

Marc Van Der Hout,
CA SBN 80778
Kelsey Morales,
CA SBN 312362
VAN DER HOUT LLP
180 Sutter Street, Suite 500
San Francisco, CA 94104
T: (415) 981-3000
F: (415) 981-3003
ndca@vblaw.com

Baher Azmy*
Diala Shamas*
CENTER FOR
CONSTITUTIONAL
RIGHTS
666 Broadway 7th Floor
New York, NY 10012
T: (212) 614-6464
F: (212) 614-6499
bazmy@ccrjustice.org
dshamas@ccrjustice.org

David W. Rivkin*
Christopher S. Ford*
Elizabeth Costello*
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
T: (212) 909-6000
F: (212) 909-6836
dwrivkin@debevoise.com
csford@debevoise.com
ecostello@debevoise.com

**Pro hac vice application forthcoming*

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

San Francisco / Oakland Division

HANNA DOBASHI; HAJER TALEB;
RASHAD HIZAM ALAMARI; YARA AL
AMRI; AMEEN ALSHOHATEE; FAHMI
ABDO KHALED HASSAN; FAWWAZ
ISMAIL; EBRAHIM MUSLEH
MOHAMED; ABDO ALI MOHAMED;
MAHER NAGI MUSAID; TUFALIC
MOHAMED NAGI; NASSEM OMER; and
MUSED ALI RIYASHI;

Plaintiffs,

vs.

DONALD TRUMP, in his official capacity as
President of the United States; MICHAEL
POMPEO, in his official capacity as Secretary
of the Department of State; KEVIN
MCALEENAN, in his official capacity as
Acting Secretary of the Department of
Homeland Security; THE UNITED STATES
OF AMERICA; THE UNITED STATES
DEPARTMENT OF STATE; and THE
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;

Defendants.

) Case No.

) **COMPLAINT**

) **IMMIGRATION CASE**

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND FOR A WRIT OF MANDAMUS

Plaintiffs HANNA DOBASHI; HAJER TALEB; RASHAD HIZAM AL AMARI; YARA ABDULWAHAB AL AMRI; AMEEN ALSHOHATEE; FAHMI ABDO KHALED HASSAN; FAWWAZ ISMAIL; EBRAHIM MUSLEH MOHAMED; ABDO ALI MOHAMED; MAHER NAGI MUSAID; TUFAIC MOHAMED NAGI; NASSEM OMER; and MUSED ALI RIYASHI (collectively, “Plaintiffs”), by and through their undersigned attorneys, allege as follows on personal knowledge, and on information and belief, for their Complaint against Defendants.

BACKGROUND

1. Plaintiffs, thirteen United States citizens or lawful permanent residents of Yemeni descent, bring this Complaint to require the United States Department of State (the “State Department”) to effectuate its decision—and fulfill its nondiscretionary duty—to provide Plaintiffs’ family members Sagr Ali Ahmed Algumaie; Abdulqader Faisal Hezam Al Dhaibani; Arwa Anam Musleh Anam; Abdulwahab Ali Mohamed Al Amri; Kana Ahmed Saleh Alshohatee; Hanan Kaid Ali Thabet Alawdi; K.F.A.K.H.; K.H.; M.F.A.K.H.; Entebah Saleh Abdullah Taj al-Deen; Eman Mohammed Ali Al-Baadani; Mohamed Abdo Ali Mohamed; Thikra Nagi Abdulla Alqasmi; Emad Mohamed Abdo Mohamed; Lamia Mohamed Abdo; Ammar Mohamed Abdo Mohamed; Mayada Mohamed Abdo Mohamed; Omar Mohamed Abdo Mohamed; Ghada Mohamed Abdo; Suad Hussain Saleh Aldakash; Ahlam Ahmed Alshaibah; Hassan Adnan Hassan Bamdhaf; Amlak Musaed Ali Alreyashi; Adel Mohammed Qasem Alashram; Amal Adel Mohammed Alashram; K.A.M.A.; A.A.M.A.; N.A.M.A.; D.A.M.A.; and F.A.M.A. (collectively, “Plaintiffs’ Beneficiaries”) immigrant visas to travel to the United States, which are being unlawfully withheld.

2. Plaintiffs are all seeking to protect their families from violence, famine, disease, and the general collapse of their home country of Yemen due to war, and to live together with their loved ones in safety in this country, which Plaintiffs call home.

3. It is estimated that 91,600 people have been killed in Yemen since the war began, including by airstrike and in ground battles. According to the Washington Post, 30,800 were killed in 2018 alone, and 11,900 have been killed thus far in 2019.¹

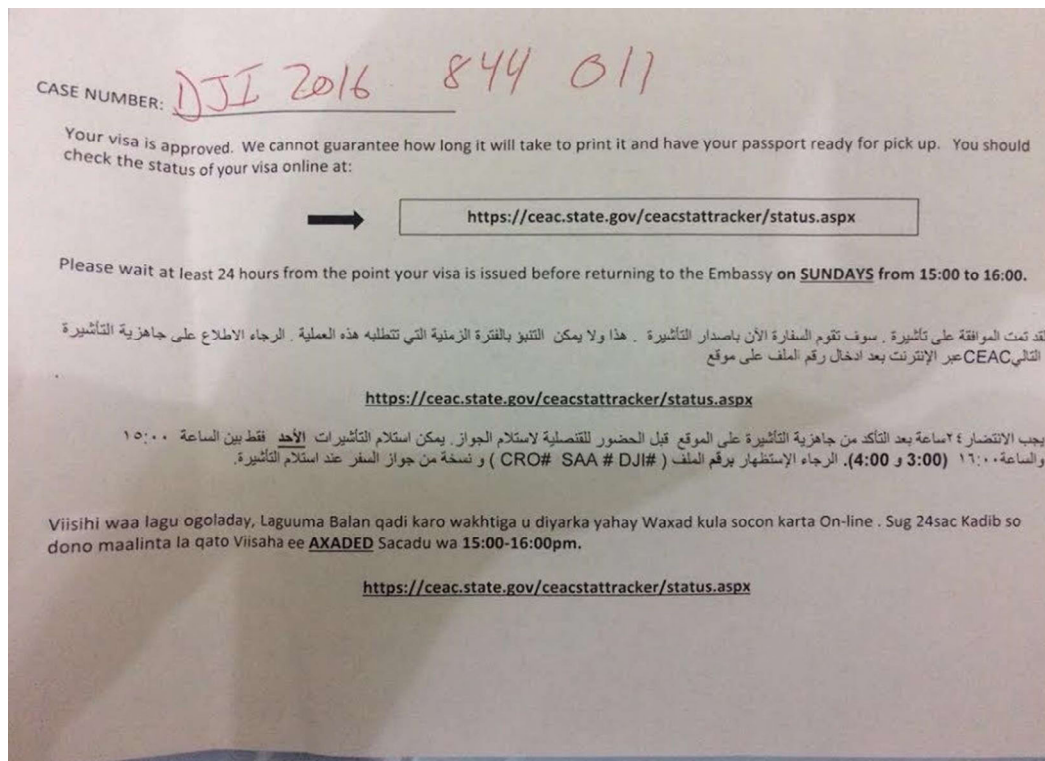
4. In addition to the dangers of the armed conflict, the economic consequences of the war have impoverished civilians. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that over 24 million civilians require some form of humanitarian aid. Over 20 million people are food insecure and 7.4 million people are malnourished (including 2 million children and 1.1 million lactating women); less than 55% of the population has access to clean drinking water; 4.3 million people have fled their homes, and 3.3 million of those who fled remain displaced; with 19.7 million people in need of health assistance and 14 million people in “acute need” of healthcare, 49% of hospitals are either partially or entirely non-functional. OCHA describes the war as “[f]our years of relentless conflict” that have “devastated the lives of millions of people,” and as the largest humanitarian crisis in the world.²

