

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MAXWELL GOODLUCK, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 21-cv-1530-APM

JANAN VARGHESE JACOB, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 21-cv-1874-APM

SIARHEI FILAZAPOVICH, et al.,

Plaintiffs,

v.

DEPARTMENT OF STATE, et al.,

Defendants.

Case No. 21-cv-943-APM

SALAM S. NORI KAMOONA, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 21-cv-2228-APM

HABIB KASSAIAN, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 21-cv-2033-APM

ABROR DJURAEV, et al.,

Plaintiffs,

v.

DEPARTMENT OF STATE, et al.,

Defendants.

Case No. 21-cv-2071-APM

### **JOINT STATUS REPORT**

Pursuant to the Court's September 9, 2021 order, the Parties provide the following data as directed by the Court in section V paragraph 3 of its order. *See* ECF No. 46. In support thereof, attached are the declarations of Laura Stein, dated September 23, 2021 (attached as Exhibit A), Morgan Miles, dated September 23, 2021 (attached as Exhibit B), and Kristina Ghazaryan, dated September 23, 2021 (attached as Exhibit C).

### **Plaintiffs' Position**

Plaintiffs wish to bring to the Court's attention to some nuances related to Defendants' data responsive to "(i) the number of interviews scheduled." ECF No. 46 at 57. Many of the interviews that Defendants have scheduled, Defendants have cancelled. Exhibit C, Declaration of Kristina Ghazaryan, ¶¶ 17-21. In his declaration, Defendant Morgan Miles concedes "[his] numbers do not account for any cancellations." Exhibit B, Decl. of Morgan Miles, ¶ 5. And when comparing that declaration with Defendants' other declaration, this nuance is obvious. For example, in April, there were 1,287 interviews that were supposed to take place, yet only 579 were conducted. In August, there were 5,794 interviews that were supposed to take place, yet only 4,577 interviews were conducted. See Defendants' chart below.

Further, in relation to Defendants' data responsive to "(b) the number of interviews scheduled between September 23, 2021, and September 30, 2021." ECF No. 46 at 57. Many of the interviews that Defendants have scheduled have been with such short notice and/or at consulates in third countries where DV-2021 Plaintiffs either cannot arrive or are currently racing to arrive against impossible odds. See: Exhibit C, Declaration of Kristina Ghazaryan, ¶¶ 2-5. Further, many DV-2021 Plaintiffs have attended interviews, but their medical exams resulted in false positive Tuberculosis tests due to Soviet-era vaccines, thus triggering another medical exam that takes between 6 to 8 weeks (42-56 days) to complete. Exhibit C, Declaration of Kristina Ghazaryan, ¶¶ 6-16. These last-minute interviews that will not likely result in issued visas underscore the reality that Defendants' 11<sup>th</sup> hour attempts at implementing the Court's order are too little, too late.

Although Defendants represent below that 13,199 Diversity Visas were issued for FY-2021, as of this morning, a total of 22,303 plaintiffs (21,484 Goodluck, 681 Jacob, 4 Kamoona, 2 Kassaian, 128 Filazapovich, and 4 Djuraev), have not been issued Diversity Visas.

As of the time of this filing, 1,268 plaintiffs (1,214 Goodluck, 54 Jacob, 0 Kamoona, 0 Kassaian, 0 Filazapovich, and 0 Djuraev), have been scheduled for last-minute interviews that have not happened, or are in post-interview administrative processing. Yet, for multiple reasons including those described above, many of those plaintiffs are in jeopardy of not being issued Diversity Visas before the end of the fiscal year.

**Defendants' Position**

**Part (a) by month since February 2021 with respect to DV-2021 applicants and derivative beneficiaries: (i) the number of interviews scheduled; (ii) the number of interviews conducted; and (iii) the number of visas issued:**

<b>Month</b>	<b>Number of DV2021 Interviews that KCC scheduled the month of ____.<sup>1</sup></b>	<b>Number of DV2021 Interviews Scheduled to take place in the month of ____.<sup>2</sup></b>	<b>Number of DV2021 Interviews Conducted<sup>3</sup></b>	<b>Number of DV2021 Visas Issued</b>
February 2021	0	0	1	1
March 2021	2,232	21	18	18
April 2021	1,695	1,287	579	514
May 2021	1,063	1,188	1,015	928
June 2021	3,320	2,340	1,683	1,488
July 2021	4,686	2,453	1,995	1,739
August 2021	5,408	5,794	4,577	3,875
September 2021	3,271 (as of 9/23)	8,543 (as of 9/23)	5,614 (as of 9/17)	4,636 (as of 9/17)

**Part (b) the number of interviews scheduled between September 23, 2021, and September 30, 2021:** As of 11:00 am Eastern Time on September 23, 2021, there are 2,142 DV2021 interviews scheduled to occur between today and September 30, 2021.

