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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO AND OAKLAND DIVISION**

19 **PARS EQUALITY CENTER,** [REDACTED]

20 Civil No.: 3:24-cv-00001

21 **COMPLAINT FOR DECLARATORY**
22 **AND INJUNCTIVE RELIEF AND**
23 **PETITION FOR WRIT OF MANDAMUS**

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] and [REDACTED],

Plaintiffs,

v.

6 ANTONY J. BLINKEN, *in his official capacity*
7 *as U.S. Secretary of State,*

8 JULIE M. STUFFT, *in her official capacity as*
9 *Acting Deputy Assistant Secretary and*
10 *Managing Director for Visa Services*
Bureau of Consular Affairs,

11
12 *Defendants.*

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INTRODUCTION

1. Plaintiffs including Organizational Plaintiff Pars Equality Center, and 14 Iranian American families, including Plaintiffs [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], by and through the undersigned counsel, respectfully bring this Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus to compel Defendants ANTONY J. BLINKEN, and JULIE M. STUFFT, (“Defendants”), and those acting under them, to cease preventing the collection of Form DS-5535, *Supplemental Questions for Visa Applicants* prior to immigrant visa interviews (“DS-5535 Scheme”), because the policy is incongruent with law, and causing unreasonable delays for Iranian immigrant visa applicants, including plaintiffs here. Plaintiffs also ask the Court to compel Defendants to remedy Plaintiffs’ injuries by providing their final adjudications for the immigrant visa applications of Beneficiary Plaintiffs without further delay.

2. Defendants' implementation of the DS-5535 Scheme is unlawful because it violates the text of 8 U.S.C. 1202(b). Simply, Congress was clear that "[e]very alien applying for an immigrant visa...shall furnish to the consular officer *with his application* a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant; a certified copy of any existing prison record, military record, and record of his birth; and a certified copy of all other records *or documents concerning him or his case which may be required by the consular officer*. The copy of each document so furnished shall be permanently attached to the application and become a part thereof." 8 U.S.C. §1202(b), (emphasis added).

3. By implementing the DS-5535 Scheme and preventing Iranian immigrant visa applicants from submitting the DS-5535 prior to interviews, Defendants have extended the period of time it takes for Iranian immigrant visa applicants to receive final adjudications of their applications by a period that varies from several months to years.

4. Plaintiffs here who are United States Citizens or Lawful Permanent Residents ("Petitioner Plaintiffs") are petitioners for the approved immigrant visa petitions filed on behalf of their Iranian spouses, children, parents, or siblings. ("Beneficiary Plaintiffs").

5. All Beneficiary Plaintiffs in this action submitted their Form DS-260, *Online Immigrant Visa and Alien Registration Applications* ("DS-260"), and those DS-260 applications were found by NVC to be "Documentarily Qualified" or "Documentarily Complete."

6. All Beneficiary Plaintiffs have been interviewed by a consular officer at a US Embassy or Consulate. At all those interviews, all Beneficiary Plaintiffs presented valid unexpired passports or other suitable travel documents. Further, all Beneficiary Plaintiffs furnished to the consular officers with their applications all documents concerning them or their individual cases which may be required by the consular officer. Yet, because Defendants' DS-

1 5535 Scheme prevented all Beneficiary Plaintiffs from submitting completed DS-5535
2 questionnaires at or prior to their interviews, the final adjudications of all Beneficiary Plaintiffs
3 have been unreasonably delayed.

4
5 7. Through Department guidance and software, Defendants' DS-5535 Scheme
6 requires consular officers to request Iranian visa applicants to complete the DS-5535. The
7 decisions to request the completion of the DS-5535 are not made by consular officers. This is
8 contrary to law, and the proposition and methodology described in the State Department's
9 notices.

10
11 8. Following their immigrant visa interviews, Beneficiary Plaintiffs' cases were
12 placed in administrative processing. They were told Defendants required vetting of their DS-
13 5535 responses, which embassies, consulates, and consular officers refuse to accept prior or even
14 at the immigrant visa interviews.

15
16 9. Beneficiary Plaintiffs' immigrant visa applications remain in administrative
17 processing since their interviews. Beneficiary Plaintiffs have yet to receive final adjudications of
18 their immigrant visa applications.

19
20 10. Beneficiary Plaintiffs have fulfilled all necessary administrative requirements to
21 obtain the immigrant visas, but Defendants have unreasonably delayed in making final decisions
22 on their ability to immigrate to the United States, leaving the Plaintiffs and their families in a
23 perpetual status of uncertainty about their future.

24
25 11. The delays in adjudications of Beneficiary Plaintiffs' visa applications have
26 placed severe emotional and financial strain on the Plaintiffs, individually and in the aggregate.
27 Plaintiffs have been unable to definitively plan for their families' futures.
28

1 12. Statutes, regulations, and agency guidance make clear that the Defendants have a
2 mandatory duty to adjudicate Beneficiary Plaintiffs' visa applications within a reasonable time –
3 a duty which they have failed to fulfill.

4
5 13. As a result of the unreasonable delay in final adjudications, Plaintiffs have
6 suffered concrete, severe, and particularized injury. Plaintiffs have been separated from one
7 another with no idea of when, or if, they will ever be reunited. They are faced with the prospect
8 of being separated indefinitely. The Organizational Plaintiff serves individuals in similar straits.

9
10 14. Beneficiary Plaintiffs are entitled to a decision on their immigrant visa
11 applications. See 22 C.F.R. § 42.81(a) ("Issuance or refusal mandatory. When a visa application
12 has been properly completed and executed before a consular officer in accordance with the
13 provisions of INA and the implementing regulations, the consular officer must either issue or
14 refuse the visa[.]") (emphasis added); see also sections 101(a)(9), (16), 201(b)(2)(A)(i) of the
15 Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101(a)(9), (16), 1201(b)(2)(A)(i); *Patel v.*
16 *Reno*, 134 F.3d 929, 932 (9th Cir. 1997) ("A consular office is required by law to act on visa
17 applications.").

18
19 15. If a visa is refused, the application must be reconsidered if "within one year from
20 the date of refusal [the applicant] adduces further evidence tending to overcome the ground of
21 ineligibility on which the refusal was based." 22 C.F.R. § 42.81(e). (Emphasis added).

22
23 16. Beneficiary Plaintiffs' immigrant visa applications remain within the jurisdiction
24 of the Defendants, who have improperly withheld action on them for a range of 81 to 548 days
25 since their immigrant visa interviews, to the extreme detriment of the rights and privileges of
26 Plaintiffs.

17. Plaintiffs turn to the Court seeking an order to compel the Defendants and those acting under them to cease the DS-5535 Scheme, and immediately and forthwith take all appropriate action to fulfill their mandatory, non-discretionary duty to provide final adjudications Beneficiary Plaintiffs immigrant visa applications.

JURISDICTION

18. This case arises under the United States Constitution; the INA, 8 U.S.C. § 1101 *et seq.*; and the APA, 5 U.S.C. § 555(b) and § 701 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1329, and 1361.

19. This is a civil action brought pursuant to 28 U.S.C. § 1361. (“The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”) Jurisdiction is further conferred by 8 U.S.C. § 1329 (jurisdiction of the district courts) and 28 U.S.C. § 1331 (federal subject matter jurisdiction). This Court also has authority to grant declaratory relief under 28 U.S.C. § 2201 and 2202, and injunctive relief under 5 U.S.C. § 702 and 28 U.S.C. § 1361.

20. Under 28 U.S.C. § 1361, “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

21. Plaintiffs are challenging the Defendants' authority to refuse to adjudicate Plaintiff's immigrant visa application, and not challenging a decision which is within the discretion of the Defendants. Therefore, jurisdiction exists for this Court to consider whether Defendants have the authority to withhold adjudication. *See Patel*, 134 F.3d at 932; *Raduga USA Corp. v. United States Dep't of State*, 440 F. Supp. 2d 1140, 1149 (S.D. Cal. 2005) (finding

1 mandamus jurisdiction where “Plaintiffs simply seek to compel the consul to render a final
2 decision on Plaintiff’s visa application which is mandated under [8 C.F.R.] § 42.81(a)”.

3 22. Jurisdiction is also conferred pursuant to 5 U.S.C. §§ 555(b) and 702, the
4 Administrative Procedure Act (“APA”). The APA requires the Defendants to carry out their
5 duties within a reasonable time. 5 U.S.C. § 555(b) provides that “[w]ith due regard for the
6 convenience and necessity of the parties or their representatives and *within a reasonable time*,
7 each agency shall proceed to conclude a matter presented to it.” (Emphasis added). The
8 Defendants are subject to 5 U.S.C. § 555(b). *See Patel*, 134 F.3d at 931-32 (“Normally a
9 consular official’s discretionary decision to grant or deny a visa petition is not subject to judicial
10 review. However, when the suit challenges the authority of the consul to take or fail to take an
11 action as opposed to a decision taken within the consul’s discretion, jurisdiction exists.”)
12 (Internal citations omitted); *Raduga USA*, 440 F. Supp. 2d at 1146 (“[T]he Court finds that
13 Plaintiffs have sufficiently demonstrated Article III standing to bring this APA mandamus
14 action.”) *See also Trudeau v. FTC*, 456 F.3d 178, 185 (D.C. Cir. 2006) (finding that district court
15 has jurisdiction under the APA, in conjunction with 28 U.S.C. § 1331, to review Plaintiffs’
16 complaint for declaratory and injunctive relief against federal agency); *Liberty Fund, Inc. v.*
17 *Chao*, 394 F. Supp. 2d 105, 114 (D.D.C. 2005) (“The [APA] requires an agency to act, within a
18 reasonable time,” 5 U.S.C. § 555(b), and authorizes a reviewing court to compel agency action
19 ... unreasonably delayed,” 5 U.S.C. § 706(1).”)
20
21
22
23

24 23. Section 242 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1252,
25 does not deprive this Court of jurisdiction. INA § 242(a)(5) provides that “a petition for review
26 filed with an appropriate court of appeals in accordance with this section, shall be the sole and
27 exclusive means for judicial review of an order of removal entered or issued under any provision
28

1 of this Act[.]” As the present action does not seek review of a removal order, but is simply an
 2 action to compel the Defendants to adjudicate the Plaintiffs’ unreasonably delayed application,
 3 this Court retains original mandamus jurisdiction under 28 U.S.C. § 1361. See *Liu v. Novak*, 509
 4 F. Supp. 2d 1, 5 (D.D.C. 2007) (“[T]here is ... significant district court authority holding that [8
 5 U.S.C.] § 1252(a)(2)(B)(ii) does not bar judicial review of the pace of application processing or
 6 the failure to take action.”) As set forth below, the delay in adjudicating Plaintiffs’ immigrant
 7 visa applications is unreasonable.
 8

9 24. Under the APA, a reviewing court may order action unlawfully withheld, and may
 10 also “hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary,
 11 capricious, and abuse of discretion, or otherwise not in accordance with law” and agency action
 12 taken “without observance of procedure required by law” See 5 U.S.C. §§706(1), 706(2)(A),
 13 706(2)(D).
 14

15 25. The Code of Federal Regulations is unambiguous that the Embassy has a
 16 mandatory and affirmative duty to adjudicate a properly filed immigrant visa application where
 17 the underlying Form I-130, *Petition for Alien Relative* ("Form I-130") has been approved by
 18 USCIS and forwarded to the appropriate overseas embassy. 22 C.F.R. § 42.81(a); *see also* INA §
 19 201(c)(1)(A-C) (“Worldwide Level of Family-Sponsored Immigrants.”).
 20

21 26. The court has further remedial authority under the Declaratory Judgment Act, 28
 22 U.S.C. § 2201 *et seq.*, and the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*
 23
 24

25 **INTRADISTRICT ASSIGNMENT**

26 27. Pursuant to L.R. 3-2(d), the basis for assignment to the San Francisco and
 27 Oakland Division is that the case is a civil action which arise[s] in the counties of “Alameda,
 28

Contra Costa, Marin, Napa, San Francisco, San Mateo or Sonoma,” because the Organizational Plaintiff Pars Equality Center is headquartered in Menlo Park, California, within San Mateo County, and Petitioner Plaintiff [REDACTED] resides Redwood City, also within San Mateo County. Further, Petitioner Plaintiff [REDACTED] resides in Livermore, within Alameda County - all within the San Francisco and Oakland Division.

VENUE

28. Pursuant to 28 U.S.C. § 1391(e), venue is proper in this district on the following grounds: this is a civil action in which (1) Defendants are officers of the United States acting in their official capacity or an agency of the United States; (2) Organizational Plaintiff Pars Equality Center is headquartered in Menlo Park and Petitioner Plaintiff [REDACTED] [REDACTED] resides Redwood City, both within San Mateo County, and Petitioner Plaintiff [REDACTED] resides in Livermore, within Alameda County - all within this judicial district; and (3) a substantial part of the acts or omissions giving rise to the claim occurred in this judicial district.

29. Since at least one Plaintiff resides in the Northern District of California, venue is proper before this court for all Plaintiffs. *Mosleh v. Pompeo*, No. 1:19-cv-00656-LJO-BAM, 2019 U.S. Dist. LEXIS 102765, at *5 (E.D. Cal. June 19, 2019); Also see *Californians for Renewable Energy v. United States Env'tl. Prot. Agency*, No. C 15-3292 SBA, 2018 WL 1586211, at *5-6 (N.D. Cal. Mar. 30, 2018)(ruling only one Plaintiff must reside within the forum district for venue purposes, and collecting cases holding the same).

PARTIES

Organizational Plaintiff

30. Plaintiff Pars Equality Center (“Pars”) is a 501(c)(3) non-profit corporation headquartered in Menlo Park, California, with offices in San Jose, Los Angeles, and Fremont California. Pars Equality Center’s offices are recognized by the U.S. Department of Justice, Office of Legal Accreditation Program. Pars’ legal staff members include licensed attorneys and accredited U.S. Department of Justice immigration representatives.

31. Pars is a community-based social and legal services organization dedicated to helping Iranian-American and other Persian-speaking communities fulfill their full potential as informed, self-reliant, and responsible members of American society. Since its inception in 2010, Pars has expanded its social and legal services to other immigrant and refugee communities, including Middle-Eastern, Southeast Asian, and Hispanic communities.

