled and hold a consular interview to determine if the
4 person will receive a visa.¹¹

5 **B. PRESIDENTIAL AUTHORITY**

6
7 263. Section 212(f) of the INA authorizes the President to suspend entry or impose
8 restrictions on entry of noncitizens, providing:

9 Whenever the President finds that the entry of any aliens or of any class of aliens
10 into the United States would be detrimental to the interests of the United States,
11 he may by proclamation, and for such period as he shall deem necessary, suspend
12 the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or
13 impose on the entry of aliens any restrictions he may deem to be appropriate.

14
15 8 U.S.C. § 1182(f).

16 264. Pursuant to section 1182(f), if a detrimental interest is identified warranting
17 suspension of entry by a class of immigrants, the President must state the period for which he
18 intends to suspend immigration of these classes. *Id.* There is no provision stating the President
19 may do so indefinitely.

20
21 265. Section 215(a) of the INA provides that it is unlawful “for any alien to ... enter
22 the United States except under such reasonable rules, regulations, and orders, and subject to
23 such limitations and exceptions as the President may prescribe.” 8 U.S.C. § 1185(a)(1).

24 Presidential authority from section 215(f) “substantially overlap[s]” with the authority from
25 section 212(f). *Trump v. Hawaii*, 138 S. Ct. 2392, 2407 n.1 (2018).

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28 ¹¹ U.S. Dep’t of State, *Diversity Visa Program* (last accessed Oct. 21, 2020), available at
[https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-
entry/diversity-visa-submit-entry1.html?wcmode=disabled](https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-submit-entry1.html?wcmode=disabled).

1 266. As a threshold matter, the INA distinguishes between entry, admission, and visa
2 issuance. Section 212(f) authorizes the President only to suspend the *entry* of certain aliens
3 into the United States. U.S.C. § 1182(f). It does not authorize the President to suspend the
4 *issuance* of visas.

5 267. Here, DOS has implemented the Proclamations in a manner that suspends the
6 issuance of immigrant visas while the Proclamations are in effect.

7 268. The implementation by the Department of State of the President’s Proclamations
8 suspending the entry of aliens from certain countries and preventing immigrant visa applicants
9 from pursuing a visa constitutes final agency action, which is reviewable by this Court pursuant
10 to the APA.

11 269. The agency actions of de-prioritizing immigrant visas, and suspending the
12 adjudication of immigrant visas is arbitrary and capricious and abuses agency discretion
13 because the Department of State lacked authority to suspend adjudications of immigrant visas.

14 270. The Department of State’s implementation of the Proclamations is in excess of
15 authority in violation of § 706(2)(C) of the APA, as 8 U.S.C. § 1182(f) does not permit
16 Defendants to suspend the issuance of visas or deprive consular officers of the authority to
17 issue immigrant visas to individuals “who ha[ve] made proper application therefore.” 8 U.S.C.
18 § 1201(a)(1).

19 271. For background, the Court should be aware of the legislative history of the INA,
20 and specifically the history of the words “entry” and “admission.” The word “entry” was, for
21 decades, the legal term of art used in immigration related matters to determine whether certain
22 applications of the law, such as whether grounds of “excludability,” applied. As it was then
23 defined, the term “entry” meant, in relevant part:
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1 any coming of an alien into the United States, from a foreign port or place or from
2 an outlying possession, whether voluntarily or otherwise.

3
4 INA § 101(a)(13); 8 U.S.C. § 1101(a)(13) (1952) (emphasis added).

5 272. This definition was, clear, broad, and did not have the relative clarity that our
6 current immigration laws have regarding when certain legal procedures and protections apply.
7 For that reason, among others relating to the relative clarity of the term “entry,” in 1996 the
8 U.S. Congress amended the Act, and replaced several major legal terms in what was one of the
9 most sweeping immigration reforms since the enactment of the INA in 1952. *See* Illegal
10 Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Pub. L. No.
11 104-208, 110 Stat. 309-546 (“IIRAIRA”).

12 273. Of these “entry” was replaced in *most* instances in the Act with the term
13 “admission,” with the definition:

14 The terms “admission” and “admitted” mean, with respect to an alien, the lawful entry of
15 the alien into the United States after inspection and authorization by an
16 immigration officer.
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19 INA § 101(a)(13); 8 U.S.C. § 1101(a)(13).

20 274. Along with this, several other terms were changed and replaced, including the
21 term “excludable” to “inadmissible.” Deportation proceedings and Excludability proceedings
22 were combined into a single “removal proceeding,” giving rise to the current immigration
23 courts. The amendment created new forms of inadmissibility and expanded on others. It
24 expanded and clarified the category of individuals who were inadmissible and ineligible for a
25 visa in 8 U.S.C. § 1182(a). It granted new methods of interior enforcement to the legacy
26 Immigration and Naturalization Service. Indeed, this amendment set the groundwork for what
27 the immigration system currently is. Among the major changes, references to “entry” were
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1 widely removed from the Act, including *most* places in 8 U.S.C. § 1182, and replaced by
2 “admission.” *See* IIRAIRA.

3 275. With this massive undertaking, Congress saw fit to leave the term “entry” in a
4 number of places, most notably: the definition of admission still makes reference to a lawful
5 *entry*, 8 U.S.C. § 1101(a)(13); the statutory source for the Presidential Proclamations permits
6 the President to suspend the *entry* of any aliens or class of aliens whose *entry* would be
7 detrimental to the interests of the United States, 8 U.S.C. § 1182(f)¹²; and the statutory source
8 for restrictions and prohibitions on *entry* to the United States still makes reference to that entry,
9 while expressly including a subsection stating that an inadmissibility determination can be
10 *made separately*, 8 U.S.C. § 1185. In effect, entries became admissions, and those places
11 where the term entry remained were express drafting choices made by Congress, and each has
12 immense legal significance.

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15 276. With this background in mind, it becomes abundantly clear that the statutory text
16 separates inadmissibility and ineligibility from visa issuance from restrictions on entry, where
17 an individual may still be issued a visa. The categories of persons deemed ineligible to receive
18 a visa appear in section 1182(a), which discusses the grounds of inadmissibility and
19 ineligibility for a visa, not in section 1182(f), which discusses the President’s ability to issue a
20 Proclamation suspending the *entry* of classes of individuals. *See Castaneda-Gonzalez v.*
21 *Immigr. & Naturalization Serv.*, 564 F.2d 417, 426 (D.C. Cir. 1977) (explaining that § 1201(g)
22 “directs [consular officers] not to issue visas to any alien who falls within one of the excludable
23 classes described in [8 U.S.C. § 1182(a)]”). Subsection 1182(a) provides that “aliens who are
24 inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be
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28 ¹² But note Section 308(f)(1)(E) of IIRAIRA replaced the word “entry” with the word
“admission” in § 1182(h).

1 admitted to the United States.” Thus, a person who falls into one of the categories of
2 inadmissible persons outlined in section 1182(a) is both ineligible to enter the country and
3 ineligible to receive a visa pursuant to section 1201(g).
4

5 277. The reading of inadmissibility and ineligibility for visas ends there, as this statute
6 is comprised of a *multitude* of wildly different, and inherently discreet, subsections. Clearly one
7 would not extend any inadmissibility analysis to section 1182(b), dealing with the format for
8 denials, section 1182(e) describing home residency requirements for J-1 exchange visitors, or
9 section 1182(j), describing the requirements for a foreign medical graduate. 8 U.S.C. § 1182 is
10 broken down by discreet subsection, and internal references necessarily refer *only to their*
11 *respective subsection*. Most importantly, subsection 1182(a) does not provide the President or
12 the State Department any authority to supplement the listed categories of dual ineligibility and
13 inadmissibility.
14

15 278. The only court to actually analyze the Defendant’s “no visa” policy found, in a
16 preliminary injunction, that it is likely unlawful and in violation of the APA. *See Gomez v.*
17 *Trump*, Civ. A. No. 20-cv-01419, ECF No. 123 (D.D.C. Sept. 4, 2020), Exh. A. Judge Mehta,
18 in reviewing nearly identical arguments, stated the following, correctly interpreting the
19 distinction between entry and admission described above:
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21 A person declared inadmissible to enter the United States under § 1182(f), the
22 theory goes, is therefore ineligible to receive a visa under § 1201(g). . . . But that
23 argument ignores “the basic distinction between admissibility determinations,”
24 i.e., entry determinations, and “visa issuance that runs throughout the INA.”
25 *Hawaii*, 138 S. Ct. at 2414 & n.3 (collecting statutory examples). Subsection
26 1201(g) precludes the issuance of visas only as to persons who are “ineligible to
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1 receive a visa” under Section 1182, not to persons who are only ineligible to enter
2 under that provision. 8 U.S.C. § 1201(g) (emphasis added).

3
4 *Id.* at 60-61.

5 279. The Proclamations at issue do not permit a suspension of visa issuances. The
6 statutory text makes clear that there is a real and significant difference between a restriction on
7 *entry* and a restriction on *admission*. A person may be restricted from entering the country, but that
8 does not mean they are inadmissible to the United States, and therefore ineligible to receive a visa,
9 as the only court to have grappled with this issue correctly determined. The State Department’s
10 implementation of the COVID-related travel restrictions as unilaterally mandating the refusal of
11 immigrant visas is arbitrary and capricious. As Justice Holmes famously wrote that “[m]en must
12 turn square corners when they deal with the Government.” *Rock Island, A. & L. R. Co. v. United*
13 *States*, 254 U. S. 141, 143 (1920). But it is also true, particularly when so much is at stake, that
14 “the Government should turn square corners in dealing with the people.” *St. Regis Paper Co. v.*
15 *United States*, 368 U. S. 208, 229 (1961) (Black, J., dissenting).