<sup>1</sup> This column shows the number of DV2021 visa interviews scheduled by Kentucky Consular Center (“KCC”) in a given month. The interviews usually do not take place in the same month that KCC schedules them but rather typically occur 1 to 3 months afterward. For example, in March 2021, KCC scheduled 2,232 interviews, the majority of which occurred in April, May, and June 2021.

<sup>2</sup> This column shows the number of DV2021 visa interviews that were calendared for each respective month by KCC, irrespective of when KCC actually placed them on the calendar.

<sup>3</sup> The number of interviews conducted in any given month does not neatly track the number of interviews initially calendared for that month due to cancellations by interviewees, consulate closures due to COVID-19, or other country conditions.

Dated: September 23, 2021

Respectfully submitted,

/s/  
With Permission

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/s/  
With Permission

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# **EXHIBIT A**

**DECLARATION OF LAURA STEIN**

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

1. I am employed by the U.S. Department of State as the Deputy Director of the Office of Domestic Operations of the Visa Office, Bureau of Consular Affairs. The Office of Domestic Operations manages the Visa Office's domestic processing activities, including the Immigrant Visa Control and Reporting Division, which is responsible for official visa statistics. In this capacity, I have knowledge of the Department of State's statistics and data regarding immigrant visas and information pertaining to KCC management of diversity visa processing.

2. Below is a chart indicating the number of DV2021 interviews conducted and the number of visas issued, which includes derivative beneficiaries, since February 2021.

<b>Month</b>	<b>Number of Interviews Conducted</b>	<b>Number of Visas Issued</b>
February 2021	1	1
March 2021	18	18
April 2021	579	514
May 2021	1,015	928
June 2021	1,683	1,488
July 2021	1,995	1,739
August 2021	4,577	3,875
September 1-17, 2021	5,614	4,636

September 23, 2021



Laura Stein, Deputy Director  
Office of Domestic Operations, Visa Office  
Bureau of Consular Affairs  
United States Department of State

# **EXHIBIT B**

**DECLARATION OF MORGAN MILES**

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

1. I am employed by the U.S. Department of State as the Director of the Kentucky Consular Center (KCC), which is part of the Visa Services Directorate within the Bureau of Consular Affairs. In my capacity as Director, I am authorized to search the electronic Consular Consolidated Database (CCD) and the Diversity Visa Information System (DVIS) of the U.S. Department of State, Bureau of Consular Affairs, which contain visa records including those produced by KCC. One of the four units I oversee at KCC is responsible for pre-adjudicatory processing of cases under the Diversity Visa (DV) program, which includes document processing, scheduling appointments for interview and transferring documentarily qualified cases to posts around the world, responding to public inquiries, and all other DV-related tasks for KCC. It is comprised of 31 contract staff positions at this time, including supervisors.

2. Below is a chart indicating the number of DV2021 cases and applicants, which includes both the principal applicants and derivative beneficiaries, that KCC has scheduled for interviews between February 2021 and September 23, 2021. The chart shows the month in which KCC scheduled the case for an interview, which is not necessarily the same month in which the interview took place.

<b>Month</b>	<b>Number of DV2021 Cases Scheduled</b>	<b>Number of DV2021 Applicants Scheduled</b>
February 2021	0	0
March 2021	1,364	2,232
April 2021	873	1,695
May 2021	587	1,063
June 2021	1,667	3,320
July 2021	2,231	4,686

August 2021	2,503	5,408
September 1-23, 2021	1,457	3,271

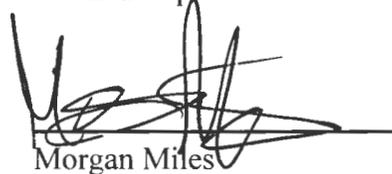
3. Below is a chart indicating the number of DV2021 cases and applicants, which includes both the principal applicants and derivative beneficiaries, that KCC has scheduled for interviews to take place between February 2021 and the end of September 2021.