32. Pars provides programs and services to communities affected by the DS-5535 Scheme, including, primarily, the Iranian community. Pars’ immigration services include assisting individuals with a range of immigration processes, including citizenship/naturalization applications, green card applications and renewals, domestic violence-based immigration petitions, family-based petitions, I-730 Refugee/Asylee petitions, travel documents, National Visa Center processing, employment authorization applications, requests for fee waivers, and representation at USCIS interviews. Pars’ work also encompasses assisting individuals with more complex immigration relief such as humanitarian reinstatements, humanitarian parole, and, notably, consular advocacy for those affected by the DS-5535 Scheme.

33. In addition, Pars offers education and outreach services including in-house and mobile workshops, seminars, and roundtable discussions on immigrant rights issues such as immigration arrests and detentions, and rights at the border.

1 34. Pars provides social services to its clientele and the broader community, including
2 but not limited to English as a Second Language (ESL) instruction, citizenship classes, computer
3 training and access to employment resources such as job fairs, assistance in navigating the U.S.
4 social and medical systems, assistance with tax preparation, and cross-cultural and cross-
5 generational support and training.
6

7 35. In 2022, Pars served over to 6,000 individuals through its social, legal, and
8 education and outreach services.

9 36. Plaintiff Pars asserts claims on behalf of itself and on behalf of its clients.

10 **Individual Plaintiffs**

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
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18 [REDACTED]
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Age Group	Yes (Black Bar)	No (White Bar)
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2	80	20
3	100	0
4	95	5
5	98	2
6	97	3
7	85	15
8	90	10
9	80	20
10	100	0
11	100	0
12	92	8
13	95	5
14	85	15
15	15	85
16	0	100
17	90	10
18	100	0
19	20	80
20	95	5
21	98	2
22	92	8
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Defendants

68. Defendant ANTONY J. BLINKEN (“SECRETARY BLINKEN”) is the Secretary of the U.S. Department of State, the department under which the U.S. embassies and consulates operate. The U.S. Department of State is responsible for the issuance visas following evaluation of Form DS-5535. As such, SECRETARY BLINKEN has supervisory responsibility over the U.S. Embassy, and the issuance visas following evaluation of Form DS-5535. SECRETARY BLINKEN is sued in his official capacity.

69. Defendant JULIE M. STUFFT (“DIRECTOR STUFFT”) is the Acting Deputy Assistant Secretary and Managing Director for Visa Services, Bureau of Consular Affairs. DIRECTOR STUFFT is charged with all matters relating to visas and the administration of visa-related laws. DIRECTOR STUFFT is sued in her official capacity.

STATUTORY AND REGULATORY FRAMEWORK

I. Statutory and Regulatory Framework for Visa Adjudications

70. Family reunification, which has long been a key principle underlying U.S. immigration policy, is embodied in the Immigration and Nationality Act (the “INA”).

71. In 1952, Congress enacted the INA and has amended it several times since.

72. The Immigration and Nationality Act Amendments of 1965 (P.L. 89-236), enacted during a period of broad social reform, eliminated the national origins quota system, which was widely viewed as discriminatory, and gave priority to immigrants with relatives living permanently in the United States. In 1990, Congress passed the Immigration Act of 1990. Pub. L. 101-649.

73. The INA established a complex system of immigrant visa availability to classes of foreign nationals. Congress’s chief goals in writing the INA were reunifying families, admitting skilled immigrants, protecting humanitarian interests, and promoting diversity. *See, e.g., Solis-Espinoza v. Gonzales*, 401 F.3d 1090, 1094 (9th Cir. 2005).

74. The INA authorizes consular officers to issue immigrant and nonimmigrant visas to foreign nationals who are eligible for those visas and who are admissible to the United States. *See* 8 U.S.C. § 1201; 22 C.F.R. § 42.71.

75. One of the primary methods by which foreign nationals seek to immigrate to the United States is immigration based on their familial relationship with a United States citizen or lawful permanent resident. Under the INA, family-sponsored visas may be issued to, *inter alia*, the children of U.S. citizens. 8 U.S.C. § 1153(a)(1)-(4).

76. A spouse or child (derivative) is entitled to the same status as the foreign national if accompanying or following to join, the foreign spouse or parent. 8 U.S.C. § 1153(d).

77. A family-based immigrant visa application is first initiated when a U.S. citizen or legal permanent resident submits Form I-130, Petition for Alien Relative with USCIS. 8 U.S.C. §

1 1154. USCIS then verifies that the petitioner is a United States citizen or legal permanent
2 resident and that a qualifying relationship exists between the petitioner and the beneficiary. 8
3 C.F.R. § 204.1(a)(1).
4

5 78. Upon I-130 approval, if the beneficiary of the immigrant visa petition is residing
6 outside of the United States, the petition is then sent to the National Visa Center (“NVC”) for
7 pre-processing and the beneficiary is able to begin the process of formally applying for an
8 immigrant visa by submitting Form DS-260.

9 79. When introduced, the State Department noted that the “Form DS–260 will be
10 used to elicit information to determine the eligibility of aliens applying for immigrant visas.” 74
11 FR 6686.
12

13 80. When visa applicants first sign in to complete a DS-260, they’re told on the
14 website that “[t]he information solicited *on this form* will be used by consular officers to
15 determine an applicant's eligibility for a visa.” (emphasis added).
16

17 81. After completing the DS-260, filing supporting documentation and submitting
18 fees, forms and supporting documentation to the NVC for review, the application is then sent to
19 the Embassy having jurisdiction over the applicant’s place of residence for interview.

20 82. Generally, Department regulations designate the applicant’s residence as the
21 determining factor for the place of application under normal circumstances. 9 FAM 504.4-8(A).
22

23 83. However, for “homeless” applicants, The Visa Office (VO) has designated
24 specific posts to process those IV applications. 9 FAM 504.4-8(E)(2)(c).

25 84. A homeless visa applicant is a national of a country in which the United States
26 has no consular representation or the political or security situation is tenuous or uncertain enough
27 that the limited consular staff is not authorized to process IV applications. 9 FAM 504.4-
28

1 8(E)(1)(a).¹ Iranian visa applicants are considered homeless and are typically assigned
 2 processing posts in Abu Dhabi, Ankara, and Yerevan. 9 FAM 504.4-8(E)(1)(b).

3 85. The Department of State website instructs that “if a visa is available for [the]
 4 relative’s category, and their case involves a life-or-death medical emergency, processing of
 5 [the] case may be expedited,” and that “[consular sections overseas [are] able to expedite [the]
 6 interview date if there is an urgent, unforeseen situation such as a funeral, medical emergency, or
 7 school start date.”

9 **II. Defendants’ Mandatory Duty to Adjudicate Beneficiary Plaintiffs’ Visa** 10 **Applications.**

11 86. Congress requires that “[e]very alien applying for an immigrant visa...shall furnish
 12 to the consular officer *with his application* a copy of a certification by the appropriate police
 13 authorities stating what their records show concerning the immigrant; a certified copy of any
 14 existing prison record, military record, and record of his birth; and a certified copy of all other
 15 records *or documents concerning him or his case which may be required by the consular officer.*
 16 The copy of each document so furnished shall be permanently attached to the application and
 17 become a part thereof.” 8 U.S.C. §1202(b) (emphasis added).
 18

19 87. Defendants have a mandatory duty to adjudicate Plaintiffs’ visa applications
 20 within a reasonable time. *Mohamed v. Pompeo*, No. 1:19-cv-01345-LJO-SKO, 2019 U.S. Dist.
 21 LEXIS 167266 (E.D. Cal. Sep. 27, 2019) (issuing a mandatory injunction ordering the DOS to
 22
 23

24
 25
 26 ¹ The Foreign Affairs Manual (“FAM”) and associated Handbooks (“FAHs”) are internal sources
 27 for the Department of State’s organization structures, policies, and procedures that govern the
 28 operations of the State Department. The FAM (generally policy) and the FAHs (generally
 procedures) together convey internal policies to Department of State staff and contractors so they
 can carry out their responsibilities.

1 complete adjudications of immigrant visa applications); 5 U.S.C § 555(b) (requiring agencies to,
2 “within a reasonable time ... conclude the matter presented to it”); *Nine Iraqi Allies Under*
3 *Serious Threat Because of Their Faithful Serv. to the United States v. Kerry* (“*Nine Iraqi*
4 *Allies*”), 168 F. Supp. 3d 268, 293 n. 22, 295–96 (D.D.C. 2016).

6 88. The INA, its implementing regulations, and preexisting Department policies in the
7 FAM all mandate timely adjudication of immigrant visa applications.

8 89. Every foreign national executing an immigrant visa application “*must be*
9 *interviewed by a consular officer* who shall determine on the basis of the applicant's
10 representations and the visa application and other relevant documentation - (1) The proper
11 immigrant classification, if any, of the visa applicant, and (2) The applicant's eligibility to
12 receive a visa.” 22 C.F.R. § 42.62 (b).

14 90. After completing a medical examination, and paying applicable fees, the
15 beneficiary is interviewed by a consular officer at the beneficiary’s applicable U.S. Embassy or
16 consulate. During the interview, the applicant executes Form DS-260 by swearing to or affirming
17 its contents and signing it before a consular officer. *See* 22 C.F.R. §42.67.

19 91. Defendants have promulgated a regulation that says that a consular officer may
20 require “the submission of additional information or question the alien on any relevant matter
21 ***whenever the officer believes*** that the information provided in Form DS-230 or Form DS-260 is
22 inadequate to determine the alien’s eligibility to receive an immigrant visa.” 22 C.F.R. §42.63
23 (emphasis added).

25 92. The Department of State website instructs that at the end of one’s immigrant visa
26 interview at the U.S. Embassy or Consulate, the consular officer will inform the applicant
27
28

1 whether their visa application is approved or denied. “If your visa is denied, you will be
2 informed by the consular officer why you are ineligible to receive a visa.”

3 93. At the interview, a consular officer must issue a visa to an eligible applicant.

4 94. Under 22 C.F.R. § 42.81(a), “when a visa application has been properly
5 completed and executed before a consular officer in accordance with the provisions of the INA
6 and the implementing regulations, the consular officer *must* issue the visa [or] refuse the visa
7 under INA 212(a) or 221(g) or other applicable law.”

8 95. If the applicant is admissible to the United States, the consular officer “shall”
9 issue the selectee an immigrant visa and may only refuse a visa “upon a ground specifically set
10 out in the law or implementing regulations.” 22 C.F.R. § 40.6.

11 96. The FAM reiterates that “[o]nce an application has been executed, you must
12 either issue the visa or refuse it [...]. You cannot temporarily refuse, suspend, or hold the visa for
13 future action. If you refuse the visa, you must inform the applicant of the provisions of law on
14 which the refusal is based, and of any statutory provision under which administrative relief is
15 available.” 9 FAM § 504.9-2.

16 97. If the consular officer determines that a visa should be issued, the officer is
17 required to arrange the appropriate visa documentation and sign and seal the immigrant visa,
18 consistent with the requirements set forth in 22 C.F.R. § 42.73. “The immigrant visa shall then
19 be issued by delivery to the immigrant or the immigrant’s authorized agent or representative.” *Id.*
20 § 42.73(d).

21 98. Conversely, if the consular officer determines that the visa should be refused, the
22 officer must have a basis for refusal that is “specifically set out in the law or implementing
23 regulations.” 22 C.F.R. § 40.6.
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1 99. The officer also must comply with the refusal procedure outlined in 22 C.F.R. §
 2 42.81(b), which mandates, in relevant part, that the “consular officer shall inform the applicant of
 3 the provision of law or implementing regulation on which the refusal is based and of any
 4 statutory provision of law or implementing regulation under which administrative relief is
 5 available.”
 6

7 100. According to 9 FAM 504.11-2(A), there are no exceptions to the rule that once a
 8 visa application has been properly completed and executed before a consular officer, a visa must
 9 be either issued or refused. Further, any foreign national to whom a visa is not issued by the end
 10 of the working day on which the application is made, or by the end of the next working day if it
 11 is normal post procedure to issue visas to some or all applicants the following day, must be found
 12 ineligible under one or more provisions of INA 212(a), 212(e), or 221(g). Furthermore, INA
 13 221(g) is not to be used when a provision of INA 212(a) is applicable.
 14

15 101. The regulations and the FAM specify what are valid grounds for refusal.
 16

17 102. If the consular officer determines that the visa should be refused, the officer “shall
 18 provide the applicant a timely written notice” that states the basis for the denial and lists the
 19 specific provisions of the law under which the visa was refused. INA § 212(b), 8 USC § 1182(b);
 20 22 § CFR 41.121(b).
 21

22 103. The FAM categorizes Section 221(g) refusals issued for the purpose of
 23 conducting administrative processing as “Quasi-Refusal Cases.” 9 FAM § 504.11-3(B).
 24

25 104. When a “quasi-refusal” is issued pursuant to INA § 221(g), the applicant must be
 26 notified **both** orally and through a refusal letter, which is required to “[e]xplicitly state the
 27 provision of the law under which the visa was refused.” 9 FAM § 504.11-3(A)(1) (emphasis
 28 added).

1 105. In the event that a visa is refused, the application **must** be reconsidered if “within
2 one year from the date of refusal [the applicant] adduces further evidence tending to overcome
3 the ground of ineligibility on which the refusal was based.” 22 C.F.R. § 42.81(e) (emphasis
4 added).

5
6 106. In addition, 22 C.F.R. § 40.6 states that “[a] visa can be refused only upon a
7 ground specifically set out in the law or implementing regulations.”

8 107. A consular officer cannot temporarily refuse, suspend, or hold the visa for future
9 action.

10
11 108. If the consular officer refuses the visa, he or she must inform the applicant of the
12 provisions of law on which the refusal is based, and of any statutory provision under which
13 administrative relief is available. 9 FAM 504.1-3(g); see 9 FAM § 504.11-2(A)(b) (“There is no
14 such thing as an informal refusal or a pending case once a formal application has been made.”);
15 *see also Alharbi v. Miller*, 368 F. 3d 527, 558 (E.D.N.Y. 2019) (holding that consular officers
16 have a “nondiscretionary binary” duty to issue or refuse visas).

17
18 109. “Section 237 of Public Law 106-113 and subsequent legislation require that the
19 Department establish a policy under which immediate relative (and fiancé(e)) visas be processed
20 within 30 days of receipt of the necessary information from the applicant and the Department of
21 Homeland Security (DHS); all other family-based IV **must** be processed within 60 days.” *See* 9
22 FAM 504.7-2(b), and District of Columbia Appropriations Act, 1999, Public Law 106-113, sec
23 237. (Emphasis added). The Department expects all posts to strive to meet the 30/60-day
24 requirements *See* 9 FAM 504.7-2(b).