17 DISCUSSION

18 A. COVID-19 and the Labor Market

19 276. The first confirmed cases of COVID-19 in the United States were identified in
20 January 2020, and state and local governments began ordering business closures and barring
21 public gatherings in mid-March. As a result of these public health and safety government
22 orders, unemployment increased dramatically. The last two weeks of March saw record
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1 numbers of new unemployment filings,¹³ and the Bureau of Labor Statistics reported a 14.7
2 percent total unemployment rate in April.¹⁴

3 **B. The Proclamations**

4 277. The President issued the Proclamations on April 22, 2020 (P.P. 10014) and June 22,
5 2020 (Proclamation 10052). The preamble of P.P. 10014 cites the “significantly disrupted ...
6 livelihoods of Americans” as a result of the COVID-19 pandemic and cites 22 million
7 unemployed Americans in the United States between March 1, 2020 and April 11, 2020. 85
8 Fed. Reg. at 23,441. The preamble of Proclamation 10052 cites further the “extensive
9 disruptions” faced by “United States businesses and their workers . . . while undertaking certain
10 public health measures necessary to flatten the curve of COVID-19,” along with unemployment
11 statistics: “While the May [unemployment] rate of 13.3 percent reflects a marked decline from
12 April, millions of Americans remain out of work.” 85 Fed. Reg. at 38,263.

15 278. Proclamation 10052 acknowledges that, “[u]nder ordinary circumstances, properly
16 administered temporary worker programs can provide benefits to the economy.” 85 Fed. Reg.
17 at 38,263. But it asserts that “under the extraordinary circumstances of the economic
18 contraction resulting from the COVID-19 outbreak, certain nonimmigrant visa programs
19 authorizing such employment pose an unusual threat to the employment of American workers.”

20 *Id.*

21 279. However, the Proclamations fail to cite any data or substantive resources in
22 concluding that “[e]xisting immigrant visa processing protections are inadequate for
23 [economic] recovery from the COVID-19 outbreak.” *See* 85 Fed. Reg. at 23,441; *see also* 85
24 Fed. Reg. at 38,263. Rather, the Proclamations state only that “lawful permanent residents,
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27 ¹³ *See, e.g.,* Heather Long, *Over 10 Million Americans Applied for Unemployment Benefits in*
28 *March as Economy Collapsed*, Wash. Post (Apr. 2, 2020), perma.cc/J6LY-R7HM.

¹⁴ *See* U.S. Bureau of Labor Statistics, *Graphics for Economic News Releases: Civilian*
Unemployment Rate, perma.cc/AX44-WCWW.

1 once admitted are granted ‘open-market’ employment authorization documents, allowing them
2 immediate eligibility to compete for almost any job, in any sector of the economy” and that
3 “[t]here is no way to protect already disadvantaged and unemployed Americans from the threat
4 of competition for scarce jobs from new lawful permanent residents by directing those new
5 residents to particular economic sectors with a demonstrated need not met by the existing labor
6 supply.” *Id.*

8 280. Citing Sections 212(f) and 215(a) of the INA, the President asserted that “the entry
9 into the United States of . . . persons described in section 1 of this proclamation would, except
10 as provided for in section 2 of this proclamation, be detrimental to the interests of the United
11 States, and that their entry should be subject to certain restrictions, limitations, and exceptions.”
12 85 Fed. Reg. at 23,442.

14 281. Section 1 of the Proclamation therefore barred the “entry into the United States of
15 aliens as immigrants.” *Id.*

16 282. The ban does not apply to noncitizens who were in the United States or held a valid
17 nonimmigrant visa or other valid travel authorization document as of the Proclamation’s April
18 23, 2020 effective date. *Id.*

19 283. The Proclamation also exempts (i) lawful permanent residents; (ii) individuals, and
20 their spouses and children, who seek to enter the U.S. as a physician, nurse, or other healthcare
21 professional to perform research intended to combat the spread of COVID-19 or to perform
22 work essential to combating, recovering from, or otherwise alleviating the effects of the
23 COVID-19 outbreak; (iii) individuals applying to enter under the EB-5 immigrant investor visa
24 program; (iv) spouses of U.S. citizens; (v) children of U.S. Citizens under the age of 21 and
25 prospective adoptees seeking to enter on an IR-4 or IH-4 visa; (vi) individuals who would
26 further important U.S. law enforcement objectives; (vii) members of the U.S. Armed Forces
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1 and their spouses and children; (viii) individuals eligible for Special Immigrant Visas as
2 Afghan or Iraqi translators or U.S. Government Employee and their spouses and children; and
3 (ix) individuals whose entry would be in the national interest as determined by the Secretaries
4 of State and the Department of Homeland Security. 85 Fed. Reg. at 23,442-23,443.

5 284. The travel ban issued by P.P. 10014 was set to “expire 60 days from its effective
6 date [to] be continued as necessary.” 85 Fed. Reg. 23,443. On June 22, 2020, P.P. 10052
7 extended the ban to “expire on December 31, 2020,” again to “be continued as necessary.” 85
8 Fed. Reg. at 38,266.

9
10 **C. Harmful Effects of the Proclamations on Plaintiffs**

11 285. The Proclamations radically alter immigration eligibility, policies, and procedures
12 and radically alter the hiring behavior of America’s employers. The effects of this policy are
13 immediate, and—if not enjoined—will result in irreparable changes to U.S. labor markets and
14 families. The Proclamation will inflict substantial harm on many American businesses and
15 families of all sizes and across all economic sectors and demographics.

16
17 286. Individual Plaintiffs are suffering emotional, financial, and physical harm from the
18 extended delay caused by the proclamations and the interpretation and implementation by
19 Defendants. Injury includes the extended inability to reunite with spouses, children, and
20 parents as well as the inability to relocate to begin employment and begin their lives as lawful
21 permanent residents of the United States.

22
23 **D. The Arbitrary and Capricious Nature of the Proclamations**

24 287. On June 22, 2020, the White House held a “background press call” concerning P.P.
25 10052. A transcript of that call indicates that an individual, who the White House described as
26 a “senior administration official,” stated that the Proclamation puts “a pause on incoming green
27 cards coming into the country who can take any job they like once they’re here” and that “the
28

1 sum total of what these actions will do in terms of freeing up jobs over the course of the rest of
2 2020 is about 525,000 jobs. Quite a significant number.”¹⁵

3 288. When asked about “any analysis [done by the administration] to say which
4 American citizens might be benefitting from this program ... and these restrictions,” the official
5 failed to provide any concrete answer, data, or resources consulted in response to the question
6 asked. Rather, the official simply recited the language of P.P. 10014, expressing “explicit
7 concern for the people at the margin of the economy — what the President calls the people who
8 are first out and last in — to the economic benefits,” whom the Proclamation claims “will see
9 some of the competition ease economically for certain job positions.”¹⁶

10 289. The official described that the desired purpose and effect of the policy is to “clear
11 out this workspace for Americans” and referenced “every American -- African American,
12 Hispanic, white, Asian, whatever -- purple, green, whatever you are.”¹⁷

13 290. When asked about how many American jobs had been protected and in what
14 sections since P.P. 10014 was issued 60 days prior, the official then went on to admit that he
15 “cannot tell you the sectors. Just don’t have the kind of data drilled down on that.”¹⁸

16 291. On June 22, 2020, Acting Deputy Secretary of Homeland Security Ken Cuccinelli
17 appeared on Fox News, Lou Dobbs Tonight, stating that “just the temporary pieces of this . . .
18 are over 500,000 job openings for Americans in the latter half of this year. That is a very big
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25 ¹⁵ Transcript of White House Background Press Call Concerning the June 22 Presidential
26 Proclamation Suspending Entry of Certain Nonimmigrants, *available at* [perma.cc/Z9YU-](https://perma.cc/Z9YU-MUZK)
27 [MUZK](https://perma.cc/Z9YU-MUZK).

28 ¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

1 deal. Unprecedented level of effort by a president to clear the American job market of
2 competition like this.”¹⁹

3 292. The Migration Policy Institute, a nonpartisan think tank, provided an estimate of the
4 impacts of the Proclamation based on historic trends. It estimates that the Proclamation will
5 block a total of 158,000 immigrant visa applicants from entering the country between July and
6 December 2020.²⁰ This number includes, among others, individuals for whom employers have
7 already tested the labor market and individuals not even in the job market, such as older parents
8 of US citizens or young dependents.

9
10 293. Immigrants are vitally important to our economic growth as demonstrated by the
11 recent National Foundation for American Policy (“NFAP”) paper, which projects that: legal
12 immigration will fall by 49% (or 581,845) between Fiscal Year (“FY”) 2016 and FY 2021 due
13 to the Trump administration’s policies. Average annual labor force growth, a key component
14 of the nation’s economic growth, will be approximately 59% lower as a result of the
15 administration’s immigration policies, if the policies continue. Economic growth is crucial to
16 improving the standard of living, which means lower levels of legal immigration carry
17 significant consequences for Americans. Without immigrants contributing to the quantity and
18 quality of the labor supply, the majority of the economic growth gains America saw between
19 2011 and 2016 following the recession would have been eliminated, according to economists at
20 Oxford University and Citi.²¹

24 ¹⁹See Ken Cuccinelli (@HomelandKen), Twitter (June 22, 2020),
25 <https://twitter.com/HomelandKen/status/1275201179920760839>.

26 ²⁰ Migration Policy Institute (@MigrationPolicy), Twitter (June 22, 2020),
27 <https://twitter.com/MigrationPolicy/status/1275172048080449539> .

28 ²¹ Nat’l Foundation for American Policy, *Immigrants and America’s Comeback from the COVID-19 Crisis* (July 2020), available at <https://nfap.com/wp-content/uploads/2020/07/Immigrants-and-Americas-Comeback-From-The-Covid-19-Crisis.NFAP-Policy-Brief.July-2020.pdf>, at 1.