¹ *World Digest: June 19, 2019*, WASHINGTON POST (June 19, 2019), https://www.washingtonpost.com/national/world-digest-june-19-2019/2019/06/19/46f9d7aa-9297-11e9-b570-6416efdc0803_story.html?utm_term=.41ce1fc74dd8; Sammy Magdy, *Database says 91,600 killed in Yemen fighting since 2015*, ASSOCIATED PRESS (June 10, 2019), <https://www.apnews.com/b28a2bdb1b01413689e05a7204e6ea90>; *Global Conflict Tracker: Yemen*, COUNCIL ON FOREIGN RELATIONS (last visited July 11, 2019), <https://www.cfr.org/interactive/global-conflict-tracker/conflict/war-yemen>.

² United Nations Office of Humanitarian Affairs, *U.N. and Partners Seek \$4.2 Billion for Yemen Crisis* (Feb. 19, 2019), <https://m.reliefweb.int/report/3000634>; United Nations Office of Humanitarian Affairs, *Yemen: Crisis Overview* (last visited July 17, 2019), <https://www.unocha.org/yemen/crisis-overview>.

5. Plaintiffs each filed I-130 petitions on behalf of Plaintiffs' Beneficiaries—their spouses, children, or parents—seeking to bring their loved ones to the United States. Each and every one of the Plaintiffs had their applications approved by the Department of Homeland Security (“DHS”), and all Plaintiffs' Beneficiaries were interviewed by State Department consular officers at the United States Embassy in Djibouti (the “Embassy”) between April and December of 2017.³

6. At the conclusion of the interviews, Plaintiffs and/or Plaintiffs' Beneficiaries were told by Embassy officials that their petitions for visas had been granted. All were given a formal document from the Embassy stating, “Your visa is approved. We cannot guarantee how long it will take to print it and have your passport ready for pickup.” An example of one such document given to Plaintiffs by consular officials appears below:



³ Because of the violence in Yemen, consular services have been suspended in Sana'a and immigrant visa applications for Yemeni citizens have been transferred to the United States Embassy in Djibouti.

1 7. Each Plaintiffs' Beneficiary also surrendered his or her passport to Embassy
2 officials so that the Embassy could undertake the ministerial act of printing out the visas, as
3 indicated in the visa approval notices.

4 8. Under applicable State Department policy, the subsequent decision to approve or
5 deny a visa following the interview (subject to narrow exceptions not applicable here) constitutes
6 the final discretionary step in the visa adjudication process.

7 9. Instead of completing their non-discretionary duty to print Plaintiffs'
8 Beneficiaries' approved immigrant visas, however, Embassy officials delayed for weeks or
9 months and ultimately informed each Plaintiffs' Beneficiary that his or her visa had been denied
10 pursuant to Presidential Proclamation 9645 (the "Proclamation"). The Proclamation is also
11 commonly referred to as the "Muslim Ban" or "Travel Ban."

12 10. President Trump issued the Proclamation on September 24, 2017. The
13 Proclamation sought to bar nationals from certain countries, including Yemen, from entry into
14 the United States. However, before it took effect, the Proclamation as it applied to Plaintiffs and
15 Plaintiffs' Beneficiaries was enjoined by a United States court on the grounds that it violated the
16 Establishment Clause and the Immigration and Naturalization Act ("INA"). While the
17 Proclamation was enjoined as unlawful, it had no legal force, and the Embassy continued to
18 process and approve immigrant visa applications for Yemeni citizens.

19 11. The government petitioned the Supreme Court for a stay of the injunctions against
20 the Proclamation. The Supreme Court granted a stay on December 4, 2017, allowing the
21 Proclamation to go into effect. The State Department subsequently announced that it would
22 begin implementing the Proclamation on December 8, 2017.⁴ Organizations and attorneys began
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27
28 ⁴ U.S. DEP'T OF STATE, *Presidential Proclamation Fully Implemented Today*, (Dec. 8, 2017),
<https://www.state.gov/r/pa/prs/ps/2017/12/276376.htm>.

1 obtaining reports of *en-masse* denials of visas out of the U.S. Embassy in Djibouti beginning
2 December 17, 2017.

3 12. Despite the fact that Plaintiffs' Beneficiaries' visas were approved prior to the
4 implementation of the Proclamation, Embassy officials—acting, on information and belief,
5 according to instructions from President Donald Trump, Secretary Michael Pompeo (and/or his
6 predecessors in office), and/or Secretary Kevin McAleenan (and/or his predecessors in office)—
7 improperly and unlawfully delayed providing Plaintiffs' Beneficiaries' printed visas and refused
8 to issue said previously approved visas after the injunction was lifted, in purported reliance on
9 the Proclamation.
10

11 13. Weeks or even months after Plaintiffs' Beneficiaries were told in writing that their
12 visas had been approved, Defendants returned the passports of most Plaintiffs' Beneficiaries
13 without visas, and told Plaintiffs' Beneficiaries that their visas had been denied pursuant to the
14 Proclamation. Each was given a document that stated, "This is to inform you that a consular
15 officer found you ineligible for a visa under Section 212(f) of the INA, pursuant to Presidential
16 Proclamation 9645."
17

18 14. Defendants relied on the Proclamation to refuse to provide Plaintiffs' Beneficiaries
19 immigrant visas, despite the fact that the Proclamation states that it cannot be used to revoke
20 previously issued visas.
21

22 15. Defendants' actions were also contrary to public statements by the State
23 Department, which stated on its website, "No visas will be revoked pursuant to [Presidential
24 Proclamation] 9645. Individuals subject to [Presidential Proclamation] 9645 who possess a valid
25
26
27
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1 visa or valid travel document generally will be permitted to travel to the United States,
 2 irrespective of when the visa was issued.”⁵

3 16. Defendants’ actions violated the Proclamation and State Department policy, as
 4 well as clearly established law governing the issuance of visas. In order to correct their *ultra*
 5 *vires* actions, Defendants and their agents and employees must be compelled to undertake their
 6 non-discretionary duty to render the previously authorized visas to Plaintiffs’ Beneficiaries.