25
26 110. When read together, the INA, regulations, and DOS policy require applicants to
27 submit their application including “documents concerning him or his case which may be required
28

by the consular officer”, and then for Defendants to process, interview, and issue visas to eligible visa applicants. 8 U.S.C. §1202(b).

STATEMENT OF FACTS

I. THE EVOLUTION OF THE DS-5535 SCHEME

111. By creating a false narrative that immigrants are a threat to our country, former President Donald Trump enacted a series of “extreme vetting” policies to restrict entry into the United States

112. On May 4, 2017, the State Department first introduced the DS-5535 when it published a notice of request for emergency Office of Management and Budget approval and public comment. The methodology explained that consular officers at visa-adjudicating posts would ask the additional DS-5535 questions “*when the consular officer determines* that the circumstances of a visa applicant, a review of a visa application, or responses in a visa interview indicate a need for greater scrutiny. The additional questions may be sent electronically to the applicant or be presented orally or in writing *at the time of the interview.*” Exhibit A, 82 FR 20956. (emphasis added). In 2021, the Department requested extension of the DS-5535 under Paperwork Reduction Act which was neither requested nor granted on an emergency basis. 86 Fed. Reg. 8475. The Office of Management and Budget approved that request on May 11, 2021.

113. In early July 2019, the State Department instituted a new procedure to run an enhanced automated screening and vetting process for all immigrant and nonimmigrant visa applicants, including those subject to Presidential Proclamation 9645, *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats*. 82 Fed. Reg. 45161, (“PP 9645”). The new enhanced review was automated, occurring prior to the interview, and providing consular officers with the information

1 required to make most PP 9645 waiver determinations much more quickly than before. The new
2 procedure made it possible for many visas to be issued within days of the interview, should the
3 security check done prior to the interview not identify any concerns, and the consular officer
4 determined that the applicant met all criteria for a PP 9645 waiver.
5

6 114. The enhanced automated screening and vetting process is no longer being
7 implemented.

8 115. On October 3, 2019, the VO hosted an outreach event with AILA's State
9 Department Liaison Committee and addressed a broad range of visa-related questions presented
10 by the Committee. The State Department revealed that the it "does not track the number of
11 applicants requested by a consular officer to provide responses to the questions contained in
12 Form DS-5535 as our systems do not have this specific capability," and that "[w]hile every visa
13 applicant is required to submit a Form DS-160 or DS260 visa application, a consular officer may
14 request responses to the questions contained in Form DS-5535 only when the consular officer
15 determines that information is needed to confirm identity or conduct more rigorous national
16 security vetting of that particular applicant."
17

18 116. On January 20, 2021, President Biden called the need for the DS-5535 into
19 question; ordering "[a] description of the current screening and vetting procedures for those
20 seeking immigrant and nonimmigrant entry to the United States. This should include information
21 about any procedures put in place as a result of any of the Executive Order and Proclamations
22 revoked in section 1 of this proclamation and should also include an evaluation of the usefulness
23 of form DS-5535." Presidential Proclamation No. 10141, *Ending Discriminatory Bans on Entry*
24 *to the United States*, January 20, 2021 ("PP10141").
25
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1 117. Plaintiffs' counsel has a FOIA request pending since September 5, 2023, #F-
2 2023-12770, seeking the requested evaluation of DS-5535.

3 118. There is a section of the FAM code, 9 FAM 304.5-9(D), that deals specifically
4 with Iran. Further, 9 FAM 304.5-9(D)(2) and (D)(3), deal directly with State Department policies
5 pertaining to Iranian IV and NIV applicants, respectively. Despite President Biden's direction
6 under PP10141, as of October 12, 2021 (nine months later), Defendants had not updated either
7 sub-section of the FAM code. In fact, neither sub-section had been updated since April 14, 2020.
8 Exhibit B, *9 FAM 304.5-9(D) as of October 12, 2021*.
9

10 119. Modernly, the vetting process for the DS-5535 is the same vetting process for a
11 waiver of PP 9645 under the Trump administration.
12

13 120. Modernly, consular officers do not decide which visa applicants require the DS-
14 5535, because State Department software makes that determination for them.

15 121. Modernly, consular officers often ask the Form DS-5535 questions in the body of
16 an email without referencing the form.
17

18 122. Modernly, when consular officers receive responses to DS-5535 from immigrant
19 visa applicants whose applications they have refused under 221(g), they transmit that
20 information to Washington, DC via a Security Advisory Opinion, often called SAO.
21

22 123. After the DS-5535 responses are submitted to Washington, D.C., consular officers
23 have no control over the adjudication of the visa applications.

24 **II. DEFENDANTS FAILED TO CONSIDER IMPORTANT ASPECT OF THE**
25 **PROBLEM.**

26 124. Before introducing the DS-5535 Scheme, the Defendants failed to consider three
27 important aspects of the problem.
28

125. First, Defendants failed to consider the unreasonable and unnecessary delays that would ensue by only requesting the information at the end of the process. These delays are pronounced for Iranian immigrants specifically as the three US Embassies where most interview, Abu Dhabi, Ankara, and Yerevan, also have backlogs that cause applicants not to be scheduled for interviews for several months up to two years after their cases are determined to be documentarily qualified by NVC. **This is a period where the DS-5535 could be completed concurrently, but Defendants never considered that.**

126. Second, Defendants failed to consider the State Department's own institutional animus against and deeply irrational fixations on Iranian visa applicants and how the discretion inherent in the DS-5535 Scheme could be used as a pseudo-travel ban.

127. Third, Defendants failed to consider how the DS-5535 Scheme could be used in bad faith by Defendants as a tool to evade judicial review of the timeliness of visa adjudications. Specifically, when defending against lawsuits brought challenging unreasonable delays in administrative processing, Defendants always try to hide behind a regulation only requiring that a consular officer "issue the visa, refuse the visa under INA 212(a) or 221(g) or other applicable law or, pursuant to an outstanding order under INA 243(d), discontinue granting the visa." See 22 C.F.R. § 42.81(a).

III. IMMIGRANT VISA APPLICANTS CAN ONLY FURNISH DS-5535 RESPONSES AFTER THEY ARE REFUSED UNDER INA 221(g).

128. In 2021, Defendant Stuftt posted the following in the Federal Register:

"Department of State consular officers at visa-adjudicating posts worldwide will ask the additional questions to resolve an applicant's identity or to vet for terrorism, national security-related, or other visa ineligibilities when the consular officer determines that the circumstances of a visa applicant, a review of a visa application, or responses in a visa interview indicate a need for greater scrutiny. *The additional questions may be sent*

1 *electronically to the applicant or be presented orally or in writing at the time of the*
2 *interview.”*

3 86 FR 8475, 8476, (emphasis added).
4

5 129. While Defendant Stufft’s post in the Federal Register suggests who gets a DS-
6 5535 is determined by the consular officer, what happens in practice is a flag triggered by an
7 algorithm or artificial intelligence pops up on their computer screen, leaving the consular officer
8 no other choice but to issue a 221(g) notice and collect the DS-5535 responses. Since that flag
9 does not show up until after the interview is in process or completed, the scenario where a
10 consular officer would request the DS-5535 responses in advance of the interview does not exist.
11

12 130. A U.S. Embassy Ankara webpage makes clear that the DS-5535 can only be sent
13 after interviews: “[c]ase[s] requiring administrative processing will receive additional
14 instructions via email. Please fully and accurately complete DS-5535 form and send it to us *after*
15 your interview” Exhibit I, *US Embassy Ankara - After the Interview*.
16

17 131. U.S. Embassy Mumbai informs visa applicants to “Please *only* complete [Form
18 DS-5535] *if* a visa officer has requested you to at the time of your visa interview.” Exhibit D, *US*
19 *Embassy Mumbai*, DS-5535, (emphasis added).
20

21 132. On its website, U.S Embassy Djibouti instructs visa applicants to complete the
22 DS-5535 “only if instructed to do so by a consular officer in the letter you received at your
23 interview or by email.”
24

25 133. When asked if Iranian applicants can submit their DS-5535 questionnaire before
26 their interviews, U.S. Embassy Ankara responded: “We do not request or accept a DS-5535 prior
27 to the interview for applicants.” Exhibit E, *US Embassy Ankara answer to general question*.
28

1 **IV. DEFENDANTS HAVE SET ARBITRARY EXPECTATIONS THAT ARE ALL**
 2 **OVER THE PLACE.**

3 134. Many U.S. Embassies have estimated wait times for administrative processing
 4 listed on their websites as between 60 to 90 days.

5 135. U.S. Embassy in Iran’s website says, “most administrative processing is resolved
 6 within 60 days of the visa interview.” Exhibit F, *U.S. Virtual Embassy Iran AP Estimation*.
 7

8 136. Plaintiffs who inquired with U.S. Embassy Abu Dhabi received an auto-reply
 9 email that informs visa applicants that administrative processing is a “process” that “can last
 10 between 60-90 days” but “it can take significantly longer,” and that “[w]e realize that these
 11 extended time periods cause frustration but we must adjudicate visas in accordance with the
 12 provision of the law,” without noting any provision of law. Exhibit G, *US Embassy Abu Dhabi*
 13 *Automatic reply*.
 14

15 137. U.S. Embassy Abu Dhabi’s webpage reads: “*Administrative processing* takes
 16 additional time after the interview. Most administrative processing is resolved within 60 days.
 17 However, the timing varies based on the circumstances of each case. Before inquiring about the
 18 status of administrative processing, please wait **at least** 90 days after your interview.” Exhibit H,
 19 *US Embassy Abu Dhabi, United Arab Emirates – ABD webpage*.
 20

21 138. U.S. Embassy in Ankara has a webpage for advising applicants “After the
 22 Interview”. It reads: “If administrative processing is required, the consular officer will inform the
 23 applicant at the interview. Duration of administrative processing varies but ***most administrative***
 24 ***processing is resolved within 6 months***. However, the timing varies based on the circumstances
 25 of each case. ***Before inquiring about the status of administrative processing, please wait at***
 26 ***least 6 months after your interview***.” Exhibit I, *US Embassy Ankara - After the Interview*,
 27 (emphasis added).
 28

V. PLAINTIFFS' HARDSHIP AND HARM SUFFERED.

139. Years ago, Petitioner Plaintiffs began the process to bring their immediate family members to the United States by each filing a Form I-130 *Petition for Alien Relative* on their behalf. Finally, from March 27, 2022, to May 18, 2023, Beneficiary Plaintiffs were interviewed by the Consular Section of the U.S. Embassies in either Abu Dhabi, Ankara, or Yerevan.

140. Following their immigrant visa interviews, Beneficiary Plaintiffs were informed that their applications would have to undergo mandatory administrative processing.

141. Following their interviews, consular officers gave non-final 221(g) refusal notices to Beneficiary Plaintiffs.

142. The consular officers also requested that Beneficiary Plaintiffs complete and submit the DS-5535, requesting, in some cases 15 years of detailed history, including addresses, employment, travel, and social media handles. As explained on their website, US Embassy Ankara requires "the applicant's entire employment history." Exhibit I, *US Embassy Ankara - After the Interview*.

143. Beneficiary Plaintiffs promptly completed and submitted their detailed response to the questionnaires.

144. As of the date of filing, Plaintiff families are still separated, and awaiting clearance of their submitted DS-5535 responses from unclear and opaque government agencies, and/or government contractors.

145. For a range of **229 to 645 days, an average of 387 days** since their interviews, Beneficiary Plaintiffs have remained patiently waiting, their visa application status on the State Department CEAC website continues to show that their cases as "Refused" and informs them

1 that “[their] case will remain refused while undergoing such processing” and that they “will
2 receive another adjudication once such processing is complete.” Exhibit J, *CEAC Online Case*
3 *Statuses as of January 1, 2024*.

4
5 146. As the beneficiaries of approved I-130 petitions, Beneficiary Plaintiffs are entitled
6 to the issuance of the immigrant visa unless they are ineligible under a specific ground of
7 ineligibility set forth in the governing statutes and regulations.

8
9 147. As a direct result of Defendant’s failure to issue final decisions on Beneficiary
10 Plaintiffs’ immigrant visa applications, Plaintiffs have experienced, and will continue to
11 experience, severe, particularized, and concrete injury.

12
13 148. Due to the persistent delay in the final adjudication of Beneficiary Plaintiffs’ visa
14 applications, what was meant to be a temporary separation has become a nightmare. Due to the
15 lack of substantive updates from Defendants, Plaintiffs live with the ever-increasing fear that
16 they will be separated indefinitely.

17
18 149. Plaintiffs desperately wish to live normal lives as families and have been forced to
19 resort to phone calls and costly brief, and dangerous, trips as their only source of comfort and
20 emotional support.

21
22 150. The failure of the Defendants to timely adjudicate Beneficiary Plaintiffs’
23 applications is causing severe emotional distress and psychological harm to the entire family by
24 forcing them to remain separated with no idea when they will be reunited.

25
26 151. Plaintiffs’ separation has also caused an immense amount of financial strain as it
27 requires them to financially maintain two homes, one in the United States and one abroad. Daily
28 life has become unbelievably expensive for the everyday person, and Plaintiffs are no exception.
Plaintiffs have been forced to spend from their savings and cannot afford any further expenses.

1 152. Plaintiffs are now left in an untenable situation with no apparent end in sight. As a
2 result, they are suffering from extreme emotional and psychological harm due to the uncertainty
3 of their family's future.

4 153. Despite all reasonable attempts by Plaintiffs to determine the nature of the delay
5 in visa issuance, Defendants have unreasonably delayed making a final decision on Plaintiffs'
6 visa applications without explanation or on the grounds of any rational basis.

7 154. Defendant's delay in adjudication is unreasonable and is causing irreparable
8 injury to the Plaintiffs.

9 155. The physical, financial, and emotional stresses that Plaintiffs have suffered, all of
10 which Defendants are fully aware of, because of Defendants' failure to act have exacted a
11 significant toll on Plaintiffs that will not be relieved until Beneficiary Plaintiffs' visa applications
12 are adjudicated.