1 294. Indeed, NFAP’s research found that immigrants and immigrant-founded companies
2 have played a key role during the COVID-19 crisis “Immigrants have started more than half
3 (50 of 91, or 55 percent) of America’s startup companies valued at \$1 billion or more and are
4 key members of management or product development teams in more than 80 percent of these
5 companies,” according to a 2018 National Foundation for American Policy study.²² In turn,
6 these companies have created — not taken away from — American jobs.
7

8 295. Plaintiffs face numerous arbitrary and actually illegal barriers erected by DOS in
9 securing their visas, that have prevented these family members of U.S. citizens and Lawful
10 Permanent Residents, employees of U.S. employers, and DV lottery winners from the
11 opportunity to obtain their immigrant visas and enter the United States.

12 296. First, DOS has not only de-prioritized the processing of immigrant visas in the
13 family- and employment-based preference categories and the processing of DV lottery visa
14 applicants, it has simply not issued them—at all. On March 20, 2020, in the early days of the
15 pandemic, DOS ordered all embassies and consulates worldwide to suspend routine visa
16 services, though “mission-critical” and emergency visa services were still provided.²³ No
17 definitive explanation was given as to which visas are considered “mission-critical,”²⁴ but later
18 guidance included spouses and children (under 21) of U.S. citizens. At no time did DOS
19 provide any reasoned explanation as to why other family- and employment-based preference
20 categories as well as the DV lottery visa applicants were not included as mission critical
21 (including those of immediate relatives—parents of US citizens). The process by which DOS
22 has determined which visa services are considered mission-critical remains, at best, opaque.
23
24

25
26 ²² *Id.* at 7 (citing Nat’l Foundation for American Policy, *Immigrants and Billion-Dollar Companies* (October 2018)).

27 ²³ U.S. Dep’t of State, *Suspension of Routine Visa Services* (Mar. 20, 2020), available at
28 <https://travel.state.gov/content/travel/en/News/visas-news/suspension-of-routine-visa-services.html>.

²⁴ *Id.*

1 297. Furthermore, when DOS announced on July 14, 2020, that routine visa processing
2 would resume to varying degrees, posts were directed to treat family-based preference category
3 (including immediate relative Parents) and DV lottery visa applicants as a low priority, only
4 eligible for processing once a post enters “Phase Three” of DOS’s reopening plan termed
5 “Diplomacy Strong.”²⁵ DOS did this even though it knew of the deadline that DV lottery
6 applicants faced on September 30, 2020, and know that unused family-based preference
7 numbers would be lost forever. Again, no explanation was given as to why preference category,
8 immediate relative parents, and DV lottery visa applicants were given such low priority.

9
10 298. Second, not only DOS unfairly and without explanation de-prioritized visas for
11 preference category and DV lottery visa applicants, DOS has arbitrarily and capriciously
12 misconstrued the Presidential Proclamations restricting the *entry* of noncitizens traveling from
13 certain countries as a restriction on the *adjudication* and *issuance* of immigrant visas to
14 applicants from these countries, even in light of the recent decisions from this district court and
15 others that such an interpretation is devoid of legal basis and a violation of the Administrative
16 Procedure Act (“APA”). *See Gomez v. Trump*, Civ. A. No. 20-cv-01419, ECF No. 123 (D.D.C.
17 Sept. 4, 2020), Exh. A.

18
19 299. Specifically, DOS has cancelled immigrant visa interviews at U.S. embassies and
20 consulates and suspended adjudication of immigrant visas indefinitely. DOS has taken these
21 actions, based on an erroneous and unlawful interpretation of the Proclamations, and in so
22 doing has caused many U.S. citizens and employers, as well as Lawful Permanent Residents,
23 and their family members and employees to endure prolonged separations and to suffer
24 medical, economic, psychological, and emotional hardship.
25

26
27 ²⁵ U.S. Dep’t of State, *Phased Resumption of Routine Visa Services* (July 14, 2020), available at
28 <https://travel.state.gov/content/travel/en/News/visas-news/phased-resumption-routine-visa-services.html>.

1 300. Finally, notwithstanding the fact that the Proclamations merely restrict entry, not
2 the adjudication and issuance of visas, DOS has issued guidance providing a “national interest
3 exception” that allows certain foreign citizens from many countries subject to the travel
4 restrictions to apply for and obtain nonimmigrant visas, and subsequently enter the United
5 States.²⁶ However, while these national interest exceptions allow foreign citizens to apply for
6 and obtain a wide variety of *nonimmigrant* visas, beneficiaries of approved I-130 family-based
7 and I-140 employment-based petitions seeking to enter with immigrant visas have no such
8 opportunity.

9
10 301. No matter the reach of the President’s discretionary power, the Defendants may
11 not take actions that are facially arbitrary or that lack a rational connection to the problem
12 identified. Additionally, when acting, the departments and their officials must take into account
13 central facets of the problem at hand and address crucial factual evidence. The Proclamations
14 and the policies established in conjunction therewith fail these basic requirements.

15
16 302. No doubt the COVID-19 pandemic has significantly American lives and
17 livelihoods. However, the policies established by P.P. 10014 and its extension (P.P. 10052) do
18 not bear a rational relationship to the problems caused by the pandemic.

19
20 303. As a prerequisite to the use of Section 1182(f), the President must make a finding
21 that the entry of foreign nationals “would be detrimental to the interest of the United States.” 8
22 U.S.C. 1182(f). Here, the purported finding is contained within the text of the proclamations.
23 However, the Proclamations fail this requirement because, among other reasons, they do not

24
25
26 ²⁶ U.S. Dep’t of State, *National Interest Exceptions to Presidential Proclamations (10014 &*
27 *10052) Suspending the Entry of Immigrants and Nonimmigrants Presenting a Risk to the United*
28 *States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus*
Outbreak (Aug. 12, 2020), available at [https://travel.state.gov/content/travel/en/News/visas-](https://travel.state.gov/content/travel/en/News/visas-news/exceptions-to-p-p-10014-10052-suspending-entry-of-immigrants-non-immigrants-presenting-risk-to-us-labor-market-during-economic-recovery.html)
[news/exceptions-to-p-p-10014-10052-suspending-entry-of-immigrants-non-immigrants-](https://travel.state.gov/content/travel/en/News/visas-news/exceptions-to-p-p-10014-10052-suspending-entry-of-immigrants-non-immigrants-presenting-risk-to-us-labor-market-during-economic-recovery.html)
[presenting-risk-to-us-labor-market-during-economic-recovery.html](https://travel.state.gov/content/travel/en/News/visas-news/exceptions-to-p-p-10014-10052-suspending-entry-of-immigrants-non-immigrants-presenting-risk-to-us-labor-market-during-economic-recovery.html).

1 consider several crucial issues and they do not reflect a rational fit between the problem(s)
2 identified and the action(s) taken.

3 **E. The Proclamation Exceeds Presidential Authority**

4 304. Presidential authority under Section 1182(f) is limited in the context of a purely
5 domestic decision. Under Article I, Section 8, the Constitution gives Congress the power to
6 regulate commerce with foreign nations and to establish a uniform rule of naturalization.
7

8 305. Article II of the Constitution provides that “executive Power shall be vested in a
9 President of the United States,” with the president directed to “take Care that the Laws be
10 faithfully executed.”

11 306. Congress, under its constitutional authority, has legislated a complex set of
12 immigration laws setting forth requirements for immigration and grounds of inadmissibility
13 which bar foreign nationals from admission. *See e.g.*, U.S.C. § 1182(a)(1) (health-related
14 inadmissibility grounds); (a)(2) (criminal history-related inadmissibility grounds); (a)(3)(B)
15 (terrorism-related inadmissibility grounds); (a)(3)(C) (foreign policy-related inadmissibility
16 grounds).
17

18 307. Though the power to suspend then entry of foreign nationals under Section
19 1182(f) is broad, the scope of the power is not limitless. *Doe # 1 v. Trump*, 957 F. 3d 1050,
20 1066 (9th Cir. 2020). In upholding a Section 1182(f) Presidential Proclamation barring entry
21 by nationals of six predominantly Muslim countries, the Supreme Court observed that Section
22 1182(f) “exudes deference to the President.” *Trump v. Hawaii*, 138 S. Ct. 2392, 2408 (“*Hawaii*
23 *III*”). But where the authority is based on domestic policy concerns rather than foreign policy
24 interests, the calculus changes. *Nat’l Ass’n of Mfrs. v. U.S. Dep’t of Homeland Sec. (NAM)*,
25 2020 WL 5847503, at * 11. (N.D. Cal. Oct. 1, 2020)(Judge Jeffrey S. White). In “domestic
26 economic matters, the national security and foreign affairs justifications disappear, and the
27
28

1 normal policy-making channels remain the default rules of the game.” Doe #1, 957 F.3d at
2 1066. Broad reference to a rule’s immigration context is insufficient to invoke the foreign
3 affairs justification permitting a President to skip the traditional pathways of public rule
4 making. *East Bay Sanctuary Covenant v. Trump*, 9 F.3d 1242, 1279 (9th Cir. 2020).

5
6 308. In addressing the lawfulness of a Presidential Proclamation requiring immigrant
7 visa applicants to show proof of health insurance to enter the country, the district court for the
8 District of Oregon explained that the use of Section 1182(f) to engage in domestic policy-
9 making fails under the nondelegation doctrine. *Doe #1 v. Trump*, 418 F. Supp. 3d 573, 592 (D.
10 Ore. 2019). The Ninth Circuit agreed, explaining that the Congressional delegation of power
11 “does not provide the President with limitless power to deny visas to immigrants based on
12 purely long-term economic concerns” or “purely domestic economic problem[s].” *Doe # 1*,
13 957 F.3d at 1065, 1067.