7 17. Defendants had no lawful authority—from the Proclamation or otherwise—to
 8 refuse to provide the visas granted to Plaintiffs’ Beneficiaries before the Proclamation was
 9 implemented, causing ongoing irreparable harm to Plaintiffs and their families.
 10

11 18. Plaintiffs and their loved ones sit in legal purgatory, emotionally and financially
 12 exhausted from separation and Plaintiffs’ Beneficiaries’ seemingly indefinite bar from the United
 13 States, and diminishingly hopeful to be reunited with their families in safety in the country they
 14 call home. Plaintiffs seek an order from this Court declaring Defendants’ actions unlawful and
 15 mandating that they issue Plaintiffs’ Beneficiaries their lawfully approved immigrant visas.
 16

17 THE PARTIES

18 19. Plaintiffs Hanna Dobashi; Hajer Taleb; Rashad Hizam Alamari; Yara Al Amri;
 19 Ameen Alshohatee; Fahmi Abdo Khaled Hassan; Fawwaz Ismail; Ebrahim Musleh Mohamed;
 20 Abdo Ali Mohamed; Maher Nagi Musaid; Tufaic Mohamed Nagi; Nasseem Omer; and Mused Ali
 21 Riyashi are citizens or lawful permanent residents of the United States who filed I-130
 22 immigrant visa petitions on behalf of Plaintiffs’ Beneficiaries, their family members abroad.
 23
 24
 25

26 ⁵ U.S. DEP’T OF STATE, *June 26 Supreme Court Decision on Presidential Proclamation 9645*,
 27 [https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/june_26_supreme_court_decision_on_presidential_proclamation9645.html)
 28 [proclamation9645.html](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/june_26_supreme_court_decision_on_presidential_proclamation9645.html) (last visited Dec. 13, 2018).

22. Defendant Kevin McAleenan is the Acting Secretary of the Department of Homeland Security, and is sued in his official capacity only. Acting Secretary McAleenan is the highest-ranking official within Defendant the United States Department of Homeland Security (“DHS”). Acting Secretary McAleenan is also responsible for the implementation of the INA, and oversees United States Customs and Border Protection (“USCBP”), the agency responsible for immigration and customs at the borders and ports of entry into the United States.

23. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. section 1331, as Plaintiffs' claims arise under the Constitution of the United States and the laws of the United States.

CASE NO.:

26. This action should be assigned to the San Francisco/Oakland Division because Plaintiffs Hanna Dobashi and Hajer Taleb reside in Alameda County. *See* N.D. Cal. Local Rules 3-2(c), (d).

(Background Allegations Common to All Plaintiffs)

28. The petitioner must then pay a fee and submit several supporting documents to complete the application. Once this process is complete, the beneficiary becomes eligible for an interview. *See* 9 FAM 504.5-6. The NVC provides the beneficiary with an appointment for an interview at an overseas consular office after the petitioner has properly submitted all necessary documents, paid all the necessary fees, and the beneficiary has undergone a medical exam. *See* 9 FAM 504.4-3(A)(3) (Medical Screening Forms); 9 FAM 504.4-4 (Supporting Documents).

29. According to the State Department, the interview with a consular officer is the last stage of the immigrant visa adjudication process, which will result in a decision on the visa application. The State Department's website explains that "[a]t the end of your immigrant

1 visa interview at the U.S. Embassy or Consulate, the consular officer will always inform you
2 whether your visa application is approved or denied.”⁶

3 30. After the interview, during which the consular officer has the opportunity to
4 question the applicant and review the application materials, the consular officer has a
5 nondiscretionary duty either to issue the visa or to refuse it. A consular officer cannot
6 temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the
7 visa, he or she must inform the applicant of the provisions of law on which the refusal is based,
8 and of any statutory provision under which administrative relief is available. *See* 9 FAM 504.1-
9 3(g) & 504.11 (refusal procedure); 9 FAM 301.5 (waiver relief).

11 31. In some cases, a consular officer may inform individuals that their visa petition
12 requires the issuance of a Security Advisory Opinion (“SAO”). Even when an SAO is required,
13 the consular officer must nevertheless refuse the visa. Indeed, there are “no exceptions to the
14 rule that once a visa application has been properly completed and executed before a consular
15 officer, a visa must either be issued or refused.” 9 FAM 504.1-3(i)(1)(c). In the event of a
16 refusal, even if due to the need for an SAO, the consular officer must still provide notice to the
17 applicant that his or her visa has been refused either orally or in writing. 9 FAM 504.11-
18 3(A)(1)(a). There are only three exceptions to this notice requirement, all of which contemplate
19 explicit instructions from the Department of Justice. 9 FAM 504.11-3(A)(1)(c).

21 32. State Department procedure dictates that an immigrant visa that has been
22 approved may only be thereafter revoked in three “rare circumstances”: (i) if the visa was
23 procured by “fraud, a willfully false or misleading representation, the willful concealment of a
24

26
27 ⁶ U.S. DEP’T OF STATE, *After the Interview*, <https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/interview/after-the-interview.html> (last visited
28 Dec. 13, 2018).

1 material fact, or other unlawful means,” (ii) if the State Department later obtains factual
2 information establishing that the alien was ineligible to receive the particular visa at the time it
3 was issued, or (iii) if the State Department “establish[es] that, subsequent to the issuance of the
4 visa, a ground of ineligibility has risen in the alien’s case.” 9 FAM 504.1-4(A)(1)(2).

5 33. All Plaintiffs are United States citizens or lawful permanent residents of Yemeni
6 descent. They seek to help their family members, Plaintiffs’ Beneficiaries, escape the
7 devastating war in Yemen and to reunite with their families in the United States.

8 34. Beginning as early as 2001, all Plaintiffs started the process to bring their relatives
9 to United States. Each filed an I-130 immigrant petition or petitions for Plaintiffs’ Beneficiaries,
10 their family members abroad, and all Plaintiffs’ Beneficiaries received notice of their interview
11 dates at the Embassy before the Proclamation was issued.

12 35. All Plaintiffs’ Beneficiaries appeared for visa interviews at the Embassy between
13 April and December of 2017 and, following the completion of those interviews, were informed,
14 pursuant to the consular officials’ non-discretionary duties, of a decision on their visas: in each
15 case, they were told that their visas were approved.

16 36. At the end of each of their interviews, all Plaintiffs’ Beneficiaries also received a
17 document from the Embassy that stated, “**Your visa is approved.** We cannot guarantee how
18 long it will take to print it and have your passport ready for pick up,” (emphasis added). Each
19 Plaintiff’s Beneficiary surrendered his or her passport to the Embassy in order to be issued the
20 printed visa.