13 156. Organizational Plaintiff, Pars Equality Center has suffered and will continue to
14 suffer harm because of the arbitrary delays caused by the DS-5535 Scheme. Since Defendants
15 began implementing the DS-5535 Scheme, Pars legal team has been inundated with telephone
16 calls, emails, and messages from community members asking questions and expressing concerns.
17 Immigrant Visa petitioners and their overseas beneficiaries waiting months and, at times, years
18 following the submission of the DS-5535 questionnaire, contact Pars **daily** with anxious
19 questions about the unconscionable delay. Responding to these inquiries has diverted significant
20 resources from other areas of Pars's practice and services. Instead of devoting its resources to
21 representing clients in their immigration cases, Pars legal team has been forced to spend most of
22 its time advising clients and other community members on the DS-5535 Scheme and the ensuing
23 arbitrary administrative processing.

157. In addition to providing limited legal advice on the DS-5535 Scheme, Pars legal team is directly representing over fifty clients who are affected by lengthy delays following the DS-5535 submission. For these direct representations, Pars provides ongoing consular advocacy and continually seeks support of elected congressional representatives to end the seemingly interminable administrative processing. The time and effort spent in advocating on behalf of clients have exhausted Pars's legal resources, an expenditure that often goes to waste because advocacy does not seem to resolve the opaque and arbitrary administrative processing.

158. Furthermore, the DS-5535 Scheme's pseudo-travel ban has the long-term effect of reducing Pars's potential client pool – indefinitely. One of the central tenets of Pars's mission is to assist Iranian immigrants with their integration into American society. Close to 80 percent of Pars's immigration and social services clients are Iranian immigrants. The DS-5535 Scheme's indefinite visa refusal of Iranian applicants puts Pars's continued operation in serious jeopardy.

159. The grants that Pars receives from local and state governments are dependent on the number of immigration consultations performed and the number of immigration cases filed per fiscal year. Because Iranian immigrants are routinely subjected to the DS-5535's pseudo-travel ban Pars risks losing 80 percent of its clients, thereby putting Pars at risk of failing to meet its grant deliverables. This would have a devastating impact on Pars's operating budget, potentially forcing it to drastically cut its workforce and even forcing cessation of its operations.

CAUSES OF ACTION

COUNT ONE:

Violation of the APA, § 706(2)(A) and (D)

160. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

1 161. The Department is an Agency subject to the requirements of the Administrative
2 Procedure Act, 5 U.S.C. § 706(2)(A) and (D).

3 162. The APA prohibits federal agency action that is “arbitrary, capricious, an abuse of
4 discretion, or otherwise not in accordance with law,” or is conducted “without observance
5 of procedure required by law.” 5 U.S.C. § 706(2)(A) and (D).

6 163. The DS-5535 was promulgated for waivers of the now-rescinded PP 9645, but now is
7 required on most Iranian visa applicants.

8 164. The essence of Defendants’ DS-5535 Scheme is a decision by Defendants to prohibit
9 Iranian immigrant visa applicants from submitting the DS-5535 prior to their immigrant
10 visa interviews.

11 165. The action of preventing Iranian immigrant visa applicants from furnishing DS-5535
12 responses prior to their interviews, is arbitrary and capricious.

13 166. The arbitrariness of the DS-5535 Scheme is underscored by the US Embassy Ankara
14 posting a tip on their webpage suggesting that immigrant visa applicants attempt a little
15 hustle, by sneaking in their entire work history for their whole life on the DS-260, even
16 though the DS-260 only requests work history for 10 years. This work history is just one
17 of the questions on the DS-5535. The US Embassy Ankara contains no tip about how to
18 furnish consular officers answers to other DS-5535 questions, like travel history, prior to
19 interview. Exhibit I, *US Embassy Ankara - After the Interview*.

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24 **COUNT TWO:**
25 **Violation of the APA, 5 U.S.C. § 706(2)**
26 ***Withholding of Plaintiff’s Immigrant Visa Application***

27 167. Plaintiffs repeat and incorporate by reference each and every allegation contained in the
28 preceding paragraphs as if fully set forth herein.

1 168. The Department is an Agency subject to the requirements of the APA, 5 U.S.C. §
2 701(b)(1).

3 169. Under 5 U.S.C. § 706(2), courts shall hold unlawful and set aside agency action
4 that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
5 law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory
6 jurisdiction, authority, or limitations; or without observance of procedure required by law.
7

8 170. The APA defines action, in part, as a “failure to act.” 5 U.S.C. § 551(13).

9 171. The APA authorizes courts to compel agency action for two distinct types of
10 “failures to act” – (1) unlawful withholding of agency action or (2) unreasonable delay of
11 agency action. 5 U.S.C. § 706(1).
12

13 172. Here, Defendants have unlawfully withheld agency action in contravention of
14 statutes, regulations, and stated policy pronouncement.

15 173. Beneficiary Plaintiffs have fulfilled all requirements, paid all fees, and is
16 otherwise eligible for an immigrant visa. Yet Defendants have failed to adjudicate
17 Plaintiffs’ applications within a reasonable time and have instead unlawfully withheld
18 agency action, leaving Plaintiffs in an indefinite limbo.
19

20 174. Fully adjudicating an immigrant visa application for a relative of a U.S. citizen
21 within 30 days of receipt of the necessary information from the applicant and the
22 Department of Homeland Security is a discrete and required action. *See Norton v.*
23 *Southern Utah Wilderness Alliance*, 542 U.S. 55 (2004).
24

25 175. The unlawful withholding and unreasonable delay in the adjudication and issuance
26 of Beneficiary Plaintiffs’ immigrant visas constitute a final agency action that is
27
28

reviewable by this Court. *Whitman v. Am. Trucking Ass’n*, 531 U.S. 457, 478 (2001);
Bennett v. Spear, 520 U.S. 154, 177–78 (1997).

176. Agency action “cover[s] comprehensively every manner in which an agency may
exercise its power.” *Whitman*, 531 U.S. at 478.

177. Agency action that is final is “mark[ed by] the consummation of the agency’s
decision-making process” and “be one by which rights or obligations have been
determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154,
177–78 (1997).

178. As demonstrated above, Defendants have failed to timely adjudicate Beneficiary
Plaintiffs’ immigrant visa application, effectively suspending the processing and
adjudication of a visa for an otherwise qualified and eligible applicant.

179. In this case, the legal consequences flowing from the consummation of the State
Department’s decision-making process are the Defendants’ withholding and delay in
processing Beneficiary Plaintiffs’ immigrant visas well beyond the 30/60-day requirement
by which they are required. *Bennett*, 520 U.S. 154; *Cal. Cmty. Against Toxics v. EPA*,
934 F.3d 627, 637 (D.C. Cir. 2019); *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1023
(D.C. Cir. 2000); *Ciba-Geigy Corp. v. EPA*, 801 F.2d 430, 438 (D.C. Cir. 1986).

180. Defendants’ inaction, in this case, creates jurisdiction. *Moghaddam v. Pompeo*,
424 F. Supp. 3d 103, 114 (D.D.C. 2020) (quoting *Patel v. Reno*, 134 F.3d 929, 931–32
(9th Cir. 1997)); *see also Nine Iraqi Allies*, 168 F. Supp. 3d at 290–91, (“When the
Government simply declines to provide a decision in the manner provided by Congress, it
is not exercising its prerogative to grant or deny applications but failing to act at all.”).

181. Plaintiffs and their clients or members were harmed by Defendants' inaction and delay.

182. Plaintiffs and their clients or members will continue to be irreparably harmed by these unlawful acts absent an injunction from this Court enjoining Defendants from withholding adjudication of Beneficiary Plaintiffs' immigrant visa applications.

COUNT THREE:

Violation of the APA, 5 U.S.C. § 706(1)

Withholding of a Mandatory Entitlement Owed to Plaintiffs

183. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

184. Section "706(1) grants judicial review if a federal agency has a 'ministerial or non-discretionary' duty amounting to a 'specific, unequivocal command.'" *Anglers ConservationNetwork v. Pritzker*, 809 F.3d 664, 670 (D.C. Cir. 2016).

185. Under section 706(1) of the APA, the court may "compel agency action unlawfully withheld." 8 U.S.C. § 706(1).

186. The timely adjudication of and decision on a properly filed pending applications are not optional. This is not committed to agency discretion, nor are the statutes, regulations, and policies, so broad as to provide no meaningful standard to judge the agency's action. Rather, these duties and how Defendants must undertake them are detailed in the INA, the FAM, and its governing regulations.

187. Defendants' conduct is contrary to the INA's mandate that all immigrant and nonimmigrant "visa applications *shall* be reviewed and adjudicated by a consular officer" 8 U.S.C. § 1202(b), (d), and 8 U.S.C. § 1201(a)(1) which provides that a "consular officer may issue" a visa to an individual who has "made proper application therefor."

188. Pursuant to sections 1202(b) and 1202(d) of the INA, Defendants owe a nondiscretionary duty to Beneficiary Plaintiffs, which require that all immigrant and nonimmigrant visa applications “*shall* be reviewed and adjudicated by a consular officer” and creates a discrete, legally required action. 8 U.S.C. § 1202(b), (d) (emphasis added).

189. Congress’s use of the word “shall” imposes a mandatory non-ministerial duty on consular officers to review, adjudicate, and issue fiancé visas. Sierra Club v. E.P.A., 705 F.3d 458, 467 (D.C. Cir. 2013) (“the word ‘shall’ ... evidences a clear legislative mandate...”)

190. Likewise, the Code of Federal Regulations is unambiguous that Defendants have a mandatory and affirmative duty to interview immigrant visa applicants and adjudicate properly filed immigrant visa applications. Under 22 C.F.R. § 42.81(a), “when a visa application has been properly completed and executed before a consular officer in accordance with the provisions of the INA and the implementing regulations, the consular officer *must* issue the visa [or] refuse the visa under INA 212(a) or 221(g) or other applicable law.”

191. Defendants have a “nondiscretionary, ministerial” duty to act. The INA governs visa processing and “confers upon consular officers’ exclusive authority to review applications for visas. *Saavedra Bruno v. Albright*, 197 F. 3d 1153, 1156 (D.C. Cir. 1999); *see also* § 201(e), INA §§ 101(a)(9), (16); a “consular office is required by law to act on visa applications.” *Patel v. Reno*, 134 F.3d 929, 932 (9th Cir. 1997).

192. Defendants owe Plaintiffs a nondiscretionary, ministerial duty to act upon the immigrant visa application, one that they have failed to fulfill. *See* INA §201(e); INA §§ 101(a)(9), (16); 22 C.F.R. § 42.62; *see also, e.g., Donovan v. United States*, 580 F.2d 1203,

1208 (3d Cir. 1978) (holding that mandamus is an appropriate remedy whenever a party demonstrates a clear right to have an action performed by a government official who refuses to act).

193. Defendants have refused to adjudicate Beneficiary Plaintiffs' immigrant visa application despite being eligible for adjudication and visa issuance.

194. Defendants are unlawfully withholding discrete action they are required to take within the temporal limits imposed by statute and the express intent of Congress, and as outlined above they have failed to adjudicate Plaintiffs' immigrant visa applications in contravention of that nondiscretionary duty.

COUNT FOUR:
Violation of the APA; 5 U.S.C. § 555(b)
Unreasonably Delayed Adjudications

195. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

196. Pursuant to the APA, Defendants have a nondiscretionary duty to conclude a matter presented to it within a reasonable time. *See* 5 U.S.C. § 555(b).

197. Pursuant to the APA, 5 U.S.C. §706(1), a court may compel agency action unlawfully withheld or unreasonably delayed.

198. Plaintiffs' claims implicate the statutory mandates that "[a]ll immigrant visa applications *shall* be reviewed and adjudicated by a consular officer," 8 U.S.C. § 1202(b) (emphases added). Defendants' DS-5535 Scheme should not give them a workaround for this congressionally mandated duty.

199. Defendants have unreasonably delayed processing Beneficiary Plaintiffs’ visa applications since the date of their immigrant visa interviews, which were between 81 and 548 days ago.

200. The Department of State, its employees, and its subsidiaries, are required to process immediate relative immigrant visas “within 30 days of receipt of the necessary information from the applicant and the Department of Homeland Security” and all family-based immigrant visas “within 60 days of receipt of the necessary information from the applicant and the Department of Homeland Security.” See 9 FAM § 504.7-2(b), and District of Columbia Appropriations Act, 1999, Public Law 106-113, sec 237. The FAM makes clear that “the Department expects all posts to strive to meet the 30/60-day requirements.” *Id.* This is a clear indication of the speed with which the agency is expected to process immediate relative and family-based immigrant visa applications.

201. “Reasonable time for agency action is typically counted in weeks or months, not years.” *In re Am. Rivers & Idaho Rivers United*, 372 F.3d 413, 419 (D.C. Cir. 2004).

202. Plaintiffs’ human welfare is “at stake” in this case and the prejudice from any further delay is devastating and unconscionable to their families. If Defendants continue to neglect adjudication of Beneficiary Plaintiffs’ visa applications, Plaintiffs will continue to suffer financially, psychologically, and emotionally indefinitely until they are reunited. *Telecommunications Research & Action Center v. FCC* (“TRAC”), 750 F.2d 70, 80 (D.C. Cir. 1984).

203. Defendants’ adoption and implementation of the DS-5535 Scheme as a workaround to allow them indefinitely delay the adjudication of Iranian immigrant visa applications demonstrates—although not needed to satisfy the CO analysis—that

1 Defendants act with impropriety in creating “agency lassitude.” Further, Defendants’
2 blatant disregard for the indefinite suffering of separated families and the time-sensitive
3 nature of Plaintiffs’ visa applications also show—that Defendants act with impropriety in
4 creating “agency lassitude.”
5

6 204. Defendants have failed to adjudicate immigrant visas for Beneficiary Plaintiffs
7 within a reasonable time.

8 205. Beneficiary Plaintiffs have submitted all required information, documents, and
9 payments and are eligible for the visa they seek, and yet, Defendants have failed to issue
10 final decisions on their immigrant visa applications.
11

12 206. Defendants have already cost Plaintiffs years of precious time together by
13 unreasonably delaying the adjudications of their immigrant visas. Plaintiffs have missed
14 memories, milestones, and the shared joys of daily family life that they cannot regain or
15 recreate.
16

17 207. Absent an order from this Court, Defendants will continue to delay and fail to
18 provide final adjudications on Beneficiary Plaintiffs’ immigrant visa applications. With each
19 passing day, the risk of irreparable intergenerational harm to their families substantially
20 increases.
21

22 208. Plaintiffs and their clients or members were harmed and will continue to suffer
23 irreparable harm if Defendants persist in unreasonably delaying the final adjudications of
24 Beneficiary Plaintiffs’ immigrant visa applications.
25
26
27
28

COUNT FIVE:
Mandamus Act, 28 U.S.C. § 1361

209. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

210. Under 28 U.S.C. § 1361, “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

211. A mandamus plaintiff must demonstrate that: (i) he or she has a clear right to the relief requested; (ii) the defendant has a clear duty to perform the act in question; and (iii) no other adequate remedy is available. *Liberty Fund, Inc. v. Chao*, 394 F. Supp. 2d 105, 113 (D.D.C. 2005); *see also Patel*, 134 F. 3d at 933 (duty to adjudicate an immigrant visa application).