14
15 309. In *Trump v. Hawaii*, the Supreme Court noted that while section 1182(f) “entrusts
16 to the President the decisions whether and when to suspend entry (“[w]henever [he] finds that
17 the entry’ of aliens ‘would be detrimental’ to the national interest); whose entry to suspend (‘all
18 aliens or any class of aliens’); for how long (‘for such period as he shall deem necessary’); and
19 on what conditions (‘any restrictions he many deem appropriate’), *id.*, “calculus changes where
20 the authority exercised by the President is outside the suspension of entry of aliens based on
21 foreign policy interests.” *Nat’l Ass’n of Mfrs. v. U.S. Dep’t of Homeland Sec. (NAM)*, 2020
22 WL 5847503, at * 11. (N.D. Cal. Oct. 1, 2020)(Judge Jeffrey S. White) (citing *Trump v.*
23 *Hawaii*, 138 S. Ct. 2392, 2415). Indeed, “[w]hile the discretion to suspend entry of aliens into
24 the United States is broad, ‘the substantive scope of this power is not limitless.’” *Id.* at 7
25 (citing *Doe #1 v. Trump*, 957 F.3d 1050, 1066 (9th Cir. 2020)).
26
27
28

1 310. In the context of nonimmigrant visas, this Court has already found that because
2 P.P. 10052 deals with a purely domestic economic problem, Presidential power is limited and
3 that the challengers to the ban on nonimmigrant visas are likely to prevail on the merits or have
4 demonstrated serious questions going to the merits of their claim that the issuance of P.P.
5 10052 is invalid. *NAM*, 2020 WL 5847503, at * 15.

6
7 311. As in *NAM*, the Proclamations here deal with a “purely domestic economic issue
8 – the loss of employment during a national pandemic.” *Id.* In *NAM*, the Court rejected the
9 “position that the Proclamation [10014, as applied to nonimmigrant visas] implicates the
10 President’s foreign affairs powers simply because it affects immigration.” *See id.* (citing *East*
11 *Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242, 1279 (9th Cir. 2020) (“Broadly citing to the
12 Rule’s immigration context is insufficient to invoke the foreign-affairs exception” so that the
13 President does not have to follow the traditional pathways of public rulemaking)). Specifically,
14 the Court stated that

15
16 Congress’ delegation of authority in the immigration context under Section
17 1182(f) does not afford the President unbridled authority to set domestic policy
18 regarding employment of nonimmigrant foreigners. Such a finding would render
19 the President’s Article II powers all but superfluous.

20
21 *Id.* at 8 (citing *Doe #1 v. Trump*, 957 F.3d 1050 (9th Cir. 2020) (“[T]he text of Article I and
22 more than two centuries of legislative practice and judicial precedent make clear, the
23 Constitution vests Congress, not the President, with the power to set immigration policy. If the
24 fact that immigrants come from other countries inherently made their admission foreign relations
25 subject to the President’s Article II power, then all of this law would be superfluous.”)).

26 312. Further, the Court in *NAM* found “that Congress did not delegate authority to
27 eviscerate portions of the statute in which the Congressional delegation of power was made”
28

1 and that “the broad authority delegated to the President must be examined within the statutory
2 framework of the INA.” *Id.* at 9.

3 313. Here, as in *NAM*, the President’s Proclamations seek to wholly eliminate entire
4 categories of visa applicants, an action which does not “supplement” the “set of legislative
5 judgments” provided in the INA, “but rather explicitly supplants it by refusing admission to
6 all.” *Id.* at 11.

7
8 314. The Court’s reasoning applies with equal force to this challenge to the same
9 Proclamations premised on purely domestic economic concerns in the context of immigrant
10 visa.

11 **F. The Proclamation Effectively Nullifies Entire Sections of the INA**

12 315. Section 1182(f), while granting broad authority to the executive, “does not give
13 the President authority to countermand Congress’s considered policy judgments.” *Hawaii III*,
14 138 S. Ct. at 2410.

15
16 316. The Proclamation effectively eliminates statutorily established immigrant visa
17 categories for at least the remainder of 2020, with the potential for the ban to be extended
18 indefinitely. In doing so, it jettisons Congress’s carefully calibrated balance between regulating
19 the labor market while prioritizing family unity and the ability of businesses to attract needed
20 foreign workers. The Proclamation’s effective elimination of categories of employees, family
21 members, and diversity visa lottery winners supplants Congress’s legislative judgment. The
22 President cannot by proclamation “eviscerate[] the statutory scheme” by substituting his
23 judgment for that of Congress. *See Doe #1*, 957 F.3d at 1063.

24
25 317. In the context of nonimmigrant visas, this Court has already found that
26 challengers to P.P. 10052 were likely to prevail on the merits or had demonstrated serious
27 questions going to the merits of their claim that the Proclamation is invalid because it
28

1 unlawfully nullifies portions of the INA. *NAM*, 2020 WL 5847503, at *18. In the context of
 2 immigrant visas, where Congress has legislated a carefully calibrated balance for prospective
 3 immigrants in the various visa categories at issue here, the Court’s reasoning applies with equal
 4 force.

5 **G. Class Action Allegations**

6
 7 318. Individual Plaintiffs bring this action on behalf of themselves and all others who
 8 are similarly situated pursuant to the Federal Rules of Civil Procedure 23(a) and 23(b)(2). A
 9 class action is proper because this action involves questions of law and fact common to the
 10 class, the class is so numerous that joinder of all members is impractical, the claims of the
 11 Individual Plaintiffs are typical of the claims of the class, the Individual Plaintiffs will fairly
 12 and adequately protect the interests of the class, and Defendants have acted on grounds that
 13 apply generally to the class, so that final injunctive relief or corresponding declaratory relief is
 14 appropriate with respect to the class as a whole.
 15

16 319. Individual Plaintiffs propose the following subclasses:

17 **(1) Family-Based Subclass**—Individuals with approved “immediate relative” immigrant
 18 visa petitions filed by a U.S. citizen son or daughter and individuals with approved
 19 “preference category” immigrant visa petitions, including those filed by a spouse, parent,
 20 or sibling, and any qualifying derivative relatives, where the immigrant visa is “current”
 21 or will become “current,” meaning visas are authorized for issuance abroad, while
 22 Presidential Proclamation 10052 is in effect, and whose sponsored relative is subject to
 23 Proclamation 10052.

24 **(2) Employment-Based Subclass**—Individuals with approved employment-based
 25 immigrant visa petitions and any qualifying derivative relatives, where the immigrant
 26 visa is “current” or will become “current,” meaning visas are authorized for issuance
 27 abroad, while Presidential Proclamation 10052 is in effect, and whose sponsored relative
 28 is subject to Proclamation 10052.

(3) Diversity Visa Subclasses— Individuals selected to receive an immigrant visa
 through U.S. Department of State’s FY2020 or FY2021 Diversity Visa Lottery who are
 otherwise eligible or will become otherwise eligible to immigrate but are barred by
 Presidential Proclamation 10052.

320. The class is so numerous that joinder of all the members is impracticable.

Plaintiffs are not aware of the precise number of potential class members because Defendants

1 are in the best position to identify such immigrant visa applicants. Upon information and
2 belief, there are tens of thousands of immigrant visa applications which have been denied or
3 delayed due to the issuance, interpretation, and implementation of the proclamations.

4 321. Questions of law and fact common to the proposed class that predominate over
5 any questions affecting only the individual named Plaintiffs include (1) whether Presidential
6 Proclamations 10014 and 10052 exceed the authority provided by 8 U.S.C. §1182(f); (2) if not,
7 whether the proclamation’s use of 8 U.S.C. §1182(f) violates the nondelegation doctrine; and
8 (3) whether defendants interpretation and implementation of the proclamations as barring visa
9 issuance rather than just “entry” violates the APA.
10

11 322. Individual Plaintiffs’ claims are typical of claims in the proposed class.
12 Defendants have refused to process immigrant visa applications of Plaintiffs and of the
13 proposed class based solely on the proclamations and the interpretation of the proclamations.
14

15 323. The Individual Plaintiffs will fairly and adequately protect the interests of the
16 proposed class members because they seek relief on behalf of the class as a whole and have no
17 interest antagonistic to other class members.
18

19 324. Individual plaintiffs are also represented by competent counsel with extensive
20 experience in federal litigation and immigration law.
21

22 **CLAIMS FOR RELIEF**
23 **COUNT I**

24 **The Proclamation Exceeds the Authority of the Executive Branch**
25 **(Ultra Vires Conduct)**

26 325. Plaintiffs incorporate and re-allege each of the foregoing paragraphs.

27 326. The Proclamation exceeds presidential authority under Sections 212(f) and 215(a)
28 of the INA (8 U.S.C. §§ 1182(f), 1185(a)).

1 327. The Proclamation conflicts with Congress’s duly enacted statutes. *Hawaii v.*
2 *Trump*, 878 F.3d 662, 685 (9th Cir. 2017) *rev’d on other grounds*, 138 S. Ct. 2392 (2018); *see*
3 *Doe #1*, 957 F.3d at 1067 (proclamation at issue “raise[es] serious questions as to whether the
4 President has effectively rewritten provisions of the INA.”); *cf. Hawaii*, 138 S. Ct. at 2411
5 (“We may assume that § 1182(f) does not allow the President to expressly override particular
6 provisions of the INA.”).

7
8 328. The Proclamation seeks to address a purely domestic concern—the labor market.
9 Congress has duly enacted legislation regarding the inflow of immigrants, carefully considering
10 the impact of new immigrants on the domestic economy. The President cannot override
11 Congress’s considered domestic policy-decisions under Section 1182(f). *See Doe #1 v. Trump*,
12 957 F.3d 1050, 1067 (9th Cir. 2020); *cf. Hawaii*, 138 S. Ct. at 2415 (discussing the President’s
13 “flexible authority to suspend entry based on foreign policy interests”).