<b>Month</b>	<b>Number of DV2021 Cases Scheduled</b>	<b>Number of DV2021 Applicants Scheduled</b>
February 2021	0	0
March 2021	19	21
April 2021	798	1,287
May 2021	689	1,188
June 2021	1,257	2,340
July 2021	1,272	2,453
August 2021	2,726	5,794
September 2021	3,900	8,543

4. As of September 23, 2021, KCC has scheduled more than 941 cases representing at least 2,142 applicants for interviews to take place between September 23, 2021, and September 30, 2021. Some of these appointments are likely to be rescheduled, so these numbers do not represent when the interviews will actually take place, but what dates they were initially scheduled for.

5. The above numbers do not account for any cancellations, rescheduling, or missed appointments that occurred after the cases were transferred to consular posts.

September 23, 2021



Morgan Miles

U.S. Department of State  
3505 Hwy 25  
Williamsburg, KY 40769

# **EXHIBIT C**

**EXHIBIT C**

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Case No. 21-cv-2071-APM

I, Kristina Ghazaryan, hereby declare:

1. I am over 18 years of age and if called upon to testify, I could and would competently testify to the following facts, as the same are personally known to me. I represent Plaintiffs in *Goodluck v Biden* and *Jacob v Biden*.
2. Plaintiff [REDACTED] has been scheduled at the U.S. Consulate General in Naples on September 1, 2021. However, Plaintiff was not able to attend that interview because she has been residing Australia. She

asked the Consulate to reschedule her interview for September 28, 2021. However, because of total lockdown in Australia and subsequent 14-day quarantine requirement in Italy, the Applicant will not be able to attend her interview.

3. Plaintiff [REDACTED] and her family chose Beirut as her embassy as they are Syrian and it is difficult for Syrians to enter Jordan. Nevertheless, KCC scheduled her family for interviews at Amman, Jordan for September 23, 2021. It is impossible for her to make it to Jordan in time for the interview.

4. Plaintiff [REDACTED] lives in Sudan so she specified that her interview should be in Khartoum, Sudan, but she was scheduled for interview in Beirut, Lebanon on September 24, 2021. She does not have a visa to enter Lebanon, and she has a 55-day old baby that would make it very difficult for her to travel. Nevertheless, she is going to try to make it.

5. On September 20, 2021, KCC scheduled Plaintiff [REDACTED] [REDACTED], who resides in Russia, for an interview in Nicaragua for September 23, 2021. That's a 30-hour flight with multiple stops. While the embassy rescheduled him for September 27<sup>th</sup>, they are requiring that he present his medical exam at the interview. He is currently traveling hoping to arrive in Nicaragua before Saturday and complete his medical exam, so he will be ready for Monday's interview. He does not know if he will make it.

6. The interview for Plaintiff [REDACTED] was scheduled the U.S. Consulate General in Casablanca, Morocco on September 17, 2021. Plaintiff was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. Thus, it would be impossible for the Principal Applicant to complete his medical exam before the end of the fiscal year.

7. The interview for Plaintiff [REDACTED] was scheduled the U.S. U.S. Consulate General in Casablanca, Morocco on September 17, 2021. Plaintiff was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. Thus, it would be impossible for the Principal Applicant to complete his medical exam before the end of the fiscal year.

8. Plaintiff [REDACTED] has been scheduled for an interview at the US Consulate in Taiwan, Taipei on September 27<sup>th</sup>, 2021. However, the doctor's office informed Plaintiff's that her medical exam cannot be completed before September 30, 2021. Thus, she will lose her opportunity to get her immigrant visa.

9. Plaintiff [REDACTED] with his derivative family members (husband [REDACTED] and two minor children) were scheduled for the interview at US Embassy Kyiv, Ukraine on August 16, 2021. The principal Applicant's and children's visas were approved; however, her husband's case was placed under Administrative Processing (AP) due to medical examination. He was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. Derivative Applicant's sputum test results will be completed after the end of 2021 fiscal year -Sept 30<sup>th</sup>. Accordingly, a Derivative applicant will not be able to immigrate to the U.S. with his spouse and children, which will result in family separation for an uncertain period.