212. The Plaintiffs clearly meet all three of these criteria. *See, e.g., Raduga USA*, 440 F. Supp. 2d at 1146 (“Plaintiffs’ claim here is clear and certain, and the consul’s nondiscretionary, ministerial duty is plainly prescribed. Furthermore, Plaintiffs have no other means to compel the United States consul to make a decision.”) *United States v. Kerry*, 168 F.Supp.3d 268, 291-92 (D.D.C. 2016)(holding the doctrine of consular non-reviewability did not apply where plaintiffs’ visa applications were not formally refused, but were held in “administrative processing”); *see also Patel v. Reno*, 134 F.3d 929, 932-33 (9th Cir. 1997)(affirming the granting of mandamus relief where plaintiff’s application had only been “provisionally refused”); *Maramjaya v. U.S. Citizenship & Immigration Servs.*, 2008 WL 9398947, at 4 (D.D.C. Mar. 26, 2008)(holding that the doctrine of consular non-reviewability did not apply when the case had not procedurally progressed to the point where consular immunity would bar judicial review”).

1 213. Plaintiffs have fully complied with all statutory and regulatory requirements for
2 obtaining immigrant visas for Beneficiary Plaintiffs, including obtaining approval of an I-
3 130 petitions, applying for their visa with a properly filed DS-260, and submitting all
4 necessary documentation and paying all required fees.

5
6 214. Defendants have a clear non-discretionary duty to adjudicate immigrant visa
7 applications and issue visas to Beneficiary Plaintiffs who are eligible to receive visas and
8 not inadmissible under 8 U.S.C. § 1182(a).

9
10 215. Defendants owe Plaintiffs a duty to act upon Beneficiary Plaintiffs' immigrant
11 visa applications. The INA and the relevant regulations impose on the Defendants a non-
12 discretionary duty to timely adjudicate Beneficiary Plaintiffs' visa applications and to
13 complete any background checks, interviews, or other investigations required by the
14 Defendants to do so.

15
16 216. This duty is owed under the INA, federal regulations, and published agency
17 guidance. *See* INA § 201(b)(2)(A)(i); INA §§ 101(a)(9), (16); 22 C.F.R. § 42.81(a); *see*
18 *also, e.g., Donovan v. United States*, 580 F.2d 1203, 1208 (3d Cir. 1978) (holding that
19 mandamus is an appropriate remedy whenever a party demonstrates a clear right to have
20 an action performed by a government official who refuses to act).

21
22 217. The Department of State, its employees, and its subsidiaries are required to
23 process immediate relative visas “within 30 days of receipt of the necessary information
24 from the applicant and the Department of Homeland Security; all other family-based
25 immigrant visas (IV) must be processed within 60 days.” *See* 9 FAM § 504.7-2(b), and
26 District of Columbia Appropriations Act, 1999, Public Law 106-113, sec 237.
27
28

1 218. Nonetheless, Defendants have willfully and unreasonably failed to adjudicate
2 Beneficiary Plaintiffs' immigrant visa applications, thereby depriving Beneficiary
3 Plaintiffs of their rights under 22 C.F.R. § 42.81(a), 8 U.S.C. 1184(d)(1), and the APA to
4 have a properly filed visa application decided in a timely manner.
5

6 219. Adjudication of Beneficiary Plaintiffs' immigrant visa applications are a purely
7 ministerial, non-discretionary act which the Defendants are under obligation to perform in
8 a timely manner; the Plaintiffs have no alternative means to obtain adjudication of the
9 visa; and their right to issuance of the writ is "clear and indisputable." *Allied Chemical*
10 *Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980); *see also First Federal Savings and Loan*
11 *Ass'n of Durham*, 860 F.2d at 138; *Patel*, 134 F.3d at 933 ("[W]e find that the consulate
12 had a duty to act and that to date ... the consulate has failed to act in accordance with that
13 duty and the writ [of mandamus] should issue.").

14
15 220. Mandamus action is also appropriate because Defendants failed to act within a
16 reasonable time. *See, e.g., Liu v. Novak*, 509 F. Supp. 2d 1, 9 (D.D.C. 2007) (holding that
17 the APA requires the government to act within a reasonable period of time); *see also*
18 *Sierra Club v. Thomas*, 828 F.2d 783, 794 (D.C. Cir. 1987) (stating that "regardless of
19 what course it chooses, the agency is under a duty not to delay unreasonably in making
20 that choice").
21

22
23 221. It is the sense of Congress that the processing of an immigration benefit
24 application should be **completed not later than 180 days after the initial filing** of the
25 application. *See* 8 U.S.C. § 1571 and (Pub. L. 106–313, title II, §202, Oct. 17, 2000, 114
26 Stat. 1262.)
27
28

1 222. Defendants have failed in their duty to adjudicate Plaintiff's visa application by
2 refusing to act for an entirely unreasonable amount of time and well over 180 days.

3 223. Defendants have failed to carry out the adjudicative and administrative functions
4 delegated to them by law. *See* INA § 201(b)(2)(A)(i), INA §§ 101(a)(9), (16); 22 C.F.R. §
5 42.81(a) and 42.81(e).

6 224. Defendants have a clear, non-discretionary, and mandatory duty to adjudicate the
7 visa applications. There is no legal bar to doing so.

8 225. Defendants have no legal basis for failing to proceed with the applications and for
9 their failure to timely adjudicate the applications and any background checks or other
10 investigations required.

11 226. No alternative remedy exists to compel action by Defendants.

12 227. Accordingly, Beneficiary Plaintiffs have a clear and indisputable right to final visa
13 adjudications of their visa applications.

14
15
16
17
18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray that this Court grant them the following relief:

20 A. Declare the Defendants' DS-5535 Scheme as unlawful and inconsistent with 8
21 U.S.C. §1202(b), and thus, Plaintiffs were injured by the DS-5535 Scheme;

22 B. Declare that the Defendants' delay in adjudicating Beneficiary Plaintiffs'
23 applications for immigrant visa is unreasonable and violates the INA and
24 applicable statutes, regulations, agency guidance, and that Plaintiffs are entitled to
25 a prompt adjudication of the immigrant visa application pursuant to the
26 Declaratory Judgement Act 28 U.S.C. § 2201;

27 C. Issue a writ of mandamus compelling the Defendants and those acting under them
28 to perform their duty to complete all steps necessary to adjudicate Beneficiary

1 Plaintiffs' immigrant visa applications, within thirty (30) days from the date of the
2 order pursuant to the Court's mandamus authority under 28 U.S.C. § 1361;

3 D. Issue an order compelling the Defendants and those acting under them to perform
4 their duty to adjudicate the immigrant visa application of Beneficiary Plaintiffs
5 within 30 days of the order pursuant to the Administrative Procedure Act;

6 E. Enjoin Defendants and those acting under them from any further unreasonable
7 delay in adjudication of Beneficiary Plaintiffs' pending immigrant visa
8 applications;

9 F. Retain jurisdiction over this action to monitor and enforce Defendants' compliance
10 with all orders of this Court;

11 G. Award Plaintiffs reasonable attorney fees and costs pursuant to the Equal Access
12 to Justice Act, 42 U.S.C. § 1988, 5 U.S.C. § 504, 28 U.S.C. § 2412 and any other
13 applicable law; and
14

15 H. Grant such further relief as this Court deems just and proper.
16

17 DATED: January 2, 2024

18 Bonsall, California

19 Respectfully submitted,

20 /s/ Curtis Lee Morrison

21
22 Curtis Lee Morrison
23 Red Eagle Law, L.C.
24 Email: curtis@redeaglelaw.com

25 Paris Etemadi Scott
26 Legal Director
27 PARS Equality Center
28 petemadi@parsequalitycenter.org



EXHIBIT A

20956

Federal Register / Vol. 82, No. 85 / Thursday, May 4, 2017 / Notices

that other than the fact the proposed rule text does not reference manual order handling or the Public Automated Routing ("PAR") workstation (because C2 is entirely electronic) all of the proposed rule changes are based on and identical to CBOE Rule 6.53C(d)(i)–(ii).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁰ and Rule 19b-4(f)(6) thereunder.²¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-C2-2017-016 on the subject line.

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-C2-2017-016. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-C2-2017-016 and should be submitted on or before May 25, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-08981 Filed 5-3-17; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 9984]

Notice of Information Collection Under OMB Emergency Review: Supplemental Questions for Visa Applicants

ACTION: Notice of request for emergency OMB approval and public comment.

SUMMARY: The Department of State has submitted the information collection

²² 17 CFR 200.30-3(a)(12).

request described below to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The purpose of this notice is to allow for public comment from all interested individuals and organizations.

Emergency review and approval of this collection has been requested from OMB by May 18. *If granted, the emergency approval is only valid for 180 days.*

ADDRESSES: Direct any comments on this emergency request to both the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB) and to Bureau of Consular Affairs, Visa Office.

All public comments must be received by May 18.

You may submit comments to OMB by the following methods:

- **Email:** oira_submission@omb.eop.gov. You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.

- **Fax:** 202-395-5806. Attention: Desk Officer for Department of State.

You may submit comments to Bureau of Consular Affairs, Visa Office by the following methods:

- You may submit comments to Bureau of Consular Affairs, Visa Office by the following methods:

- **Web:** Persons with access to the Internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Docket Number: DOS-2017-0019" in the Search field. Then click the "Comment Now" button and complete the comment form.

- **Email:** PRA_BurdenComments@state.gov. You must include *Emergency Submission Comment on "Supplemental Questions for Visa Applicants"* in the subject line of your message.

You must include the DS form number (if applicable) information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents to PRA_BurdenComments@state.gov.

SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** Supplemental Questions for Visa Applicants.

- **OMB Control Number:** New.
- **Type of Request:** Emergency Review.

- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO).
- *Form Number:* DS-5535.
- *Respondents:* Immigrant and nonimmigrant visa applicants who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities.
- *Estimated Number of Respondents:* 65,000 respondents.
- *Estimated Number of Responses:* 65,000 responses.
- *Average Time per Response:* 60 minutes.
- *Total Estimated Burden Time:* 65,000 annual hours.
- *Frequency:* Once per respondent's application.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden of this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public records. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Department proposes requesting the following information, if not already included in an application, from a subset of visa applicants worldwide, in order to more rigorously evaluate applicants for terrorism or other national security-related visa ineligibilities:

- Travel history during the last fifteen years, including source of funding for travel;
- Address history during the last fifteen years;
- Employment history during the last fifteen years;
- All passport numbers and country of issuance held by the applicant;
- Names and dates of birth for all siblings;
- Name and dates of birth for all children;

- Names and dates of birth for all current and former spouses, or civil or domestic partners;
- Social media platforms and identifiers, also known as handles, used during the last five years; and
- Phone numbers and email addresses used during the last five years.

Most of this information is already collected on visa applications but for a shorter time period, *e.g.* five years rather than fifteen years. Requests for names and dates of birth of siblings and, for some applicants, children are new. The request for social media identifiers and associated platforms is new for the Department of State, although it is already collected on a voluntary basis by the Department of Homeland Security (DHS) for certain individuals. Regarding travel history, applicants may be requested to provide details of their international or domestic (within their country of nationality) travel, if it appears to the consular officer that the applicant has been in an area while the area was under the operational control of a terrorist organization as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(3)(B)(vi). Applicants may be asked to recount or explain the details of their travel, and when possible, provide supporting documentation.

This information collection implements the directive of the President, in the *Memorandum for the Secretary of State, the Attorney General, the Secretary of Homeland Security* of March 6, 2017, to implement additional protocols and procedures focused on “ensur[ing] the proper collection of all information necessary to rigorously evaluate all grounds of inadmissibility or deportability, or grounds for the denial of other immigration benefits.” Consular posts worldwide regularly engage with law enforcement and intelligence community partners to identify sets of post applicant populations warranting increased scrutiny. The additional information collected will facilitate consular officer efforts to immediately apply more rigorous evaluation of these applicants for potential visa ineligibilities. In accordance with existing authorities, visas may not be denied on the basis of race, religion, ethnicity, national origin, political views, gender, or sexual orientation.

The estimated number of respondents represents the estimate of relevant State Department officials that 0.5% of U.S. visa applicants worldwide, or in the range of 65,000 individuals per annum, will present a threat profile, based on

individual circumstances and information they provide, that will lead U.S. consular officers at posts around the world to conclude the applicant warrants enhanced screening that takes into account the information that is proposed to be collected. The estimate will be updated in the next request to continue collecting the information based on experience reported by overseas posts. Failure to provide requested information will not necessarily result in visa denial, if the consular officer determines the applicant has provided a credible explanation why he or she cannot answer a question or provide requested supporting documentation, such that the consular officer is able to conclude that the applicant has provided adequate information to determine the applicant's eligibility to receive the visa. The collection of social media platforms and identifiers will not be used to deny visas based on applicants' race, religion, ethnicity, national origin, political views, gender, or sexual orientation.

Methodology

Department of State consular officers at visa-adjudicating posts worldwide will ask the proposed additional questions to resolve an applicant's identity or to vet for terrorism or other national security related visa ineligibilities when the consular officer determines that the circumstances of a visa applicant, a review of a visa application, or responses in a visa interview indicate a need for greater scrutiny. The additional questions may be sent electronically to the applicant or be presented orally or in writing at the time of the interview. Consular officers will not request user passwords and will not attempt to subvert any privacy controls the applicants may have implemented on social media platforms. Consular officers are directed not to engage or interact with individuals on or through social media; not to violate or attempt to violate individual privacy settings; and not to use social media or assess an individual's social media presence beyond established Department guidance.