21 37. Despite the fact that their visa applications were approved pursuant to law, none
22 of Plaintiffs’ Beneficiaries were actually provided their immigrant visas. Instead, the Embassy
23 held their passports for a period of time—ranging from one week to indefinitely—and then
24 informed Plaintiffs’ Beneficiaries that their visa applications had been denied pursuant to the
25 Proclamation.

38. To date, the Embassy still has not issued Plaintiffs' Beneficiaries' immigrant visas.

39. The protracted and indefinite limbo that Plaintiffs' Beneficiaries have experienced while forced to remain outside of the United States, often separated from their families and communities, has taken a heavy and painful financial, emotional, and physical toll on Plaintiffs and their families.

The Proclamation

40. On January 27, 2017, Defendant President Trump issued Executive Order 13769, Protecting the Nation from Foreign Terrorist Entry into the United States ("First Travel Ban"). The First Travel Ban prohibited the entry of nationals of seven Muslim-majority countries for 90 days pending a worldwide review to be conducted by the Secretary of Homeland Security, suspended the entire Refugee Admissions Program for 120 days, and indefinitely barred entry of all Syrian refugees. Exec. Order 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017). Within a week, federal courts around the country enjoined the government from enforcing the First Travel Ban. *See, e.g.* Washington v. Trump, 847 F.3d 1151, 1161–64 (9th Cir. 2017) (per curiam), reconsideration en banc denied, 853 F.3d 933 (9th Cir. 2017).

41. On March 6, 2017, President Trump issued Executive Order 1378 (the "Second Travel Ban"). Again, federal courts unanimously barred enforcement of this order. *Int'l Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir.), as amended (May 31, 2017), as amended (June 15, 2017), and vacated and remanded sub nom *Trump v. Int'l Refugee Assistance*, 138 S. Ct. 353 (2017); *Hawaii v. Trump*, 859 F.3d 741 (9th Cir.), cert. granted sub nom *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080 (2017), and vacated and remanded, 138 S. Ct. 377 (2017). The Supreme Court granted certiorari in both the Fourth and Ninth circuit cases and left the injunctions in place pending review, except as to persons who lacked a "credible claim of a

1 bona fide relationship with a person or entity in the United States.” *Trump v. IRAP*, 137 S. Ct.
2 2080, 2088 (2017).

3 42. On September 24, 2017, President Trump issued the third revision of the travel
4 ban – the Proclamation at issue in this case. 82 Fed. Reg. 45161 (2017). The Proclamation
5 expands on the previous executive orders by applying entry restrictions to nationals of eight
6 states, and by applying the restrictions for an indefinite amount of time. For Yemeni citizens,
7 Section 2(g)(ii) of the Proclamation restricts entry of nationals seeking immigrant visas and
8 nonimmigrant business or tourist visas.
9

10 43. The Proclamation provided certain protections for individuals who were granted
11 visas before the Proclamation took effect. Section 3(ii) of the Proclamation stated that the
12 restrictions on entry did not apply to individuals who had already been issued visas before the
13 effective date of the Proclamation. Additionally, Section 6(c) of the Proclamation stated that no
14 immigrant visa issued before the effective date of the Proclamation “shall be revoked pursuant to
15 this Proclamation.”
16

17 44. On October 17, 2017, before the provisions of the Proclamation applicable to
18 Plaintiffs’ Beneficiaries could take effect, the U.S. District Court for the District of Hawaii
19 issued a Temporary Restraining Order prohibiting the enforcement of certain provisions of the
20 Proclamation, including those pertaining to Yemeni citizens. *Hawaii v. Trump*, 265 F.Supp.3d
21 1140 (D. Haw.), *aff’d in part, vacated in part*, 878 F.3d 662 (9th Cir. 2017), *cert. granted*, 138 S.
22 Ct. 923, (2018), *rev’d and remanded*, 138 S. Ct. 2392, 201 L. Ed. 2d 775 (2018).
23

24 45. The Government appealed, and on December 4, 2018, the Supreme Court issued a
25 stay of the injunction and allowed the Proclamation to go into full effect pending the ultimate
26 outcome of the appeal. *Trump v. Hawaii*, 138 S. Ct. 542 (2017). The State Department
27 announced that it would begin implementing the Proclamation shortly thereafter, on December 8,
28 2017.

1 46. On June 26, 2018, the Supreme Court issued a judgment vacating the injunction
2 and upholding the Proclamation. *Trump v. Hawaii*, 138 S. Ct. 2392 (2018). The Proclamation
3 remains in effect for Yemeni citizens currently seeking immigrant visas.

4 47. As a result of the injunction and delayed implementation, the Proclamation had no
5 legal force as applicable to Plaintiffs' Beneficiaries prior to December 8, 2018. Furthermore, by
6 its terms, it could not be a basis to revoke or deny a visa that was lawfully granted.

7
8 ***Plaintiff Hanna Dobashi***

9 48. Hanna Dobashi is a United States citizen and a student at Merritt College studying
10 nursing. She resides in Oakland, California.

11 49. Dobashi met her husband, Plaintiff's Beneficiary Sagr Ali Ahmed Algumaie, in
12 2008. They married on September 25, 2014. On May 9, 2016, Dobashi filed an I-130 petition
13 seeking a visa for her husband to enable them to live together and start a family in the United
14 States. After attending an in-person interview with USCIS, Dobashi was informed that her
15 petition was approved.

16 50. Dobashi and Algumaie made arrangements for Algumaie to attend his immigrant
17 visa interview on October 18, 2017 at the Embassy. Algumaie faced difficulties making his
18 travel arrangements; the security situation in Yemen required him to travel from his village to
19 Aden, in Yemen, and from Aden to Sudan. Due to Djibouti's visa requirements, Algumaie was
20 forced to stay in Sudan for some time before arriving in Djibouti on September 27, 2017.

21 51. Algumaie attended his immigrant visa interview on October 18, 2017 at the
22 Embassy. At the end of his interview, the consular officer informed him that his visa was
23 approved and provided him with a notice stating that his visa was approved, identifying his
24 redress number, DJI2016844011. **Exhibit 1.** The consular officer then took Algumaie's
25 passport and informed him that his visa would be printed soon.
26
27
28

1 52. Algumaie understood that his request for a visa had been approved and that no
2 further steps remained in the application process, as Algumaie's passport was taken by the
3 Embassy and he was provided paperwork stating plainly that his visa had been approved.