10. Plaintiff [REDACTED] interview [REDACTED] was scheduled on September 3, 2021. The plaintiff was referred to a secondary medical exam. The embassy informed him that since his medical exam results will not be ready for September 30, then he will lose the opportunity to immigrate based on his DV 2021 selection.

11. Plaintiff [REDACTED] [REDACTED] was scheduled for interview at U.S. Embassy Kyiv on August 26<sup>th</sup> 2021. However, the Principal Applicant's wife (Derivative Applicant) was referred to additional medical testing and her case was placed under Administrative Processing (AP) due to medical examination. The principal Applicant's and children's visas were approved. Since there is no time left to complete the medical exam, Derivative Applicant's visa will not be issued after September 30<sup>th</sup>. Thus, a Derivative applicant will not be able to immigrate to the U.S. with his spouse and children, which will result in family separation for an uncertain period.

12. Plaintiff [REDACTED] was scheduled for the interview at the U.S. embassy in Warsaw on 16 September 2021. Plaintiff was informed by the panel Physician that his case was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. Subsequently, Plaintiff asked the embassy to

reschedule his interview for September 29, 2021. Since his medical exam will not be ready before the end of fiscal year it would be futile for him to travel with his wife and children from Belarus to Warsaw, Poland to attend his interview. Thus, it would be impossible for Plaintiff and his derivative beneficiaries to obtain their immigrant visas before the end of the fiscal year.

13. Plaintiff [REDACTED] was scheduled for interview at the U.S. U.S. Consulate General in Casablanca, Morocco on September 3, 2021. Principal Applicant's and her children's visas were approved, but her spouse [REDACTED] (Derivative Applicant) was referred to secondary medical exam (TB sputum test) which usually takes at least eight weeks. Thus, a Derivative applicant will not be able to immigrate to the U.S. with his spouse and children, which will result in family separation for an uncertain period.

14. Plaintiff [REDACTED] interview was scheduled at the U.S. U.S. Consulate General in Casablanca, Morocco on September 3, 2021. Plaintiff was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. Thus, it would be impossible for the Principal Applicant to complete his medical exam before the end of the fiscal year.

15. Plaintiff [REDACTED] was scheduled for the interview at the U.S. embassy in Kyiv, Ukraine on September 21, 2021. Plaintiff's wife (derivative applicant) was referred to a secondary medical exam because of her childhood lung scar. Her medical exam results will be done after the expiration of the fiscal year, and she will not be able to obtain an immigrant visa and immigrate to the U.S. with her husband.

16. Plaintiff [REDACTED] was scheduled for the interview at the U.S. Consulate General in Casablanca on September 23, 2021. Plaintiff's was referred to a secondary medical exam (TB sputum test) which usually takes at least eight weeks. His medical exam results will be done after the expiration of the fiscal year. Thus, it would be impossible for Plaintiff to obtain his immigrant visa before the end of the fiscal year.

17. Plaintiff [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] was scheduled for the interview at the U.S. embassy in Colombo, Sri

Lanka on August 13, 2021. However, on August 11, 2021, the Plaintiff was notified by the embassy that his interview is cancelled and cannot be rescheduled before the end of the fiscal year.

18. Plaintiff [REDACTED] was scheduled for the interview at the U.S. embassy in Colombo, Sri Lanka on August 12, 2021. However, on August 11, 2021, the Plaintiff was notified by the embassy that his interview is cancelled and cannot be rescheduled before the end of the fiscal year.

19. Plaintiff [REDACTED] was scheduled for the interview at the U.S. Consulate General in Sydney, Australia on July 13, 2021. However, on June 25, 2021, the Plaintiff was informed that his interview is cancelled due to declared lockdown. The interview has not been rescheduled as of today.

20. Plaintiff [REDACTED] scheduled for the interview at the U.S. Consulate General in Sydney, Australia on August 16, 2021. However, later Plaintiff was informed that his interview is cancelled due to declared lockdown in Australia. The interview has not been rescheduled as of today.

21. Plaintiff [REDACTED] was scheduled for the interview at the U.S. Consulate General in Sydney, Australia on July 12, 2021. However, later Plaintiff was informed that his interview is cancelled due to declared lockdown in Australia. The interview has not been rescheduled as of today.

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

Executed on September 23, 2021.

/s/ Kristina Ghazaryan  
Kristina Ghazaryan

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