David T. Donahue,

Acting Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017-08975 Filed 5-3-17; 8:45 am]

BILLING CODE 4710-06-P

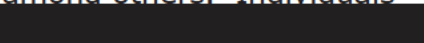
EXHIBIT B

1/7/2021

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00679

9 FAM 304.5-9(C)(1) ~~(SBU)~~ All Visa Types*(CT:VISA-297; 03-07-2017)***9 FAM 304.5-9(D) ~~(SBU)~~ Iran****9 FAM 304.5-9(D)(1) ~~(SBU)~~ All Visa Types***(CT:VISA-1045; 04-14-2020)*

- a. ~~(SBU)~~ **PP 9645:** Nationals of Iran are subject to visa restrictions per [Presidential Proclamation 9645](#). Please see [9 FAM 302.14](#) and related guidance for additional special processing relating to visas for nationals of this country.
- b. ~~(SBU)~~ **PP 9932:** Entry as nonimmigrants or immigrants of Senior officials of the Government of Iran and their immediate family members is suspended, with exceptions determined by the Secretary for those whose entry would not be contrary to the interests of the United States, among others. Individuals subject to this proclamation will have lookouts in 
- c. ~~(SBU)~~ **Dual Nationals:** For information on determining whether a dual national of Iran has only nominal Iranian nationality, see [9 FAM 302.6-4](#).



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f. ~~(SBU)~~ Sanctions:

(1)

(2) ~~(SBU)~~ Treasury-Sanctions and Visa Ineligibility:

- (a) ~~(SBU)~~ **Specially Designated Nationals (SDNs)** A [REDACTED] lookout indicates that an applicant may be a specially designated national on Treasury's [Specially Designated Nationals \(SDN\) list](#). Such applicants may be ineligible for visa under [Presidential Proclamation 8693/INA 212\(f\)](#) if designated under an Executive Order imposing sanctions measures that was issued pursuant to the President's authority under the International Emergency Economic Powers Act (IEEPA). For more guidance on processing cases involving [REDACTED] lookouts, see [9 FAM 302.14-6](#).
- (b) ~~(SBU)~~ Treasury's Office of Foreign Assets Control (OFAC) maintains the [SDN list](#). This searchable database contains sanctioned entities, individuals, aircraft, and vessels, and can be used as a preliminary research tool.
- (c) ~~(SBU)~~ **Engaging in Sanctioned Activities while in the United States** Generally, U.S. sanctions prohibit the importation of Iranian

1/7/2021

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goods or services to the United States or the export of U.S. goods, services, or technology to Iran. Certain activities may be permitted by a general or specific license issued by OFAC. If an applicant's proposed or suspected activities in the United States appear to involve engaging in a prohibited activity, and that activity is not otherwise authorized by an OFAC license, the applicant may be ineligible for a visa under INA section 214(b) or 212(a)(3)(A)(ii).

- (3) **(SBU)** You must determine whether a visa applicant's proposed travel appears to involve the transfer of U.S.-origin goods or services to Iran. Questions on sanctions matters may be sent to VisaSanctions@state.gov. When requesting guidance on a particular applicant, please provide the applicant's name and passport number, pertinent details on the sanctions questions raised by the applicant's purpose of travel, and relevant prior travel and business history.

- (4) **(SBU)** If you have questions about potential sanctions, please contact visasanctions@state.gov.

9 FAM 304.5-9(D)(2) ~~(SBU)~~ Immigrant Visa Applicants

(CT:VISA-1045; 04-14-2020)

[REDACTED]

9 FAM 304.5-9(D)(3) ~~(SBU)~~ Nonimmigrant Visa Applicants

(CT:VISA-1045; 04-14-2020)

[REDACTED]

EXHIBIT C**UNCLASSIFIED (U)****9 FAM 504.11
(U) IMMIGRANT VISA REFUSALS**

*(CT:VISA-1870; 11-28-2023)
(Office of Origin: CA/VO)*

9 FAM 504.11-1 (U) STATUTORY AND REGULATORY AUTHORITIES**9 FAM 504.11-1(A) (U) Immigration and Nationality Act**

(CT:VISA-1; 11-18-2015)

(U) INA 212(a) (8 U.S.C. 1182(a)); INA 212(b) (8 U.S.C. 1182(b)); INA 212(e) (8 U.S.C. 1182(e)); INA 221(g) (8 U.S.C. 1201(g)).

9 FAM 504.11-1(B) (U) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

(U) 22 CFR 40.6; 22 CFR 42.81; 22 CFR 42.83.

9 FAM 504.11-2 (U) REFUSAL POLICY**9 FAM 504.11-2(A) (U) Visa Issued or Refused if Application Properly Completed and Executed**

(CT:VISA-1674; 12-21-2022)

- a. **(U)** There are no exceptions to the rule that once a visa application has been properly completed and executed before a consular officer, a visa must be either issued or refused. See [9 FAM 504.9-2](#). For statistical and comparison purposes, all consular sections should follow the identical refusal procedures and report refusals the same way in their required reports of visas issued and refused. See [9 FAM 504.3-2](#). Accordingly, any applicant to whom a visa is not issued by the end of the working day on which the application is made, or by the end of the next working day if it is normal procedure to issue visas to some or all applicants the following day, must be found ineligible under one or more provisions of INA 212(a), 212(e), or 221(g). INA 221(g) is not to be used when a provision of INA 212(a) is applicable. This requirement to find an applicant ineligible when a visa is not issued applies even when:
- (1) **(U)** A case is medically deferred;
 - (2) **(U)** You request an AO from the Department;
 - (3) **(U)** You decide to make additional local inquiries or conduct a full investigation; or

- (4) **(U)** The only deficiency is a clearance from another post.
- b. **(U)** There is no such thing as an informal refusal or a pending case once a formal application has been made. If a formal application as described in [9 FAM 504.1-3](#) has not been made and executed -- meaning, the applicant has not paid the application fee, appeared in person, and submitted a completed Form DS-260 for adjudication by a consular officer, affirmed that the DS-260 and statements made during the interview are true, and biometrically signed the application under oath -- you may not approve or refuse the case.

9 FAM 504.11-2(B) (U) Visa Processing if Application Not Properly Completed and Executed

(CT:VISA-1568; 06-24-2022)

(U) If an IV application has not been properly made and executed as described in [9 FAM 504.1-3](#), you may not approve or refuse the case. For any case in which an IV applicant did not properly make and execute the application, except where a quasi-ineligibility applies, you should select "Fail to Show Up" for Interview Status in the IVO case window. You should also enter clear case notes explaining the situation. The case must not be deleted from IVO, nor should the case be refused for any ineligibility, including INA 221(g). The case, however, may be refused for a quasi-ineligibility, such as a potential medical ineligibility.

9 FAM 504.11-2(C) (U) Guidelines on Grounds for Refusals

(CT:VISA-1870; 11-28-2023)

(U) You should refer to relevant sections of [9 FAM 502.1](#) through [9 FAM 502.7](#) for guidance on qualifications for specific categories of visas and [9 FAM 302](#) for detailed explanations of grounds of ineligibility. Guidelines for determining the applicable INA provisions as grounds of refusal in varying circumstances follow:

- (1) **(U)** When a spouse or child of the principal applicant is ineligible for a visa and the principal applicant and remainder of the family decide to wait until the ineligible person has overcome the ineligibility, the spouse or child should be refused under the pertinent section(s) of INA 212(a), 212(e), or 221(g). The remainder of the family should be refused under INA 221(g).
- (2) **(U)** When the principal applicant only is ineligible, the principal applicant should be refused under the pertinent grounds of INA 212(a), 212(e), or 221(g). Other family members should be refused under INA 221(g).
- (3) **(U)** When an applicant is delayed for suspected tuberculosis, the applicant and family members who wish to wait and travel with the applicant should be refused under INA 221(g). If further tests indicate ineligibility under INA 212(a)(1)(A)(i), a new refusal under that section should be made for the afflicted applicant only.
- (4) **Unavailable**
- (5) **Unavailable**

9 FAM 504.11-3 (U) REFUSAL PROCEDURES

(CT:VISA-1; 11-18-2015)

(U) If you determine that the applicant is not eligible for a visa, the following procedures should be followed.

10/1/23, 9:33 PM

Form DS-5535 Supplemental Questions for Visa Applicants - U.S. Embassy & Consulates in India

EXHIBIT D



U.S. Embassy & Consulates in India

Form DS-5535 Supplemental Questions for Visa Applicants

If your case is under administrative processing, please follow the instructions as mentioned in the 221(g) letter you received. Please only complete [Form DS-5535 Supplemental Questions for Visa Applicants](#) if a visa officer has requested you to at the time of your visa interview. Please follow the instructions mentioned on the 221(g) letter you received and submit the form by email.

The subject of your email to submit requested information or documents should be "Passport Number – SURNAME, Given Name", for example: Z1234567 – DOE, John. For any requested information that does not apply to you, please mention "NOT APPLICABLE". Failure to provide detailed and complete information will delay processing.

Please double-check that you are sending your information to the correct email address and that you receive an autoreply after sending us an e-mail. Your visa application may be terminated per section 203(g) of the U.S. Immigration and Nationality Act if you do not submit the requested information within one year.

This is the official website of the U.S. Embassy and Consulates in India. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.



EXHIBIT E

Wednesday, October 4, 2023 at 09:20:06 Pacific Daylight Time

Subject: Re: general question
Date: Wednesday, October 4, 2023 at 3:35:21 AM Pacific Daylight Time
From: Ankara-Public-IV
To: Curtis Morrison
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Dear Mr. Morrison,

Thank you for your email. We do not request or accept a DS-5535 prior to the interview for applicants.

Sincerely,
Immigrant Visa Unit
U.S. Embassy Ankara, Turkiye

SENSITIVE BUT UNCLASSIFIED

From: Curtis Morrison <curtis@redeaglelaw.com>
Sent: Monday, October 2, 2023 6:52 AM
To: Ankara-Public-IV <AnkaraIV@state.gov>
Subject: general question

Can Iranian visa applicants submit the DS-5535 questionnaire in advance of their interview?





EXHIBIT F

U.S. Virtual Embassy Iran

Case Status

1. How to Apply
2. The Interview
3. Case Status
4. After the Interview

At the end of your immigrant visa interview, the consular officer will inform you whether your visa application is approved or denied.

Some visa applications require further administrative processing, which takes additional time after the visa applicant's interview by a consular officer. Applicants are advised of this requirement when they apply. Most administrative processing is resolved within 60 days of the visa interview. When administrative processing is required, the timing will vary based on the individual circumstances of each case. You can check the status of your visa application on ceac.state.gov.

If your visa has been denied, you may find useful information on Ineligibilities and Waivers on usvisas.state.gov.

Previous
The Interview

Next
After the Interview

This is the official website of the Virtual Embassy in Iran. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.



EXHIBIT B



EXHIBIT G

Sunday, October 1, 2023 at 20:58:14 Pacific Daylight Time

Subject: Automatic reply: general question

Date: Sunday, October 1, 2023 at 8:53:39 PM Pacific Daylight Time

From: Abu Dhabi, IV

To: Curtis Morrison

Your inquiry has been received by the Immigrant Visa Unit of the Consular Section, U.S. Embassy Abu Dhabi. We review every inquiry in the order received. Multiple, identical inquiries will slow down case review and processing.

All case status inquiries should be made by the petitioner or beneficiary of the case, or by an authorized legal representative. If you are an authorized legal representative, please include a signed [Form G-28](#) with your inquiry. If the G-28 is already in the case, please be sure to state that in your inquiry.

Comprehensive information on preparing for an immigrant visa interview, interview guidelines, and what happens after your visa interview have been updated. Review this information here: [U.S. Embassy Abu Dhabi, United Arab Emirates - ABD \(state.gov\)](#)

If your message is regarding a nonimmigrant visa (tourist, student, medical, etc.), to ensure you receive a timely response you must re-send your message to AbuDhabiNIV@state.gov. If your message is regarding a U.S. passport, notary, renunciation, or a consular report of birth abroad, you must re-send your message to AbuDhabiACS@state.gov.

Administrative Processing

We proactively reach out to all applicants whose cases were refused for administrative processing. Although this process can last between 60-90 days, it can take significantly longer. We realize that these extended time periods cause frustration but we must adjudicate visas in accordance with the provision of the law.

If your case was recently refused due to administrative processing and you were requested to fill out form DS-5535, you can find a link to that form (with instructions) here: <https://gpa-mprod-mwp.s3.amazonaws.com/uploads/sites/18/2021/05/DS-5535-Form-for->

[Applicants.docx](#)

Appointment scheduling and rescheduling

If your inquiry is about scheduling or rescheduling your immigrant visa appointment, you may do this online at https://ais.usvisa-info.com/en-ae/iv/users/sign_in and seek availability in the calendar. You may contact our customer service center if you require assistance: https://ais.usvisa-info.com/en-ae/iv/information/contact_us. Please contact customer service if you experience technical difficulties with your account.

If the consular section unexpectedly rescheduled your appointment, you may wish to talk to an agent about possibilities to move the appointment forward. For any inquiries on rescheduling, please visit https://ais.usvisa-info.com/en-ae/iv/information/contact_us to talk to an agent. If your inquiry today is regarding this change in your appointment, this is your response. Due to the large volume of inquiries we receive, we will not provide you an additional reply.

Do not make plans to travel to the UAE unless instructed to by the consular section.

If you have general questions about immigrant visa processing, please see the below FAQ for information. Please **DO NOT CALL THE U.S. EMBASSY** with inquiries on visa processing, scheduling, etc. Your portal for reliable and up-to-date information can be found at <https://ais.usvisa-info.com/en-ae/iv/information/faqs> and https://travel.state.gov/content/travel/en/us-visas/Supplements/Supplements_by_Post/ABD-Abu-Dhabi.html

- **WARNING:** Please be advised that photography is strictly prohibited in the Embassy district. Please **DO NOT** take photographs of the U.S. Embassy prior to entry or after you exit the facility. Violators will be apprehended by the police.

If you need help resolving a document delivery issue (e.g. changing your Empost delivery location, or getting a Courier-In Authorization Certificate) or if you require assistance concerning your visa fee payment or courier issues please visit https://ais.usvisa-info.com/en-ae/iv/information/contact_us

EXHIBIT H

U.S. Embassy Abu Dhabi, United Arab Emirates - ABD

Please follow the steps below *before* your immigrant visa interview at the U.S. Embassy in Abu Dhabi, United Arab Emirates.

Step 1: Register your appointment online

You need to register your appointment online. Registering your appointment provides us with the information we need to return your passport to you after your interview. Registration is free. Click the "Register" button below to register.