14
15 329. The Proclamations fail to make the necessary findings required by the text of
16 Section 1182(f). Their conclusory assertion “[e]xisting immigrant visa processing protections
17 are inadequate for [economic] recovery from the COVID-19 outbreak” fails to cite any data or
18 substantive resources.

19 330. A reading of Section 1182(f) allowing presidential nullification of duly enacted
20 statutes in response to domestic economic concern would render the statute an unconstitutional
21 delegation of Article I legislative power which cannot be conferred to the Executive. A reading
22 which properly construes Section 1182(f) as not providing broad authority to override Congress
23 on matters of domestic policy, on the other hand, would avoid constitutional questions raised
24 by the non-delegation doctrine. *See, e.g., United States v. Shill*, 740 F.3d 1347, 1355 (9th Cir.
25 2014) (“[A]” ‘statute must be construed, if fairly possible, so as to avoid not only the
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1 conclusion that it is unconstitutional but also grave doubts upon that score.”) (quoting
2 *Almendarez-Torres v. United States*, 523 U.S. 224, 237 (1998)).

3 331. Where federal officers act in excess of their lawful authority, the Court has
4 inherent equitable power to enjoin. *Sierra Club v. Trump*, 929 F.3d 670, 694 (9th Cir. 2019)
5 (“The Supreme Court has ‘long held that federal courts may in some circumstances grant
6 injunctive relief against’ federal officials violating federal law.” (quoting *Armstrong v.*
7 *Exceptional Child Ctr., Inc.*, 135 S. Ct. 1378, 1384 (2015)).
8

9
10 **COUNT II**
11 **Violation of the Administrative Procedure Act**

12 332. Plaintiffs incorporate and re-allege each of the foregoing paragraphs.

13 333. The Administrative Procedure Act (APA) provides that courts can “hold unlawful
14 and set aside” agency action that is “arbitrary, capricious, and abuse of discretion, or otherwise
15 not in accordance with law,” that is “without observance of procedure required by law,” or that
16 is in excess of statutory authority. 5 U.S.C. §§ 706(2)(A), (2)(C)-(D).

17 334. Defendants’ implementation of the Proclamation violates the APA.

18 335. In implementing the Proclamation, Defendants have refused to process or
19 adjudicate applications for immigrant visas. This refusal is a final agency action subject to
20 review under the APA.
21

22 336. The failure to process or adjudicate immigrant visa applications is an action in
23 excess of statutory authority because Section 1182(f) does not authorize the President to
24 suspend visa processing—only to suspend entry.
25

26 337. Defendants’ implementation of the Proclamation is inconsistent with Congress’s
27 carefully calibrated selection system for immigrant visas.
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Respectfully submitted this 30th day of November, 2020,

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2
3 Attorneys for Plaintiffs

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6 ALAZZANI; MOHAMMAD QASEM; CONNIE RUIZ; RASHA GHAIIDA; TATYANA
7 POPOVA; ANVAR MUZAFAROV; MALIKA MUZAFAROVA; RAKAN KHRAISHA;
8 ANWAR ALSHAAKH MOH'D MARI; MAHMUD UL HASAN; FRANCO TARICANI;
9 DIANA MALYNKA; ROMAN TATARINKOV; KEILY CONTRERAS; SASHA SOOKHOO;
10 SHAFIQ QURESHI; RUGINA DABIT; DINEEZ DBIET; ENAS ELZOGPY; MIGUEL
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18 VADIM MITEREV; ARIJ ABDULMAJID; KUANYSH BAIMENOV; AINUR BAIMENOVA;
19 ESRA BOYLU; ERGUN ER; CANER HIDIR; HATIM JOUBAIR; CEYHUN KARAKAYA;
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24 VITHANAGE CHAMILA IROSHINI AND B.N.D.C.D.; NADIA NAIT CHERIF; MOHAMED
25 SI HADI AND B.S.H.; DIBIN POKHAREL; DECHEN CHODEN; EZGI KAYSI KESLER;
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CERTIFICATE OF SERVICE

I, Aaron Hall, hereby certify that on November 30, 2020, I filed the foregoing with the Clerk of Court using the CM/ECF system, and that service on all participants will be accomplished by the CM/ECF system.

Respectfully submitted,

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10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 JACOB, et al.,
14 Plaintiffs,
15 v.
16 BIDEN, et al.,
17 Defendants.
18

Case No. 3:21-cv-00261-EMC

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
DISMISS PURSUANT TO THE
FIRST-TO-FILE RULE OR
ALTERNATIVELY TO
TRANSFER**

Honorable Edward M. Chen

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11 A. The Court Should Dismiss, Or Alternatively Transfer, This Action Pursuant To The First-to-File

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1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE that on March 11, 2021, at 1:30 p.m., or as soon thereafter as the
 3 matter may be heard, before the Honorable Edward M. Chen, Defendants shall and hereby do move this
 4 Court for an order to dismiss, or alternatively, transfer this case within this District pursuant to the first-
 5 to-file rule. Defendants seek this order in light of the pendency of *Anunciato v. Biden et al.*, Case 20-cv-
 6 7869-RS (N.D. Cal. filed Nov. 9, 2020) (“*Anunciato*”), a putative class action lawsuit, which presents
 7 substantially similar parties and issues. Indeed, as described below, because the claims raised in
 8 *Anunciato* substantially overlap with the claims in *Jacob*, an inconsistent judgment may ultimately result
 9 if the cases run on separate tracks rather than on a single one. This motion is based on this notice, the
 10 attached Memorandum of Points and Authorities, the pleadings, records, and files in this action, other
 11 matters of which the Court may take judicial notice, and such other written or oral argument as may be
 12 presented.

13 **ISSUE TO BE DECIDED**

14 Whether this case should be dismissed, or alternatively, transferred within this District pursuant
 15 to the first-to-file rule in light of the earlier-filed *Anunciato*, which involves substantially similar parties,
 16 putative classes of plaintiffs, and issues, and where dismissal, or alternatively transfer, would promote
 17 judicial economy and prevent inconsistent rulings on the same issues.¹

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I. INTRODUCTION**

20 Plaintiffs bring this action on behalf of approximately 2,200 plaintiffs to challenge the lawfulness
 21 of Presidential Proclamation 10014 and its extensions (“the Proclamations”) and the United States
 22 Department of State (“DOS”) policies and procedures to implement them, as well as the Secretary of
 23

24 ¹ Defendants reserve the right to file a motion to dismiss raising other threshold issues in due course.
 25 *See, e.g., Aetna Life Ins. Co. v. Alla Med. Servs., Inc.*, 855 F.2d 1470, 1475 & n.2 (9th Cir. 1988) (“We
 26 agree ... [that the] motion to dismiss or stay was not a Rule 12(b) motion and accordingly the
 27 Defendants’ March 12(b)(6) motion was not barred by Rule 12(g)... [T]he January motion urged the
 district court to stay or dismiss the action because of a pending state court action involving the same
 subject matter. The district court therefore erred in holding that the second motion violated Rule 12(g).”
 (citing *Butler v. Judge of the U.S. Dist. Ct.*, 116 F.2d 1013, 1016 (9th Cir. 1941))).

1 State’s authority to determine how to structure overseas operations during a pandemic to protect the
 2 health and safety of its own personnel and visa applicants, and how to prioritize visa processing in light
 3 of pandemic-induced limitations on DOS’s visa-processing capacity.² Proclamation 10014 was first
 4 issued over eight months ago, in April 2020 (Proclamation 10014), has since been twice extended
 5 (Proclamations 10052 and 10131), and will expire on March 31, 2021. Plaintiffs filed this action only
 6 after the second extension. The Proclamations suspended entry into the United States of immigrants
 7 other than those excepted from them, including, but not limited to, spouses of U.S. citizens; children of
 8 U.S. citizens who are under the age of 21; prospective adoptees seeking to enter the United States; and
 9 any alien whose entry “would be in the national interest.”³ The Proclamations were issued in response
 10 to the COVID-19 pandemic’s effect on the U.S. labor market. In November 2020, before this action
 11 was filed, another putative class action, *Anunciato*, which involves a nearly-identical groups of
 12 plaintiffs, and also challenges the lawfulness of the Proclamations was filed in this District. As
 13 explained in more detail below, the Court should issue an order dismissing, or alternatively, transferring
 14 this case within this District because dismissal, or alternatively transfer, is in the interests of justice,
 15 would promote judicial economy, and would ensure that the outcome of this case, as well as that of the

17 ² A foreign national seeking to live permanently to the United States requires an immigrant visa (“IV”).
 18 To be eligible to apply for a family-based IV, a foreign national must be sponsored by an immediate
 19 relative who is at least 21 years of age and is either a U.S. citizen or U.S. Lawful Permanent Resident
 (that is, a green-card holder). There are two types of family-based IVs:

20 Immediate Relative – these visas are based on a close family relationship with a U.S. citizen, such as a
 21 spouse, child, or parent. The number of immigrants in these categories is not limited each fiscal year.

22 Family Preference – these visas are for specific, more distant, family relationships with a U.S. citizen
 23 and some specified relationships with a Lawful Permanent Resident (“LPR”). The number of
 24 immigrants in these categories is limited each fiscal year. *See* U.S. Department of State-Bureau of
 Consular Affairs, available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration.html> (last visited on Oct. 29, 2020).

25 ³Other categories of immigrant visa applicants who are excepted from the Proclamations include:
 26 physicians, nurses, or other healthcare professionals; applicants for the EB-5 Immigrant Investor
 27 Program; aliens whose entry would further important United States law enforcement objectives; any
 member of the United States Armed Forces; and any alien seeking to enter the United States pursuant to
 a Special Immigrant Visa in the SI or SQ classification.