4 53. Algumaie remained in Djibouti alone for six months without receiving any
5 information from the Embassy about the status of his visa. In the United States, Dobashi
6 regularly sought updates about his case and contacted her congressperson seeking further
7 information. Her efforts to obtain more information about the status of Algumaie's visa were
8 unsuccessful. Shortly thereafter, due to the high cost of living in Djibouti, Algumaie relocated to
9 Qatar to seek employment while waiting for his visa to be printed.
10

11 54. On June 3, 2018, the Embassy issued Algumaie a refusal notice stating that he had
12 been denied a visa pursuant to the Proclamation and that a waiver would not be granted in his
13 case. **Exhibit 2.**

14 55. On July 24, 2018, Dobashi emailed the Embassy to inquire about any change in
15 Algumaie's status. The next day, the Embassy responded that a waiver was being considered in
16 Algumaie's case and that his status would "switch from 'Administrative Processing' to 'Issue'
17 when the waiver has finally been approved." On July 25, 2018, Algumaie was also issued a
18 "waiver reconsideration" notice stating that he was being considered for a waiver under the
19 provisions of the Proclamation. **Exhibit 3.**
20

21 56. Dobashi also continued to seek assistance from her congressperson. On October
22 15, 2018, Congresswoman Barbara Lee's office informed Dobashi of the Embassy's response
23 that Algumaie's visa had been refused pursuant to the Proclamation, but that the Embassy had
24 recommended that the case be considered for a waiver. Dobashi repeatedly sought updates
25 regarding Algumaie's case each of the following months, in November 2018, December 2018,
26 January 2019, and February 2019.
27

28 57. To date, Algumaie has not been issued a visa or granted a waiver.

Plaintiff Hajer Taleb

58. Hajer Taleb is a United States citizen residing in Oakland, California.

59. Taleb married her husband, Plaintiff's Beneficiary Abdulqader Faisal Hezam Al Dhaibani, on March 23, 2015 in Yemen.

60. On January 2016, Taleb filed an I-130 petition seeking a visa for her husband to enable him to join her in the United States. After submitting all of the requested information, Al Dhaibani was scheduled for a visa interview on July 13, 2017 at the Embassy.

61. Al Dhaibani arrived in Djibouti two weeks before his interview to prepare his medical records. It was a difficult journey from Yemen to Djibouti because there were no available flights out of Yemen. Al Dhaibani had no other option but to fly to Sudan, remain there for a week, and then fly from Sudan to Djibouti.

62. After completing his medical examination, Al Dhaibani attended his interview at the Embassy on July 13, 2017. At the conclusion of the interview, the consular official told Al Dhaibani that his visa was approved and provided him with a notice stating that his visa was approved, which identified his redress number, DJI2016815019. **Exhibit 4.**

63. Al Dhaibani understood that the request for a visa had been approved and that no further steps remained in the application process, as Al Dhaibani's passport was taken by the Embassy and he was provided paperwork stating plainly that his visa had been approved.

64. On January 8, 2018, the Embassy returned Al Dhaibani's passport and issued him a letter stating that his application for a visa has been denied due to the Proclamation and that he would not be granted a waiver. **Exhibit 5.**

65. During his stay in Djibouti, which lasted nearly two years, Al Dhaibani spent over \$25,000 in borrowed funds on food and housing alone. With no access to necessary medical care, Al Dhaibani has suffered from kidney stones and severe depression.

66. Due to the rising cost of food and housing, Al Dhaibani returned to Yemen after his passport was returned. In Yemen, Al Dhaibani struggles with food insecurity, financial instability, and depression.

67. Taleb resides with her father in Oakland while waiting for her husband to join her in the United States. Taleb's father supports her financially.

68. After her husband received the denial letter, Taleb visited the offices of her Senators, Dianne Feinstein and Kamala Harris, and asked them to contact the Embassy, but she received no response. Taleb also visited Representative Barbara Lee and made the same request. On November 18, 2018, the Embassy responded to Barbara Lee's office noting that Al Dhaibani's visa was refused pursuant to the Proclamation, that his case was submitted for waiver reconsideration, and that his request was currently in administrative processing.

69. On January 29, 2019, Taleb traveled to Yemen to visit with her husband after being separated from him for two and a half years. She is experiencing significant anxiety and stress in Yemen, but does not wish to return to the United States without her husband.

Plaintiff Rashad Hizam Al Amari

70. Rashad Hizam Al Amari is a United States citizen. He resides in the Bronx, New York. He currently works as a cashier in supermarket, where he has been employed for more than five years.

71. In 1997, Al Amari married his wife, Plaintiff's Beneficiary Arwa Anam Musleh Anam. Together they have three sons and one daughter, Hisham Alamari, H.A., M.A., and Y.A. After the war broke out in Yemen, Al Amari became greatly concerned about his family's safety in the country and relocated them to Jordan.

72. In 2016, Al Amari filed I-130 petitions seeking to bring his wife and children to the United States. USCIS approved all of the petitions. The NVC then scheduled his wife and

1 children for an immigrant visa interview at the Embassy in August 2017. Al Amari spent nearly
2 \$10,000 to arrange for his family's travel and accommodations in Djibouti for the interview.

3 73. Al Amari's family attended their immigrant visa appointment together. At the
4 conclusion of the interview, the consular officer informed Al Amari and his family that the visa
5 applications were approved. The consular officer provided a single approval notice, which
6 identified Anam and the two children by their redress numbers, DJI2016756008 (Anam),
7 DJI2016791021 (H.A.), and DJI2016791024 (Hisham Rashaad Hizam Alamari), and stated that
8 their visas had been approved. **Exhibit 6.** As the two youngest children (M.A. and Y.A.) were
9 eligible for U.S. Citizenship, they obtained their passports.
10

11 74. Anam understood that her request for a visa had been approved and that no further
12 steps remained in the application process, as Anam's and her eldest children's passports were
13 taken by the Embassy and they were provided paperwork stating plainly that their visas had been
14 approved. On August 20, 2017, less than a week after their interview, the two children received
15 their printed visas, but Anam did not.
16

17 75. On January 11, 2018, the Embassy notified Anam that her visa application had
18 been refused pursuant to the Proclamation.

19 76. Due to financial hardship, in October 2017 Al Amari returned to the United States
20 in order to work and financially support his family. Hisham, the couple's oldest son, traveled
21 with his father. H.A., the second oldest, followed shortly thereafter, as soon as Al Amari was
22 able to save enough money for his flight. Hisham and H.A. had to travel to the United States,
23 leaving their mother and siblings behind, so that their visas would not expire.
24

25 77. Anam remained in Djibouti with their two youngest children, who both have
26 United States passports.
27
28

78. The financial hardship, stress, and separation from her family have caused Anam to become ill several times, and have caused significant strain on her relationships with her family.

79. In total, Al Amari has spent nearly \$100,000 on travel, accommodations, and living expenses to support his family during the visa application process.

80. On May 30, 2018, the Embassy issued Anam an “updated refusal letter” informing her that she was being considered for a waiver. **Exhibit 7.**

81. To date, Anam has not been issued a visa or granted a waiver.

Plaintiff Yara Al Amri

82. Yara Al Amri⁷ is a United States citizen. She resides in Michigan with her mother, husband, and four children, where she works at a local preschool and is studying for her General Education Diploma.