If you want to cancel or reschedule your appointment, you will be able to do so after you register your appointment.

[Register >>](#)

Step 2: Get a medical exam in United Arab Emirates

As soon as you receive your appointment date, you must schedule a medical exam in UAE. (Applicants from Iraq have the option to schedule a medical exam in Iraq.) Click the "Medical Exam Instructions" button below for a list of designated doctors' offices in UAE (and Iraq). Please schedule and attend a medical exam with one of these doctors before your interview.

[Medical Exam Instructions >>](#)

Step 3: Complete your pre-interview checklist

It is important that you bring all required original documents, as well as one photocopy of each, to your interview. We've created a checklist that will tell you what to bring. Please print the checklist below and bring it to your interview along with the listed documents.

[Pre-Interview Checklist >>](#)

Step 4: Review interview guidelines

Read our interview guidelines to learn about any special actions that you need to take *before* your visa interview.

[Interview Guidelines >>](#)

Medical Exam Instructions

All immigrant visa applicants, regardless of age, require a medical examination prior to the issuance of a visa. Only a physician accredited by the U.S. Embassy can perform this exam. **It is your responsibility to schedule a medical exam at one of the clinics listed below before your visa interview appointment** at the U.S. Embassy. Medical examination results from other clinics will not be accepted.

Approved Clinics in UAE (for all applicants)

New Medical Center
Zayed the First Street (Electra Street),
Building 1, Mezzanine Floor
Abu Dhabi, UAE
TEL. NO: +971-(0) 2-6332255

New Medical Center
Opp. Abu Hail Metro Station
New Al-Safia Building
Deira - Dubai, UAE
TEL. NO: +971-(0) 4-2683131

Approved clinics in Iraq (only for applicants from Iraq)

IOM Baghdad

Hours: 9:00 am to 5:00 pm, Sunday–Thursday
Telephone: +964-772-990-0525, +964-772-990-0535, +964-772-990-0545 or +964-782-782-4146;

IOM Erbil

Hours: 8:30 am to 4:30 pm, Sunday–Thursday
Telephone: +964-772-173-9254, +964-773-090-1643, +964-773-090-1645, +964-773-090-1647

Items to bring to your medical examination

You should bring the following items to your medical exam:

- Your visa interview letter,
- Your passport,
- Four (4) recently taken passport-sized color photographs,
- A copy of your immunization records, and
- DS-260 confirmation page.

You must pay all medical examination fees, including x-ray and blood test fees, directly to the examining physician.

During the medical exam

The medical examination will include a medical history review, physical examination, and chest X-ray, gonorrhea test, and blood tests (for applicants 15 years of age or older). The United States also requires tuberculosis (TB) testing for all applicants two years of age and older. Please be prepared to discuss your medical history, medications you are taking, and current treatments you are undergoing. More information on general medical requirements for U.S. immigrants is available at [cdc.gov](https://www.cdc.gov).

U.S. immigration law requires immigrant visa applicants to obtain certain vaccinations prior to the issuance of a visa. Current immigrant visa vaccination requirements are available at [cdc.gov](https://www.cdc.gov). You can also read Frequently Asked Questions about our medical examination requirements at travel.state.gov.

After the medical exam

When your examination is completed, the doctor will provide you with exam results in a sealed envelope or send them directly to the U.S. Embassy. IF GIVEN AN ENVELOPE TO CARRY TO YOUR INTERVIEW: **DO NOT OPEN THIS ENVELOPE**. Instead, bring it to your visa interview.

If the doctor cannot finalize your medical exam due to additional tuberculosis (TB) screening and tests, **DO NOT ATTEND YOUR SCHEDULED INTERVIEW**. Please email AbuDhabiV@state.gov for guidance on next steps and future scheduling.

Any x-rays taken will be given to you. You **DO NOT** need to bring the x-rays to your visa interview unless you suffer from tuberculosis (TB). However, you **must** carry the x-rays with you when you travel to the United States for the first time. The medical report must be less than six months old when you enter the United States as an immigrant.

Any x-rays taken will be given to you. You **DO NOT** need to bring the x-rays to your visa interview unless you suffer from tuberculosis (TB). However, you **must** carry the x-rays with you when you travel to the United States for the first time. The medical report must be less than six months old when you enter the United States as an immigrant.

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Pre-Interview checklist

Please use the list below to determine the items that every applicant must bring to the immigrant visa interview. Any documents that are not in English must be accompanied by a certified English translation:

- A copy of your NVC interview letter (does not apply to Diversity Visa, fiancé(e), adoptive, or asylee/refugee applicants).
- Unexpired passport valid for six months beyond your intended date of entry to the United States and a photocopy of the biographic page (where your name and photo are located).
- Two (2) color photographs of each person applying for a visa (5 cm x 5 cm, or 2 inch x 2 inch). Please review our [online photo requirements](#).
- Confirmation page from the Form DS-260 Application for an Immigrant Visa you submitted online at ceac.state.gov/iv.
- Your **original** birth certificate, English translation, and a photocopy.
- Medical examination results in a sealed envelope (*if the physician gives you these results*).
- Original or certified copies of birth certificates for all children of the principal applicant (even if he or she is not accompanying).

Applicants who fall into any category listed in italics below should bring these additional documents:

For family-based visa applications:

- The appropriate Form I-864 Affidavit of Support for each financial sponsor along with a photocopy of the sponsor's IRS transcript or most recent U.S. federal income tax return, and any relevant W-2s.
- Proof of your U.S. petitioner's status and [domicile](#) in the United States (photocopy of a U.S. passport, naturalization certificate, or lawful permanent resident card).
- Evidence of the relationship between the petitioner and visa applicant (such as photographs, letters, or emails).

If you are married: Your **original** marriage certificate, English translation, and a photocopy.

If you were previously married: Your **original** divorce or spouse's death certificate, English translation, and a photocopy.

If you are older than 16 years of age: The **original** [police certificate](#) from your country of current residence and countries of previous residence. If these three items are **all** true, you must bring a more recent police certificate to the interview:

1. You are older than 16 years;
2. You obtained a police certificate and submitted it to NVC more than one year ago; and
3. You still live in the country that issued the police certificate.

For employment-based visa applications: Letter from your U.S. employer dated less than one month ago.

If you have ever been convicted of a crime: Court and criminal records, English translation, and a photocopy.

If you have served in any country's military: Military records, English translation, and a photocopy. If you were exempted from a country's military, your exemption record, English translation, and a photocopy.

If you are adopted: Adoption papers or custody documents, English translation, and a photocopy.

If you are the petitioner's stepchild: The **original** marriage certificate of the petitioner and your biological parent, English translation, and a photocopy along with divorce records for any previous marriages of either parent.

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Interview Guidelines

Sending documents to the U.S. Embassy in Abu Dhabi

If during your interview the consular officer asked you to submit additional documents, please follow the instructions the officer gave you on the blue refusal sheet after the interview. (If your case is pending review of documents, the consular officer will issue a temporary refusal until he/she receives the documents.) This is the only way to submit documents to the embassy in support of an immigrant visa case.

Rescheduling or cancelling your interview

If you are unable to attend your appointment, please go to ais.usvisa-info.com to select a new appointment date. **There may be a significant wait before the next available appointment**, so please attempt to attend the date already assigned. For some family-based and employment preference visa categories, a visa became available within the month you have been scheduled by NVC. DV applicants should be aware that visas are numerically limited and must be issued by September 30 of the program year. **There is no guarantee that a visa will still be available on the date of your rescheduled interview.** Please carefully consult the [Visa Bulletin](#) before you decide to reschedule your interview.

Please note: *You need to register your original NVC/KCC appointment online (see [Step 1](#)) before you can reschedule it. Rescheduling is only possible on a date after your assigned appointment.*

Security screening procedures

All visitors to the U.S. Embassy in Abu Dhabi must follow certain security procedures. Any visitor who declines to be screened by U.S. Embassy security personnel will be unable to enter the embassy. To avoid delaying your entry and that of those in line behind you, please bring only what is required for your interview. No bags are allowed other than items required for baby or hygiene care; please carry the papers you need for your interview in a clear plastic bag. Cell phones and other electronics, including battery-operated items, are not allowed in the embassy.

Accompanying persons

Attorneys are **not** permitted to accompany clients into the waiting room or to their interview. The following persons may accompany a visa applicant to their interview:

- Interpreter: The Consular Section provides interpreters for Farsi, Arabic, Urdu, and Hindi. If you speak another language and cannot communicate in one of the languages above, you may be able to bring an interpreter.
 - **Nationals from Iraq:** The Consular Section authorizes an Arabic and/or Kurdish interpreter to accompany the applicant(s).
- Special Needs Visitors: Applicants may bring ONE person to help if they are elderly, disabled, or a minor child.

Immigrant Visa Fees

If you have not paid all required fees to either the National Visa Center or via the appointment website, please be prepared to pay these fees on the day of your interview. All fees may be paid in either U.S. dollars or the UAE dollar equivalent in dirhams. We accept cash and credit cards only. *Please note that if you are found ineligible to receive a visa, the application fee cannot be refunded.* A complete list of fees can be found at travel.state.gov.

Do not make travel plans outside of UAE

If your visa is approved, we will keep your passport at the embassy while we prepare your immigration packet and print a visa for your passport. We will return your passport to you later via courier services only ([Step 1](#)) within 3-5 days. If you have to travel within UAE while your passport is still with us, please make sure you have a valid picture ID other than your passport. If you have to depart the UAE prior to visa issuance, your passport will be returned to you and the consular officer will issue a temporary refusal until he/she receives the passport; you may return your passport to the embassy later via courier services (Step 1) only.

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After Your Visa Interview

A consular officer can make a decision on a visa application only after reviewing the formal application and interviewing the applicant. ***There is no guarantee that you will receive a visa.*** Do not sell your house, car or property, resign from your job or make non-refundable flight or other travel arrangements until you have received your immigrant visa.

If more information is needed

Sometimes a consular officer is unable to make a decision on a visa application because he/she needs to review additional documents or the case requires further administrative processing. *When additional documents are requested*, the consular officer will give you a refusal letter that asks you to submit additional documents. The letter will include instructions on how to send those documents to the embassy.

Administrative processing takes additional time after the interview. Most administrative processing is resolved within 60 days. However, the timing varies based on the circumstances of each case. Before inquiring about the status of administrative processing, please wait **at least** 90 days after your interview.

What happens after visa approval

Passport, Visa, and Sealed Immigrant Packet – We will place your immigrant visa on a page in your passport. Please review your visa to make sure there are no spelling errors. We may also give you a sealed envelope containing documents that you must give to U.S. immigration authorities when you arrive in the United States for the first time. ***Do not open this envelope. You must carry it with you. Do not put it in your checked luggage.*** If your visa is annotated “IV DOCS IN CCD” then you will not receive a sealed envelope. If you receive X-rays during your medical examination, carry those with you and give them to the U.S. immigration authorities.


USCIS Immigrant Fee – All individuals who are issued immigrant visas overseas must **pay an [Immigrant Fee](#)** to U.S. Citizenship and Immigration Services (USCIS) ***prior to traveling*** to the United States. This fee is for processing your residency status and printing your Permanent Resident Card. The only people exempt from paying this fee are: residency status and printing your Permanent Resident Card. The only people exempt from paying this fee are: children entering the United States under the Hague Process, returning residents (SB-1), Iraqi and Afghan special immigrants, other Afghan nationals (through September 30, 2023) and people traveling on a fiancé(e) (K) visa.

When You Should Travel – You must enter the United States before the expiration date on your visa, which is usually six months from the date of printing. Your visa cannot be extended and all fees are nonrefundable. The principal applicant must enter **before or at the same time** as other family members with visas. Unless they are eligible for benefits under the Child Status Protection Act, children who are issued a visa before turning 21 years of age must enter the United States ***before*** their 21st birthday to avoid losing their immigrant status.

Getting a Green Card – Your Form I-551 Permanent Resident Card, also known as a green card, will be automatically mailed to the address in the United States that you write in your visa application form. This is a very important document that proves you have permission to reside in the United States. If you plan to travel outside the U.S. **before** your green card arrives: Please consult [USCIS's](#) and [CBP's](#) websites for rules about what documents you need to re-enter the country. We also recommend you check with the airline to ensure you are in compliance with their rules. *Once your card is issued, you should not stay outside of the United States for more than one year. If you do, you may lose your status as a Lawful Permanent Resident.*

Children's Issues – In the United States, children are required to have certain vaccinations before they can enroll in school. We

recommend that you bring your child's complete vaccination records with you to the United States. If your child is adopted, you have full custody as a result of a divorce, or you share custody with another parent, you should bring a copy of all applicable adoption or custody papers from the authoritative court in your home country. You will need these papers (translated into English) for issues such as school enrollment, medical care, and eventual citizenship.

Information for New Immigrants – Please visit the USCIS web page for helpful information on moving to the United States. You can read their publication "[Welcome to the United States: A Guide for New Immigrants](#)"  online.

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Diversity Visa Applicants - Additional Information

If you are interviewing for a Diversity Visa (DV), all of the above instructions apply to you. Please schedule and attend a [medical examination](#) prior to your visa interview; enroll in the required [courier service](#); and gather the required documents.

*Below are additional instructions that apply **only** to DV applicants.*

Bring to your interview

In addition to the documents listed on the [Pre-Interview Checklist](#) in this package, DV applicants should also bring the following items to your visa interview:

- Appointment information printed from the "Entrant Status Check" on the [E-DV website](#).
- Documents showing that you have either a qualifying high school education **OR** two (2) years of qualifying work experience in the five (5) years immediately prior to application (for the principal applicant only; more information is available [online](#)).
- Payment in cash of the \$330 Diversity Visa Application Fee for [each](#) visa applicant.

Review your DV Lottery entry

Prior to your visa interview, we recommend that you review the data on your initial E-DV entry. On your initial E-DV application, you must have correctly entered your marital status. If you are legally married you must have listed your spouse, even if you are currently separated from him/her (unless your spouse is a U.S. citizen or Lawful Permanent Resident).

Additionally, you must have listed ALL of your living children who are unmarried and under 21 years old. This includes your natural children, your spouse's children, or children you have formally adopted in accordance with the laws of your country.

Failure to have listed an existing spouse or children at the time of your entry in the Diversity Visa lottery will result in the denial of your visa and visas for your family. Any fees paid to the U.S. government in support of your visa application(s) are nonrefundable. If you failed to include a child who had already been born, or a spouse to whom you were married when you entered the lottery, you should not proceed with the visa application. You can review the eligibility requirements [online](#).