1 nearly-identical *Anunciato* matter also pending before this Court, do not reach inconsistent results. At a
 2 minimum, Defendants ask the Court to hold this case in abeyance until there is a decision on class
 3 certification in *Anunciato* so that it can determine whether the two cases bear the requisite similarities
 4 for dismissal or transfer.

5 BACKGROUND

6 **A. Plaintiffs' Amended Complaint**

7 Plaintiffs -- petitioners who are both Lawful Permanent Residents ("LPR") and U.S. citizens, and
 8 the intended beneficiaries who are their spouses, parents, and children -- have brought a lawsuit against
 9 Defendants challenging the Proclamation and its extensions and DOS policies to implement them,
 10 including the Secretary of State's authority to determine how to structure overseas operations during a
 11 global pandemic to protect the health and safety of its own personnel and visa applicants, including
 12 policies pertaining to the phased resumption of visa processing. *See* ECF No. 14 ("Am. Compl.") at 1.

13 Plaintiffs are "2,196 immigrant visa applicants or their United States citizen and legal permanent
 14 resident family members." *Id.* at ¶ 1. Through their Amended Complaint, Plaintiffs allege that the
 15 following visa categories are affected by the Proclamation and its extensions, which include: 1)
 16 Diversity visa selectees from 2021 and 2) family-based visa applicants, which include certain "IR" visa
 17 categories and "F" visa category. *See id.* at ¶¶ 94-127.

18 In their Amended Complaint, Plaintiffs raise the following claims. Counts I-VII and IX of the
 19 Amended Complaint allege *ultra vires* action on the part of the Executive in enacting these
 20 Proclamations, violations of the non-delegation doctrine, and violations of the APA. Counts VIII and X
 21 raise distinct but related claims under the U.S. Constitution and the Mandamus Act. *See* Am. Compl. at
 22 ¶¶ 128-225.

23 The *Jacob* Plaintiffs ask the Court to: (1) issue a declaratory judgment establishing that the
 24 Proclamations are in excess of the Executive Branch's lawful authority; (2) enjoin Defendants from
 25 implementing, enforcing, or otherwise carrying out the Proclamations relief through their Amended
 26 Complaint⁴, (3) vacate and set aside the Proclamations and any actions taken to implement them; and (4)

27 _____
 28 ⁴As Defendants will note in their opposition to Plaintiffs' Motion for Class Certification, Plaintiffs made
 DEFS.' NOTICE OF MOTION AND MOTION TO DISMISS OR ALTERNATIVELY TO
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1 mandate immediate processing and adjudication of all of Plaintiffs' immigrant visa applications. ECF
2 No. 14-1 at 33.

3 On January 25, 2021, after Judge Donato denied their motion for class certification, Plaintiffs
4 filed a renewed class certification motion in this case. ECF No. 16. They seek to certify the following
5 class:

6 All immigrants impacted by Presidential Proclamation 10014 and its extensions,
7 including but not limited to: (F1) Unmarried sons and daughters of U.S. citizens,
8 (F2A) Spouses and Children of Permanent Residents, (F2B) Unmarried Sons and
9 Daughters of Permanent Residents, (F3) Married Sons and Daughters of U.S.
Citizens, (F4) Brothers and Sisters of Adult U.S. Citizens, (IR-5) Parents of a U.S.
Citizen who is at least 21 years old,⁵ and Diversity Visa program selectees. *Id.* at
2.

10 **B. *Anunciato***

11 *Anunciato* was filed approximately two months before this case, on November 9, 2020, and is
12 currently pending in this District. A few weeks later, the *Anunciato* Plaintiffs filed a motion for
13 preliminary injunctive relief, followed by a motion for class certification on December 3. The Court
14 heard oral argument on the motions on January 22, 2021. *See* Declaration of Kimberly A. Robinson
15 (“Robinson Decl.”) containing true and correct copies of the operative complaint (ECF No. 16), the class
16 certification motion (ECF No. 24), and the motion for preliminary injunctive relief (*See* ECF No. 17;
17 converted into an preliminary injunction motion (“PI” at ECF No. 20)).

18 The *Anunciato* plaintiffs consist of families of U.S. citizen and LPR petitioners, the
19 beneficiaries of the petitions (i.e., their children, siblings, spouses, and parents), and derivative
20 beneficiaries (i.e., spouses and children of beneficiaries), diversity-based visa selectees for the fiscal
21 year 2020 and 2021, and employment-based petitioners and visa applicants in the categories of EB- 1,
22 EB-1A, and EB-3. *See generally Anunciato* Amended Complaint (“AC”).

23
24 no mention of their putative class or the class representative in their Amended Complaint.

25 ⁵ The illustrative examples of visa classes listed in Plaintiffs' proposed class are all family-based
26 immigrant visa classes, and all fall within the definition of the “Family-Based Subclass” of the
27 *Anunciato* proposed class. Plaintiffs also include within their definition “all immigrants impacted by
Presidential Proclamation 10014,” but without providing any illustrative examples of employment-based
visas. The *Anunciato* second proposed sub-class specifically includes employment-based immigrant
visas.

28 DEFS.' NOTICE OF MOTION AND MOTION TO DISMISS OR ALTERNATIVELY TO
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1 *Anunciato* raises substantially the same issues as *Jacob*. The *Anunciato* plaintiffs challenge
2 Presidential Proclamations 10014 and 10052 and the DOS policies and procedures to implement them.
3 ECF No. 16, Amended Complaint (“AC”), ¶ 321 They allege that the Proclamations are (1) *ultra vires*
4 to the Immigration and Nationality Act (“INA”) and (2) violate the APA, *id.* at ¶¶ 325-335. Plaintiffs
5 also allege a violation of the nondelegation doctrine. *See id.* at ¶ 330.

6 In their class certification motion, the *Anunciato* plaintiffs propose the following subclasses:

7 Applicants who have filed or will file an immigrant visa application under one of the
8 following four categories:

9 1. Family-Based Subclass—A. Individuals with approved “immediate relative”
10 immigrant visa petitions filed by a U.S. citizen son or daughter,; and B.
11 Individuals with approved “preference category” immigrant visa petitions,
12 including those filed by a spouse, parent, or sibling, and any qualifying derivative
13 relatives, where the immigrant visa is “current” or will become “current,”
14 meaning visas are authorized for issuance abroad, while Presidential Proclamation
15 10052 is in effect, and whose sponsored relative is subject to Proclamation 10052
16 (the “Family-Based Subclass”); or

17 2. Employment-Based Subclass—Individuals with approved employment-based
18 immigrant visa petitions and any qualifying derivative relatives, where the
19 immigrant visa is “current” or will become “current,” meaning visas are
20 authorized for issuance abroad, while Presidential Proclamation 10052 is in effect,
21 and whose sponsored relative is subject to Proclamation 10052 (the
22 “Employment-Based Subclass”); or

23 3. Diversity Visa 2020 Subclass—Individuals selected to receive or who have
24 received an immigrant visa through U.S. Department of State’s FY2020 Diversity
25 Visa Lottery who are otherwise eligible or will become otherwise eligible to
26 immigrate but are barred by Presidential Proclamation 10052 (the “DV-2020
27 Subclass”);1 or

28 4. Diversity Visa 2021 Subclass—Individuals selected to receive an immigrant
visa through U.S. Department of State’s FY2021 Diversity Visa Lottery who are
otherwise eligible or will become otherwise eligible to immigrate but are barred
by Presidential Proclamation 10052 (the “DV-2021 Subclass”); and whose
immigrant visa applications have been denied or delayed due to the issuance,
interpretation, and implementation of the Proclamations.

Plaintiffs’ Motion for Class Certification, *Anunciato v. Trump*, 3:20-cv-07869-R, ECF No. 24 at 5-7.

1 The *Anunciato* plaintiffs, like the *Jacob* Plaintiffs, ask the Court to (1) issue a declaratory
 2 judgment that the Proclamations are in excess of the Executive Branch’s authority; (2) enjoin
 3 Defendants from implementing, enforcing, or otherwise carrying out the provisions of the Proclamation;
 4 and (3) vacate and set aside the Proclamations and any actions taken to implement them. AC at 123.

5 ARGUMENT

6 **A. The Court Should Dismiss, Or Alternatively Transfer This Action To The *Anunciato*** 7 **Court, Pursuant To The First-to-File Rule In Light Of The Substantial Similarity Of Parties** 8 **And Issues In The Two Pending Actions.**

9 Dismissal, or alternatively transfer, of this action pursuant to the first-to-file rule is proper. The
 10 first-to-file rule is a “generally recognized doctrine of federal comity” that permits a district court to
 11 transfer, stay, or dismiss an action if a case with substantially similar issues and parties was previously
 12 filed in another district court. *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94 (9th Cir. 1982).
 13 It is intended to “serve[] the purpose of promoting efficiency well and should not be disregarded
 14 lightly.” *Alltrade, Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622, 625 (9th Cir. 1991) (internal citations
 15 omitted). In applying the rule, courts seek to maximize “economy, consistency, and comity.” *Kohn*
 16 *Law Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1239–40 (9th Cir. 2015). The rule
 17 is properly applied where, as here, “a complaint involving the same parties and issues has already been
 18 filed. . .” *Alltrade*, 946 F.2d at 625 (citation and internal quotation marks omitted). Indeed, where
 19 parallel, overlapping litigation exists and where a nationwide class that has already been certified is
 20 underway, multiple doctrines of comity direct that dismissal, transfer, or holding a case in abeyance are
 21 appropriate “to avoid the waste of duplication, to avoid rulings which may trench upon the authority of
 22 other courts, and to avoid piecemeal resolution of issues that call for a uniform result.” *See, e.g.*,
 23 *Panasonic Corp. v. Patriot Sci. Corp.*, No. 05-cv-4844, 2006 WL 709024 at *2 (N.D. Cal. Mar. 16,
 24 2006). Notably, “the first-to-file rule is not limited to cases brought in different districts.” *Wallerstein*
 25 *v. Dole Fresh Vegetables, Inc.*, 967 F.Supp.2d 1289, 1294 (N.D. Cal. 2013); *see also Padilla v. Willner*,
 26 Case No. 15-cv-04866-JST, 2016 WL 860948, at *5–6 (N.D. Cal. Mar. 7, 2016) (applying the first-to-
 27 file doctrine to dismiss second-filed case in the same district).