83. In 2014, due to the escalating civil war in Yemen, Yara Al Amri filed an I-130 petition seeking to allow both of her parents, Plaintiff’s Beneficiaries Neamh Ahmed Ali Alammari and Abdulwahab Ali Mohamed Al Amri, to join her family and their grandchildren in the United States.

84. In 2015, Yara Al Amri attended an interview at USCIS’s local office. Following the interview, Yara Al Amri was informed that both petitions were approved. On June 28, 2017, the NVC informed Yara Al Amri that her father and mother were scheduled for an immigrant visa interview at the Embassy on August 8, 2017.

⁷ Her name is sometimes spelled Alamri. “Al Amri” is the spelling used on her U.S. Certificate of Citizenship.

1 85. Yara Alamri made arrangements for her parents to travel to Djibouti for their visa
2 interview. Due to the time required to complete their medical examinations, however, Yara Al
3 Amri had to reschedule the visa interview for August 17, 2017.

4 86. Yara Al Amri's parents attended their immigrant visa interview together on
5 August 17, 2017 at the Embassy. At the conclusion of the interview, the consular officer
6 informed both her mother, Alammari, and her father, Abdulwahab Al Amri, that their visa
7 applications were approved. The consular officer provided a single approval notice stating that
8 their visas were approved, identifying both Abdulwahab Al Amri and Alammari's redress
9 numbers as DJI2016805022 and DJI 2016836012, respectively. **Exhibit 8.**

11 87. The consular officer took both of Yara Al Amri's parents' passports to print the
12 issued visas. At that point, Yara Al Amri and her parents understood that their request for visas
13 had been approved and that no further steps remained in the application process, as both parents'
14 passports were taken by the Embassy and they were provided paperwork stating plainly that their
15 visas had been approved.

16 88. That same day, Yara Al Amri checked the status of her parents' visas on the State
17 Department website, as instructed by the approval notice. Yara Al Amri's mother's visa was
18 listed as "issued," but her father's was not. Her mother went to the Embassy and picked up her
19 visa and inquired about her husband's status. The Embassy responded that they would get back
20 to her.

21 89. After approximately one month, Yara Al Amri's mother traveled to the United
22 States. Abdulwahab Al Amri remained in Djibouti for six months waiting for the Embassy to
23 print his issued visa. On December 17, 2017, the Embassy contacted Abdulwahab Al Amri and
24 issued him a refusal letter informing him that his visa application had been denied pursuant to the
25 Proclamation and informing him that a waiver would not be granted in his case. **Exhibit 9.**

documents related to DNA testing. Ameen Alshohatee was informed on March 8, 2017 that his petition had been approved.

97. Ameen Alshohatee traveled to Yemen and remained with his wife for ten months before her interview in Djibouti. During this time, Ameen Alshohatee witnessed the circumstances of the war in Yemen. He regularly heard the sound of explosions and the family often did not leave their home out of fear for their safety.

98. In November 2017, Ameen Alshohatee and his family traveled from Yemen to Djibouti to attend his wife's visa interview. From Yemen, they first traveled to Egypt, where they waited three weeks to obtain the visas necessary to enter Djibouti. At this time, Ameen Alshohatee returned to the United States in order to support his family financially. His wife and two younger children continued on to Djibouti for his wife's interview.

99. The interview in Djibouti was scheduled for November 9, 2017. The Embassy rescheduled the interview for December 10, 2017 after Kana Alshohatee and her children arrived in Djibouti. She appeared as scheduled, and received a notice at the conclusion of the interview, plainly stating that her visa had been approved, and identifying her redress number, DJI2017566097. **Exhibit 10.**

100. The Embassy took Kana Alshohatee's passport and told her that they would print her visa within the week. Kana Alshohatee understood that the request for a visa had been approved and that no further steps remained in the application process, as her passport was taken by the Embassy and she was provided paperwork stating plainly that her visa had been approved.

101. On December 20, 2017, the Embassy returned Kana Alshohatee's passport to her, along with a notice that stated that her visa had been denied pursuant to the Proclamation.

Exhibit 11.

102. After Ameen Alshohatee contacted the Embassy to inquire about the status of his wife's application, he received a response stating that she was being considered for a waiver and that he should refrain from emailing the Embassy, as that might cause further delays.

103. Ameen Alshohatee's wife and daughter are still in Djibouti, separated from the rest of their family in New York. Ameen Alshohatee's eldest son has not seen his mother since 2014.

104. Ameen Alshohatee spent \$5,000 on travel to Djibouti, \$100 a day for the first two months while residing in a hotel and, since moving his family to an apartment, \$2,800 per month on rent.

105. Ameen Alshohatee's son, Safwan Alshohatee, faced health issues and was hospitalized in Djibouti. Due to his health complications, in June 26, 2019 Safwan had to leave his mother and sister behind in Djibouti and travel to the United States. Kana Alshohatee suffers from high blood pressure and diabetes. Both children were unable to attend school in Djibouti.

106. Kana Alshohatee is unable to return to Yemen because of the worsening conditions due to the war, and because she does not want to be separated from her family.

107. To date, Kana Alshohatee has not been issued a visa or granted a waiver.

Plaintiff Fahmi Abdo Khaled Hassan

108. Fahmi Abdo Khaled Hassan is a lawful permanent resident of the United States who arrived in the United States in 2004. Fahmi Hassan resides in Queens, New York.

109. Fahmi Hassan married his wife, Plaintiff's Beneficiary Hanan Kaid Ali Thabet Alawdi, in Yemen on April 15, 2008. He has two daughters, K.F.A.K.H. and M.F.A.K.H., as well as a son, K.H.

110. On September 10, 2013, Fahmi Hassan filed an I-130 petition for his wife and two of his children, K.F.A.K.H. and K.H., to receive visas to enter the United States. Fahmi Hassan completed his interview with USCIS at Federal Plaza in New York on July 20, 2016.

1 111. Despite repeated attempts to follow up on the status of his petition, Fahmi Hassan
2 did not receive an interview date for his wife, daughter, and son until September 28, 2017, when
3 his attorney received a letter stating that Fahmi Hassan's family's interview was scheduled for
4 November 21, 2017 at the U.S. Embassy in Djibouti.