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EXHIBIT I**U.S. Embassy & Consulates
in Türkiye****After the Interview**

1. STEP 1: Register your appointment online
 2. STEP 2: Get a medical exam in Türkiye
 3. STEP 3: Interview day
 4. After the Interview
-

Sometimes a consular officer is unable to make a decision on a visa application because he/she needs to review additional documents, or the case requires further administrative processing. When additional documents are requested, the consular officer will give you a refusal letter that asks you to submit additional documents. The letter will include instructions on how to send those documents to the embassy.

Reminder:

A visa denial (refusal) under section 221(g) of the INA means that the consular officer did not have all of the information required to determine if you are eligible to receive a visa. This means you are not eligible for the visa now, but your case is pending further action for one of the following reasons:

- Administrative processing,
- Your application is incomplete and/or further documentation is required.

If your case requires further administrative processing:

If administrative processing is required, the consular officer will inform the applicant at the interview. Duration of administrative processing varies but most administrative processing is resolved within 6 months. However, the timing varies based on the circumstances of each case. Before inquiring about the status of administrative processing, please wait at least 6 months after your interview. Please check your email frequently, as soon as the administrative processing is completed, we will notify you by email with additional instructions.

Tips

Form DS-260 (the online immigrant visa application form) accurately and completely filled out including the applicant's entire employment history, not just the past 10 years. Responses such as "retired" or "self-employed" without an explanation may cause delays. In addition, exact dates of every trip (not just the year) to the United States must be provided. If the applicant stayed more than six months in the United States on a tourist visa, he/she must bring to the interview proof that the U.S. Department of Homeland Security granted an extension of stay.

Case requiring administrative processing will receive additional instructions via email. Please fully and accurately complete DS-5535 form and send it to us after your interview.

Except in cases of emergency travel (i.e., serious illnesses, injuries, or deaths in your immediate family), before making inquiries about status of administrative processing, applicants should wait at least 6 months from the date of interview or submission of supplemental documents.

You will not receive an individual response to email inquiries about administrative processing, and we cannot predict how long the process will take or cannot give advice on where to wait while this process is on-going.

If your case requires further administrative processing, please send all of the missing documents along with your valid passport **after receiving processing completed confirmation via email from the Embassy.**

Online Status Check

- Immigrant visa applicants can check the status of their application online at:
<https://tr.usembassy.gov/visas/immigrant-visas/iv-status-check/>
- Visit the Department of State's Consular Electronic Application Center (CEAC), applicants can verify the status of their application online at: <https://ceac.state.gov/CEAC/> and clicking the link for "Check My Visa Application Status" located under the "IMMIGRANT" category. You will be required to enter your case number.

Missing documents:

If your application was denied because documentation or information is missing, please provide the missing documents or information after your interview. **You have one year from the date you were refused a visa to submit the additional information**, otherwise your case will be terminated.

Documents may be submitted to the U.S Embassy via any courier service and must also be uploaded/scanned to your file in the Department of State's Consular Electronic Application Center (CEAC) at <https://ceac.state.gov/IV> **for electronic/paperless cases**. To see the uploading/scanning tips, please review the instructions on: <https://tr.usembassy.gov/wp-content/uploads/sites/91/Uploading-to-CEAC-instructions.pdf>.

If you registered with Turkish Postal Office (PTT), you may send documents via PTT. For more information on courier services, please visit our consular service provider at: <https://ais.usvisa-info.com/en-tr/iv/information/courier>.

Please send the missing documents along with your passports at once. Documents uploaded will not be reviewed until they are received with your passport at the Embassy.

If you already submitted additional documents for your case as requested by the Embassy, please allow 2 weeks for a consular officer to review your case. Due to the volume of mail received, you will not be notified of receipt of your documents unless we require additional information. DO NOT send multiple emails with the same inquiry. Once the additional information is evaluated, we will provide additional information.

After Your Visa Approval

We will place your immigrant visa in your passport. Please review your visa to make sure there are no spelling errors. If applicable, we will also give you a sealed envelope containing documents that you must give to U.S. immigration authorities when you arrive in the United States for the first time. **Do not open this envelope. You must carry it with you; do not put it in your checked luggage.** If you receive X-rays during your medical examination, carry those with you and give them to the U.S. immigration authorities.

Many IV packets are now transmitted electronically to Customs and Border Protection and are accessible at the U.S. Port of Entry. Any immigrant traveler carrying a visa with a special annotation (IV Docs in CCD) is not required to hand-carry an IV packet.

USCIS Immigrant Fee: All individuals who are issued immigrant visas overseas must **pay an Immigrant Fee** to U.S. Citizenship and Immigration Services (USCIS) **prior to traveling** to the United States. This fee is for processing your residency status and printing your Permanent Resident Card. Only children are exempt from entering the United States under the Hague Process, Returning residents, and people traveling on a K visa are **exempt** from paying USCIS fee. Please refer to [USCIS Immigrant Fee](#) to make the payment.

We encourage you to read the following instructions: **[Know Before You Go.](#)**

Visa Renewal/Replacement/Re-issuance: Applicant(s) who are unable to use an Immigrant Visa during its validity, or an applicant seeking a replacement visa can reapply by resubmitting the DS-260 if the petition has not been revoked and if the basis for immigration still exists (i.e., familial relationship). They (and any derivative applicants) will need to come to the U.S. Embassy in Ankara in-person to bring their passport, 2 new photos, new medical report, unused visa packet (if you have one), and to pay the appropriate IV application processing fee per applicant. Complete list of fees can be found at: [Fees for Visa Services.](#)

Getting an appointment: If your IV has expired and you are planning to travel to the United States in the next six months, please send an email with the subject line "**reissuance request**". As soon as we receive your e-mail, we will provide you further guidance on getting an appointment.

If your appointment request **has already been approved**, please visit our service provider's website at: <https://ais.usvisa-info.com/>. login to your account and proceed with scheduling an appointment. If there are not available appointments on the website, please check this website regularly for availability. If you encounter any technical issues with your account, you can contact our service provider at: https://ais.usvisa-info.com/en-tr/iv/information/contact_us.









Back

STEP 3: Interview day

This is the official website of the U.S. Embassy in Türkiye. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.



EXHIBIT J

 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: ANK2020837009 01 ANK Case Created: 01-Dec-2020 Case Last Updated: 28-Nov-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit U.S.EmbassyAnkara.</p> <p>Close</p>	 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV2022750008 01 YRV Case Created: 28-Aug-2021 Case Last Updated: 18-Apr-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>
 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV2022750007 01 YRV Case Created: 28-Aug-2021 Case Last Updated: 27-Dec-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>	 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: ABD2020731001 01 ABD Case Created: 13-Aug-2020 Case Last Updated: 17-Jan-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>
 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV202352008 01 YRV Case Created: 07-Nov-2021 Case Last Updated: 17-Aug-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>	 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV2023540003 01 YRV Case Created: 18-Jan-2022 Case Last Updated: 29-Dec-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>
 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV2022744004 01 YRV Case Created: 11-Jul-2022 Case Last Updated: 27-Dec-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>	 <p>U.S. Department of State IMMIGRANT VISA APPLICATION</p> <p>Refused</p> <p>Immigrant Visa Case Number: YRV2022755010 01 YRV Case Created: 15-Mar-2022 Case Last Updated: 25-Apr-2023</p> <p>A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit TRAVEL.STATE.GOV or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit TRAVEL.STATE.GOV.</p> <p>Close</p>

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: ABD2020837031 01 ABD
Case Created: 28-Nov-2020
Case Last Updated: 20-Sep-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov).

[Close](#)

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: ANK2010575014 01 ANK
Case Created: 05-Apr-2019
Case Last Updated: 30-Nov-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [U.S. Embassy Ankara](https://travel.state.gov).

Your search has returned multiple results. Please select the Case Number to display the status.

Case Number	Status
ANK2010575014 01 ANK	Refused
ANK2010575014 02 ANK	Refused
ANK2010575014 03 ANK	Refused

[Close](#)

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: ANK2017743003 01 ANK
Case Created: 26-Jul-2004
Case Last Updated: 04-Dec-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [U.S. Embassy Ankara](https://travel.state.gov).

Your search has returned multiple results. Please select the Case Number to display the status.

Case Number	Status
ANK2017743003 01 ANK	Refused
ANK2017743003 02 ANK	Refused
ANK2017743003 03 ANK	Refused
ANK2017743003 04 ANK	Refused

[Close](#)

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: ANK2010506027 01 ANK
Case Created: 06-Jan-2010
Case Last Updated: 11-Aug-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [U.S. Embassy Ankara](https://travel.state.gov).

Your search has returned multiple results. Please select the Case Number to display the status.

Case Number	Status
ANK2010506027 01 ANK	Refused
ANK2010506027 02 ANK	Ready
ANK2010506027 03 ANK	Refused
ANK2010506027 04 ANK	Refused

[Close](#)

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: YRV2019727003 01 YRV
Case Created: 26-Jun-2019
Case Last Updated: 18-Dec-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov).

[Close](#)

U.S. Department of State
IMMIGRANT VISA APPLICATION

Refused

Immigrant Visa Case Number: ANK2009800026 01 ANK
Case Created: 11-Apr-2018
Case Last Updated: 25-Oct-2023

A U.S. consular officer has adjudicated and refused your visa application. Please follow any instructions provided by the consular officer. If you were informed by the consular officer that your case was refused for administrative processing, your case will remain refused while undergoing such processing. You will receive another adjudication once such processing is complete. Please be advised that the processing time varies and that you will be contacted if additional information is needed. For more information, please visit [TRAVEL.STATE.GOV](https://travel.state.gov) or the website for the Embassy or Consulate at which you made your visa application. For more information, please visit [U.S. Embassy Ankara](https://travel.state.gov).

Your search has returned multiple results. Please select the Case Number to display the status.

Case Number	Status
ANK2009800026 01 ANK	Refused
ANK2009800026 02 ANK	Refused
ANK2009800026 03 ANK	Refused

[Close](#)

Dr. Patrick Anderson

*Center for Gynecologic Oncology
& Women's Health*

August 2, 2022

Re: [REDACTED]
[REDACTED]

Mrs. [REDACTED] is a patient under my care. She had surgery on May 5, 2020 and currently undergoing chemotherapy.

If you need further information, please contact my office.

Sincerely,

Dr. Patrick Anderson

Dr. Patrick Anderson
Gynecologic Oncologist

120 Irvington Avenue
South Orange NJ 07079

Phone 973 762-7270
Fax: 973 762-1980

www.socentergyn.com

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Pars Equality Center, See Attachment A

(b) County of Residence of First Listed Plaintiff San Mateo County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Curtis Lee Morrison, Red Eagle Law, L.C., 5256 S. Mission Rd. Ste 135, Bonsall, CA 92003, (714) 661-3446; Paris Etemadi Scott, Pars Equality Center, 1635 The Alameda, San Jose, CA 95126, (408) 261-6405

DEFENDANTS ANTONY J BLINKEN, in his official capacity as U S Secretary of State, JULIE M STUFFT, in her official capacity as Acting Deputy Assistant Secretary and Managing Director for Visa Services, Bureau of Consular Affairs

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U S Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
- X 2 U S Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability			400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	LABOR	PROPERTY RIGHTS	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	710 Fair Labor Standards Act	820 Copyrights	430 Banks and Banking
151 Medicare Act	340 Marine	720 Labor/Management Relations	830 Patent	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	740 Railway Labor Act	835 Patent--Abbreviated New Drug Application	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	751 Family and Medical Leave Act	840 Trademark	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	790 Other Labor Litigation	880 Defend Trade Secrets Act of 2016	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	791 Employee Retirement Income Security Act	SOCIAL SECURITY	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice	IMMIGRATION	861 HIA (1395ff)	490 Cable/Sat TV
196 Franchise	CIVIL RIGHTS	462 Naturalization Application	862 Black Lung (923)	850 Securities/Commodities/Exchange
REAL PROPERTY	PRISONER PETITIONS	X 465 Other Immigration Actions	863 DIWC/DIWW (405(g))	890 Other Statutory Actions
210 Land Condemnation	440 Other Civil Rights		864 SSID Title XVI	891 Agricultural Acts
220 Foreclosure	441 Voting		865 RSI (405(g))	893 Environmental Matters
230 Rent Lease & Ejectment	442 Employment		FEDERAL TAX SUITS	895 Freedom of Information Act
240 Torts to Land	443 Housing/ Accommodations		870 Taxes (U S Plaintiff or Defendant)	896 Arbitration
245 Tort Product Liability	445 Amer w/Disabilities--Employment		871 IRS--Third Party 26 USC § 7609	899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	446 Amer w/Disabilities--Other	OTHER		950 Constitutionality of State Statutes
	448 Education	540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee--Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- X 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation--Transfer 8 Multidistrict Litigation--Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 5 USC §§ 555(b), 706(1), 706(2); 28 USC §1361

Brief description of cause:

Challenge to lawfulness of State Department policy, and to unreasonable delays caused in part by that policy.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes X No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

X SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 12/30/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Curtis Lee Morrison

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT – LIST OF ALL PLAINTIFFS

1. PARS EQUALITY CENTER

2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
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40. [REDACTED]
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56. [REDACTED]
57. [REDACTED]
58. [REDACTED]
59. [REDACTED]
60. [REDACTED]
61. [REDACTED]
62. [REDACTED]
63. [REDACTED]
64. [REDACTED]
65. [REDACTED]
66. [REDACTED]
67. [REDACTED]
68. [REDACTED]
69. [REDACTED]
70. [REDACTED]
71. [REDACTED]
72. [REDACTED]
73. [REDACTED]
74. [REDACTED]
75. [REDACTED]
76. [REDACTED]
77. [REDACTED]
78. [REDACTED]
79. [REDACTED]
80. [REDACTED]
81. [REDACTED]
82. [REDACTED]
83. [REDACTED]
84. [REDACTED]
85. [REDACTED]
86. [REDACTED]
87. [REDACTED]
88. [REDACTED]
89. [REDACTED]
90. [REDACTED]
91. [REDACTED]
92. [REDACTED]
93. [REDACTED]
94. [REDACTED]
95. [REDACTED]
96. [REDACTED]
97. [REDACTED]
98. [REDACTED]
99. [REDACTED]
100. [REDACTED]