1 Thus, a court analyzes three factors: chronology of the lawsuits, similarity of the parties, and
 2 similarity of the issues. Courts should heed the principle of flexibility when applying the rule. *Decker*
 3 *Coal Co. v. Commonwealth Edison Co.*, 805 F.2d 834, 844 (9th Cir. 1986) (rule is not “is not a rigid or
 4 inflexible rule to be mechanically applied, but rather is to be applied with a view to the dictates of
 5 sound judicial administration”). All three factors support dismissal, or alternatively transfer of this
 6 action to Judge Seeborg within this District.

7 **1. *Anunciato* Was Filed More Than Two Months Prior To This Action.**

8 First, the chronology of the actions supports dismissal, or alternatively, transfer. *Anunciato* was
 9 filed on November 9, 2020, more than two months earlier than this action. *See Intersearch Worldwide*
 10 *v. Intersearch Grp.*, 544 F. Supp. 2d 949, 958 (N.D. Cal. 2008) (noting that “the focus is on the original
 11 complaint, not any amended complaints”).

12 **2. The Parties Are Substantially Similar.**

13 Second, *Anunciato* involves substantially similar parties, both in terms of the Plaintiffs,
 14 Defendants, and putative classes. As described *supra*, the *Anunciato* plaintiffs consist of families of
 15 U.S. citizen and LPR petitioners, the beneficiaries of the petitions (i.e., their children, siblings, spouses,
 16 and parents), and derivative beneficiaries (i.e., spouses and children of beneficiaries), diversity-based
 17 visa selectees for the fiscal year 2020 and 2021. *See* AC at ¶ 8. Likewise in *Jacob*, “[t]he Plaintiffs
 18 represent seven family-based immigrant visa preference categories and selectees of the Diversity Visa
 19 2021 program purportedly subject to the Proclamations and their implementations that suspend entry,
 20 processing, adjudication, and issuance of visas.”⁶

21 Additionally, plaintiffs in both cases seek to have the court certify overlapping classes of
 22 plaintiffs. Indeed, courts in this District have ruled that the *putative* classes in the two cases should be
 23 compared. *See, e.g., Ruff v. Del Monte Corp.*, No. C 12-05323 JSW, 2013 U.S. Dist. LEXIS 51263,
 24 2013 WL 1435230, at *3 (N.D. Cal. Apr. 9, 2013) (“Further, all three plaintiffs bring their claims on
 25

26
 27 ⁶ Defendants note that while Plaintiffs’ class action motion appears to include 2020 DV visa
 selectees, and Plaintiffs have made this representation to the Court, their Amended Complaint does not
 reference DV-2020 selectees. *See, e.g.,* Am. Compl. at ¶ 99.

1 behalf of nationwide classes that are substantially similar in scope.”); *Adoma v. Univ. of Phx., Inc.*, 711
 2 F. Supp. 2d 1142, 1147 (E.D. Cal. 2010) (“Here, the named defendants in Sabol and Adoma actions are
 3 identical. Moreover, the proposed classes for the collective actions are substantially similar in that both
 4 classes seek to represent at least some of the same individuals.”); *Ross v. U.S. Bank Nat’l Ass’n*, 542 F.
 5 Supp. 2d 1014, 1020 (N.D. Cal. 2008) (“In a class action, the classes, and not the class representatives,
 6 are compared.”). “If the first-to-file rule were to require a strict comparison only of the named plaintiffs
 7 in the two actions, the rule would almost never apply in class actions.” *Hilton v. Apple Inc.*, No. 13-CV-
 8 2167 EMC, 2013 U.S. Dist. LEXIS 142354, at *24-25 (N.D. Cal. Oct. 1, 2013).

9 The *Anunciato* plaintiffs proposed the following set of subclasses:

10 Applicants who have filed or will file an immigrant visa application under one of the
 11 following four categories:

- 12 1. Family-Based Subclass—A. Individuals with approved “immediate relative”
 13 immigrant visa petitions filed by a U.S. citizen son or daughter,; and B.
 14 Individuals with approved “preference category” immigrant visa petitions,
 15 including those filed by a spouse, parent, or sibling, and any qualifying derivative
 16 relatives, where the immigrant visa is “current” or will become “current,”
 meaning visas are authorized for issuance abroad, while Presidential Proclamation
 10052 is in effect, and whose sponsored relative is subject to Proclamation 10052
 (the “Family-Based Subclass”); or
- 17 2. Employment-Based Subclass—Individuals with approved employment-based
 18 immigrant visa petitions and any qualifying derivative relatives, where the
 19 immigrant visa is “current” or will become “current,” meaning visas are
 20 authorized for issuance abroad, while Presidential Proclamation 10052 is in effect,
 and whose sponsored relative is subject to Proclamation 10052 (the
 “Employment-Based Subclass”); or
- 21 3. Diversity Visa 2020 Subclass—Individuals selected to receive or who have
 22 received an immigrant visa through U.S. Department of State’s FY2020 Diversity
 23 Visa Lottery who are otherwise eligible or will become otherwise eligible to
 24 immigrate but are barred by Presidential Proclamation 10052 (the “DV-2020
 25 Subclass”); or

- 1 4. Diversity Visa 2021 Subclass—Individuals selected to receive an immigrant visa
 2 through U.S. Department of State’s FY2021 Diversity Visa Lottery who are
 3 otherwise eligible or will become otherwise eligible to immigrate but are barred
 4 by Presidential Proclamation 10052 (the “DV-2021 Subclass”); and whose
 immigrant visa applications have been denied or delayed due to the issuance,
 interpretation, and implementation of the Proclamations.

5 *Anunciato*, ECF No. 24 at 5-7.

6 The proposed class in the *Jacob* case includes the identical groups of visa applicants and
 7 diversity visa selectees. The *Jacob* Plaintiffs propose to bring their action on behalf of:

8 All immigrants impacted by Presidential Proclamation 10014 and its extensions,
 9 including but not limited to: (F1) Unmarried sons and daughters of U.S. citizens, (F2A)
 10 Spouses and Children of Permanent Residents, (F2B) Unmarried Sons and Daughters of
 11 Permanent Residents, (F3) Married Sons and Daughters of U.S. Citizens, (F4) Brothers
 and Sisters of Adult U.S. Citizens, (IR-5) Parents of a U.S. Citizen who is at least 21
 years old,⁷ and Diversity Visa program selectees.⁸ ECF No. 16 at 2.

12 The defendants in both cases are also nearly identical. Both complaints name the Secretary of
 13 State, the Secretary of Homeland Security, and the President. *Anunciato* also names the Attorney
 14 General. *See generally* Am. Compl. and AC. Accordingly, given the substantial similarity in parties,
 15 this requirement is established. *See Music Grp. Servs. US, Inc. v. InMusic Brands, Inc.*, No. 13-cv-182,
 16 2013 WL 1499564, at *2 (W.D. Wash. Apr. 11, 2013) (“The requirement of similar parties is satisfied if
 17 the parties are substantially *similar* ... not identical.”) (emphasis added)).

18 **3. The Issues Are Substantially Similar.**

19 Finally, the issues in both lawsuits are substantially similar. *Adoma v. Univ. of Phoenix, Inc.*,
 20 711 F. Supp. 2d 1142, 1147 (E.D. Cal. 2010) (quoting *Inherent.com v. Martindale-Hubbell*, 420
 21 F.Supp.2d 1093, 1097 (N.D. Cal. 2006)) (issues need not be identical). Both *Anunciato* and this case

22
 23 ⁷ The illustrative examples of visa classes listed in Plaintiffs’ proposed class are all family-based
 24 immigrant visa classes, and all fall within the definition of the “Family-Based Subclass” of the
 25 *Anunciato* proposed class. Plaintiffs also include within their definition “all immigrants impacted by
 Presidential Proclamation 10014,” but without providing any illustrative examples of employment-based
 visas. The *Anunciato* second proposed sub-class specifically includes employment-based immigrant
 visas.

26 ⁸ The Diversity Visa program years affected by Presidential Proclamation 10014 are DV-2020
 27 and DV-2021. The named Plaintiffs who are Diversity Visa program selectees all appear to be from the
 DV-2021 program year. The *Anunciato* proposed class includes both the DV-2020 and DV-2021
 program years.

1 challenge the Proclamations and their implementing policies during a pandemic and seek to render those
 2 Executive actions and their implementation unlawful under similar legal doctrines and principles,
 3 including the APA and the non-delegation doctrine.