5 112. Fahmi Hassan and his family travelled to Djibouti to attend the interview at the
6 Embassy. Alawdi was pregnant at the time of their interview. At the conclusion of the
7 interview, the consular officer told Hassan that the visas for his wife, daughter, and son were
8 approved and provided him with a notice stating that the visas were approved which identified
9 Alawdi's redress number, DJI2016766048. **Exhibit 12.**
10

11 113. The consular officer took Alawdi's passport and those of Fahmi Hassan's
12 children, and informed them that their visas would likely be issued within two weeks. Alawdi
13 and her children understood that their requests for visas had been approved and that no further
14 steps remained in their application process, as Alawdi's and her children's passports were taken
15 by the Embassy and they were provided paperwork stating plainly that their visas had been
16 approved.
17

18 114. Fahmi Hassan and Alawdi heard nothing further from the Embassy for nearly two
19 months. Around January of 2018, Fahmi Hassan decided to return to the United States to
20 continue working to support his family, as their funds were depleting while waiting for the
21 Embassy to issue their visas. Alawdi and the children remained in Djibouti awaiting the printing
22 of their visas.
23

24 115. Around the same time, Alawdi learned from a neighbor that the Embassy had
25 begun returning passports without visas to people who had previously been told their visas were
26 approved. Alawdi, who was pregnant at the time, became so distraught upon hearing this news
27 that she was hospitalized for over two weeks.
28

1 116. Shortly thereafter, in early January 2018, Fahmi Hassan received a call from the
2 Embassy informing him that Alawdi would need to return to the Embassy on January 8, 2018.
3 When Hassan and his family went to the Embassy as instructed, they were told their visas had
4 been denied due to the Proclamation, their passports were returned, and they were issued a denial
5 letter. **Exhibit 13.**

6 117. Fahmi Hassan could not afford the high cost of living in Djibouti, so he was
7 forced to move his wife and children back to Yemen in January 2018, to a village close to the
8 war zone. After accompanying them to Yemen, he returned to the United States on January 18,
9 2018 in order to continue supporting his family financially.

11 118. Fahmi Hassan's third child, M.F.A.K.H., was born that year in Yemen. Fahmi
12 Hassan could not be there for her birth. She was subsequently added to his pending I-130
13 petition.

14 119. On August 9, 2018, Fahmi Hassan sent a letter to the Embassy requesting a
15 waiver for his family's visa petitions. He received a response on August 12, 2018, stating that
16 the Embassy was recommending that Alawdi be considered for a waiver.

18 120. Sometime thereafter, Fahmi Hassan checked the online status of his family's
19 applications, and saw that his wife's application was listed as undergoing administrative
20 processing, while the applications for both his daughter and son were listed as refused.

21 121. Eventually, after submitting all of the information requested by the State
22 Department for his youngest daughter's application, M.F.A.K.H.'s petition was scheduled for an
23 interview at the Embassy on December 30, 2018. The family travelled to Djibouti from Yemen
24 on December 20, 2018.

26 122. At the conclusion of the interview on December 30, 2018, the Embassy requested
27 additional documentation and informed Fahmi Hassan they were confident that his family would
28 receive the visas shortly. Fahmi Hassan provided the documents as requested.

123. Fahmi Hassan returned to the United States on April 12, 2019. His family remained in Djibouti for some months, but was recently forced to return to Yemen. Fahmi Hassan spent over \$20,000 on his last trip to Djibouti and continues to send approximately \$2,500 a month on housing and food for his family. His daughter, M.F.A.K.H., was diagnosed with malaria while in Djibouti in March 2019.

124. On May 16, 2019, the Embassy informed Fahmi Hassan that his case was being considered for a waiver pursuant to the Proclamation.

125. To date, neither Alawdi nor any of Fahmi Hassan's children have been issued their visas or granted a waiver.

Plaintiff Fawwaz Ismail

126. Fawwaz Ismail is a United States citizen who resides in Dover, Delaware. He owns and operates a convenience store, and is the father of two young children, both of whom are United States citizens.

127. In August 2015, Ismail filed an I-130 petition seeking to bring his wife, Plaintiff's Beneficiary Entebah Saleh Abdullah Taj al-Deen,⁸ to the United States. In 2016, USCIS approved the petition. The NVC scheduled his wife's immigrant visa interview for November 2017 at the Embassy.

128. To assist his family through the visa interview process, Ismail travelled from Delaware to Egypt, and then from Egypt to Yemen, and from Yemen to Egypt, and then to Djibouti. His family stayed in Egypt for one month and then traveled to Ethiopia to apply for the visas necessary to enter Djibouti.

⁸ In some Department of State documents, her name is also spelled Entebah Sahleh Abdullah Tajaldeen or Entebah Saleh Abdullah Ahmed Taj al Deen.

1 129. On October 10, 2017, Ismail arrived in Djibouti to assist his wife with her visa
2 interview on November 12, 2017. Ismail and his family attended the visa interview together. At
3 the conclusion of the interview, the consular officer informed Ismail and his wife that her visa
4 application was approved. The consular officer took al-Deen's passport and told her that her
5 approved visa would be printed soon. The approval notice plainly stated that her visa was
6 approved and identified her by her redress number, DJI2016847013. **Exhibit 14.**

7 130. al-Deen understood that her request for a visa had been approved and that no
8 further steps remained in the application process, as al-Deen's passport was taken by the
9 Embassy and she was provided paperwork stating plainly that her visa had been approved.
10

11 131. Ismail and his wife stayed in Djibouti approximately six months waiting for the
12 visa to be printed. After six months, Ismail was forced to leave Djibouti due to financial
13 hardship. During this time, their son, became increasingly sick with a respiratory condition and
14 still requires surgery.

15 132. On May 30, 2018, the Embassy issued a refusal letter to al-Deen informing her
16 that her visa had been denied pursuant to the Proclamation and that she was being considered for
17 a waiver. **Exhibit 15.** On June 3, 2018, the Embassy issued the same notice a second time.
18

19 133. The Embassy has not returned al-Deen's passport.

20 134. In total, Ismail has spent more than \$30,000 to support his wife and complete the
21 visa application process.

22 135. To date, al-Deen has not been issued a visa or granted a waiver.
23

24 ***Plaintiff Ebrahim Musleh Mohamed***

25 136. Ebrahim Musleh Mohamed is a United States citizen who resides in Brooklyn,
26 New York.

1 137. Ebrahim Mohamed married his wife, Plaintiff's Beneficiary Eman Mohammed
2 Ali Al-Baadani, in Yemen on October 27, 2008. He has three children with Al-Baadani:
3 E.E.M.M., B.E.M.M., and O.E.M.M.

4 138. On September 28, 2015, Ebrahim Mohamed filed an I-130 petition seeking a visa
5 to allow his wife to join him in the United States. After he submitted all of the information
6 requested, Al-Baadani was scheduled for an interview at the Embassy on October 15, 2017.

7 139. Ebrahim Mohamed travelled to Yemen to accompany his family on their journey
8 from Yemen to Djibouti. Ebrahim Mohamed and his family travelled to Sayoon in Yemen, then
9 to Egypt on July 2, 2017. Once they arrived in Egypt, the family applied for visas to enter
10 Djibouti, which took five days to be processed and issued. The journey from Yemen to Djibouti
11 lasted over two weeks and cost more than \$10,000.