4 Specifically, the *Anunciato* Amended Complaint alleges that: (1) the Presidential Proclamations
 5 exceed Presidential authority under 8 U.S.C. § 1182(f); (2) the Proclamations’ use of 8 U.S.C. § 1882(f)
 6 violates the non-delegation doctrine; and (3) that the State Department’s interpretation and
 7 implementation of the Proclamations violates the APA. *See, e.g., Anunciato* AC ¶ 321. Similarly,
 8 through Counts I-VII and IX, the *Jacob* Plaintiffs allege that the Proclamations 1) exceed the authority
 9 of the Executive branch in suspending consular officers’ discretion;” (2) violate various provisions of
 10 the APA, and (3) exceed the President’s authority in reference to the Nondelegation doctrine. Counts
 11 VIII and X raise claims under the U.S. Constitution and the Mandamus Act, but these claims are tied to
 12 the APA claims. *See* Am. Compl. at ¶¶ 128-225. For example, in Count VIII, Plaintiffs’ Constitutional
 13 claim directly links to one of Plaintiffs’ APA claims through a reference to section 706(2) of the APA,
 14 which forms the basis for Count V. Specifically they plead:

15 The Department’s implementation of the Proclamations as to visas is “contrary to
 16 constitutional rights, power, privilege, or immunity,” 5 U.S.C. § 706(2)(B), because,
 17 among other things, it denies family members their protected right to family unity
 without due process of law. *Id.* at ¶ 215.

18 Finally, Plaintiffs’ claim raised under the Mandamus Act, Count X, also relates to their
 19 APA claims of unreasonable delay in adjudication of visas as its alleges that there is a duty to
 20 adjudicate visas. *See, e.g.,* Count VI (¶¶ 221-225). Indeed, even if this Court were to find that
 21 the issues were not identical, this would not bar dismissal or transfer under the first-to-file rule.
 22 *Inherent.com*, 420 F.Supp.2d at 1097. Accordingly, the described similarities in issues satisfies
 23 this element of the first-to-file analysis.

24 **4. Dismissal Promotes The Policy Goals of Economy, Consistency, And Comity.**

25 Apart from the above-discussed factors being satisfied, a dismissal, or alternatively transfer, in
 26 this case would meet the policy goals of the first-to-file rule: economy, consistency, and comity. *See*
 27 *Kohn*, 787 F.3d at 1239–40. Judicial economy would be served because a dismissal would remove

1 duplicative litigation, where the putative class in *Jacob* is subsumed by the putative class in *Anunciato*.
2 Indeed, the Ninth Circuit has been clear that duplicative litigation is disfavored in the federal courts
3 because of the risk of inconsistent judgments, as well as a waste of the parties’ and judicial resources.
4 *See, e.g., Barapind v. Reno*, 225 F.3d 1100, 1109 (9th Cir. 2000) (“While no precise rule has evolved,
5 the general principle is to avoid duplicative litigation[.]” (citations omitted)). In achieving the goals of
6 coordination and consolidation of cases that raise the same issues, the Supreme Court has said that
7 “[w]ise judicial administration, giving regard to conservation of judicial resources and comprehensive
8 disposition of litigation, does not counsel rigid mechanical solution of [duplicative litigation] problems.
9 The factors relevant to wise administration here are equitable in nature.” *Kerotest Mfg. Co. v. C-O-Two*
10 *Fire Equip. Co.*, 342 U.S. 180, 183–84 (1952).

11 Indeed, multiple courts of appeals, including the Ninth Circuit, have upheld dismissals (normally
12 without prejudice) of a case, as here, where there is a parallel class action raising the same or
13 substantially similar issues. *See, e.g., Crawford v. Bell*, 599 F.2d 890, 892–93 (9th Cir. 1979) (holding
14 that a district court may dismiss “those portions of [the] complaint which duplicate the [class action’s]
15 allegations and prayer for relief”); *McNeil v. Guthrie*, 945 F.2d 1163, 1165–66 (10th Cir. 1991) (finding
16 that individual suits for injunctive and declaratory relief cannot be brought where a class action with the
17 same claims exists); *Horns v. Whalen*, 922 F.2d 835, 835 & n.2 (4th Cir. 1991).

18 Further, a dismissal, or alternatively transfer, would eliminate the possibility inconsistency
19 within this District. Indeed, any decision by this Court on the same claims in *Anunciato* risks the
20 creation of inconsistent judgments, causing confusion and potentially dissimilar treatment of members
21 of the two putative classes. This defeats the purpose of uniform prosecution and resolution of these
22 claims via the class action vehicle. *See Pride v. Correa*, 719 F.3d 1130, 1137 (9th Cir. 2013) (finding,
23 in a slightly different context, that “the avoidance of concurrent litigation and potentially inconsistent
24 results justifies dismissal”); *CareFusion 202, Inc. v. Tres Tech Corp.*, No. C-13-2194 EMC, 2013 WL
25 12335011, at *1 (N.D. Cal. Aug. 2, 2013) (setting forth the purpose of the first-to-file rule: “to avoid
26 inconsistent results and promote efficiency”).

1 Such consistency also supports the goal of comity because it would show a deference and respect
2 on the part of the judges within this District. Accordingly, a dismissal of this lawsuit pursuant to the
3 first-to-file rule would permit the claims of the *Jacob* plaintiffs in this case to be addressed by Judge
4 Seeborg in the substantially similar *Anunciato* putative class action before him. It would also prevent
5 inconsistent judgments between this Court and that of Judge Seeborg and conserve this Court’s and the
6 parties’ limited resources.

7 **CONCLUSION**

8 For the foregoing reasons, Defendants respectfully request that this Court dismiss, or
9 alternatively transfer this case to the *Anunciato* Court. At a minimum, Defendants ask the Court to wait
10 until there is a decision on class certification in *Anunciato* before determining whether the two cases
11 bear the requisite similarities for dismissal or transfer.

12
13 DATED: February 3, 2021

Respectfully submitted,

14 DAVID L. ANDERSON

15 United States Attorney

16 /s/ Kimberly A. Robinson

KIMBERLY A. ROBINSON

17 Assistant United States Attorney

18 Attorneys for Defendants

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8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

13 JACOB, et al.,
14 Plaintiffs,
15 v.
16 BIDEN, et al.,
17 Defendants.

Case No. 3:21-cv-00261-EMC

**DECLARATION OF KIMBERLY
A. ROBINSON IN SUPPORT OF
DEFENDANTS' MOTION TO
TRANSFER**

Honorable Edward M. Chen

18
19 I, Kimberly Robinson, declare as follows:

- 20
21 1. I am an Assistant United States Attorney for the Northern District of California. I have
22 personal knowledge of the matters set forth herein, and if called upon to testify, could and
23 would competently testify thereto.
24 2. Attached hereto as Exhibits A-C are true and correct copies of the following documents from
25 *Anunciato v. Biden*, 3:20-cv-07869-RS: 1) the Amended Complaint (Ex. A); 2) Plaintiffs'
26 Motion for Class Certification (Ex. B); and 3) Plaintiffs' Motion for Preliminary Injunctive
27 Relief.
28

Executed on February 3, 2021 in Lafayette, CA.

/s/ Kimberly A. Robinson
KIMBERLY A. ROBINSON
Assistant United States Attorney

Attorneys for Defendants

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 TRACIA CHEVANNESE YOUNG, et al.,

13 Plaintiffs,

14 v.

15 JOSEPH R. BIDEN, JR., et al.,

16 Defendants.

Case No. 3:20-cv-07183-EMC

**DECLARATION OF CURTIS
LEE MORRISON IN SUPPORT
OF ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER CASES SHOULD
BE RELATED PURSUANT TO
CIVIL L.R. 3-12**

17 I, Curtis Lee Morrison, declare:

- 18 1. I am an attorney duly admitted to practice law in the State of California. I am an
- 19 attorney of the Law Firm of Rafael Urena, attorneys of record for Plaintiffs in this
- 20 action.
- 21 2. As one of the attorneys representing the plaintiffs in this action, I am fully familiar
- 22 with the facts and circumstances herein.
- 23 3. On February 5, 2021, another attorney with Law Firm of Rafael Urena, reached out to
- 24 Defendants' counsel, Kimberly Robinson, via email for Defendants' position on
- 25 whether the Defendants stipulate to the cases being related. The response received by
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email was “Defendants do not agree to the stipulation and reserve the right to oppose any motion you file with the Court.”

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: February 6, 2021

 /s/ Curtis Lee Morrison
Curtis Lee Morrison

1
2 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 TRACIA CHEVANNESE YOUNG, et al,

5
6 Plaintiffs,

7 v.

8 JOSEPH R. BIDEN, JR., et al.,

9
10 Defendants.

Case No. 3:20-cv-07183-EMC

**[PROPOSED] ORDER ON
MOTION FOR
ADMINISTRATIVE RELIEF TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

11
12 **[PROPOSED] RELATED CASE ORDER**

13
14 A Motion for Administrative Relief to Consider Whether Cases Should be Related or a
15 Sua Sponte Judicial Referral for Purpose of Determining Relationship (Civil L.R. 3-12) has been
16 filed. As the judge assigned to the earliest filed case below that bears my initials, I find that the
17 more recently filed case(s) that I have initialed below are related to the case assigned to me, and
18 such case(s) shall be reassigned to me. Any cases listed below that are not related to the case
19 assigned to me are referred to the judge assigned to the next-earliest filed case for a related case
20 determination.
21

22 *Young et al. v. Trump et al.* (No. 20-cv-07183-EMC)

23 *Anunciato et al. v. Biden et al.* (No. 20-cv-07869-RS)

24 I find that the above case is related to the case assigned to me: _____
25

26 Counsel are instructed that all future filings in any reassigned case are to bear the initials
27 of the newly assigned judge immediately after the case number. Any case management

28 [PROPOSED] ORDER

1 conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the
2 dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly.

3 Unless otherwise ordered, any dates for hearing noticed motions are vacated. Once the matter is
4 formally reassigned, given the number of pending motions, the Court shall schedule a hearing
5 date. The briefing schedules triggered by the filing of those motions remains unchanged. Any
6 deadlines set by the ADR Local Rules remain in effect; and any deadlines established in a case
7 management order continue to govern, except dates for appearance in court, which will be
8 rescheduled by the newly assigned judge.
9
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11

12 Dated:

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14 _____
15 United States District Judge Edward M. Chen
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