12 140. The family reached Djibouti on October 9, 2017, and Al-Baadani was required to
13 postpone her interview at the Embassy. It was re-scheduled for November 14, 2017.

14 141. Ebrahim Mohamed and Al-Baadani attended the interview at the Embassy on
15 November 14, 2017. At the conclusion of the interview, the consular officer told Al-Baadani
16 that her visa was approved and provided her with an approval slip stating that her visa was
17 approved, which identified her redress number, DJI2016756020. **Exhibit 16.** The consular
18 officer also took Al-Baadani's passport.

19 142. Al-Baadani understood that her request for a visa had been approved and that no
20 further steps remained in the application process, as Al-Baadani's passport was taken by the
21 Embassy and she was provided paperwork stating plainly that her visa had been approved.

22 143. In December 2017, the couple's children, E.E.M.M. and B.E.M.M., were issued
23 United States passports. The family remained in Djibouti awaiting Al-Baadani's visa.

24 144. On February 1, 2018, Ebrahim Mohamed called the Embassy, asking that they
25 return his wife's passport. Al-Baadani was six months pregnant at the time and needed urgent
26

1 medical care. Al-Baadani was unable to find adequate medical care in Djibouti and needed to
 2 travel to Egypt immediately to receive the care she needed. The Embassy returned Al-Baadani's
 3 passport on March 6, 2018 and issued a letter stating that her application for a visa had been
 4 denied due to the Proclamation and that she would not be granted a waiver. **Exhibit 17.**

5 145. The family left Djibouti on March 11, 2018 for Egypt. Al-Baadani gave birth to
 6 their third son, O.E.M.M. in 2018 in Cairo. Ebrahim Mohamed left Egypt on October 8, 2018 to
 7 return to the United States so that he could work to provide for his family. Al-Baadani left Egypt
 8 with her son O.E.M.M. on April 28, 2019 and returned to Sana'a, Yemen.

9 146. In July 2018, Ebrahim Mohamed's brother accompanied Ebrahim Mohamed's
 10 sons, E.E.M.M. and B.E.M.M., from Egypt to the United States so that they could enroll in
 11 school. E.E.M.M. and B.E.M.M. currently reside in Brooklyn, New York, with their
 12 grandmother, because Ebrahim Mohamed works long hours and is unable to care for them. They
 13 attend elementary school in Brooklyn.

14 147. In both Djibouti and Egypt, Ebrahim Mohamed spent upwards of \$4,000 a month
 15 on housing and other expenditures for his family.

16 148. On May 30, 2018, Al-Baadani was issued an "updated refusal letter" stating that
 17 she was being considered for a waiver. **Exhibit 18.**

18 149. To date, Al-Baadani has not been issued a visa or granted a waiver.

19 ***Plaintiff Abdo Ali Mohamed***

20 150. Abdo Ali Mohamed is a United States citizen who resides in Buffalo, New York.

21 151. On July 16, 2001, Abdo Ali Mohamed filed an I-130 petition seeking a visa for
 22 his son, Mohamed Abdo Ali Mohamed, and his son's family, to join him in the United States.
 23 Nine years later, on May 20, 2010, Abdo Ali Mohamed was informed that his petition was
 24 approved.
 25
 26
 27
 28

1 152. Abdo Ali Mohamed's son, Mohamed Abdo Ali Mohamed, married Thikra Nagi
2 Abdulla Alqasmi in Yemen on September 24, 1986. The couple has six children: Emad
3 Mohamed Abdo Mohamed, Lamia Mohamed Abdo, Ammar Mohamed Abdo Mohamed,
4 Mayada Mohamed Abdo Mohamed, Omar Mohamed Abdo Mohamed, and Ghada Mohamed
5 Abdo.

6 153. In July 2015, Abdo Ali Mohamed requested that the family's case be transferred
7 from Egypt to Malaysia as travel to Egypt was virtually impossible during the war. After
8 submitting all of the information requested, Mohamed Abdo Ali Mohamed and his family were
9 finally scheduled for an interview at the Embassy in Malaysia on September 4, 2015.

11 154. In anticipation of the interview, Mohamed Abdo Ali Mohamed and his family
12 travelled from Yemen to Malaysia on May 20, 2015. The trip was particularly difficult given
13 active hostilities in Yemen. Mohamed Abdo Ali Mohamed and his family travelled to the Saudi
14 Arabian border to the Altwaal port of entry. Travel by land to the border took a full day. There,
15 they stayed for an additional three days. Due to border closures, the family travelled to Hodeida,
16 to the Al-Mukha sea-port, where they boarded commercial ships to travel to Djibouti. The travel
17 from Altwaal to Djibouti took approximately four days. Once in Djibouti, the family flew to
18 Malaysia.

20 155. At his interview in Malaysia, Mohamed Abdo Ali Mohamed was informed that
21 his family's visas were approved. A few days later, however, the Embassy called him and
22 informed him that there was an issue related to his last name as it appeared in two different
23 documents, and that that he would need to address this issue with USCIS before he could receive
24 the visas. The official also informed him that his visa would still be there upon resolving the
25 issue with USCIS.

27 156. His family remained in Malaysia for six months, spending almost \$4,000 a month
28 on rent and living expenses.

1 157. Mohamed Abdo Ali Mohamed waited approximately nine months for USCIS to
2 correct their records. During this time, his family's Malaysian visas expired.

3 158. On November 17, 2015, Mohamed Abdo Ali Mohamed and his children traveled
4 to Jordan while still waiting for USCIS to correct their records. While in Jordan, Mohamed
5 Abdo Ali Mohamed was asked to complete a DNA examination on May 16, 2016. His father
6 was also required to complete an examination. In Jordan, the family spent approximately \$3,500
7 a month on lodging and living expenses.

8 159. In July 2016, the family traveled back to Yemen, where they remained for nine
9 months. Finally, in May 2017, Mohamed Abdo Ali Mohamed received an e-mail from the
10 Embassy in Djibouti informing him that he had been scheduled for a new interview on July 5,
11 2017.

12 160. At the conclusion of the interview, the consular official told Mohamed Abdo Ali
13 Mohamed that his visa was approved and provided him with a notice stating that the visa was
14 approved and identifying his redress number, SAA2010640018. **Exhibit 19.**

15 161. The consular officer took the family's passports. Mohamed Abdo Ali Mohamed,
16 Alqasmi, and their children understood that their request for visas had been approved and that no
17 further steps remained in the application process, as their passports were taken by the Embassy
18 and they were provided paperwork stating plainly that their visas had been approved.

19 162. In November 2017, Mohamed Abdo Ali Mohamed was asked to complete a new
20 medical examination as the old examination had expired. Mohamed Abdo Ali Mohamed and his
21 entire family obliged and submitted new medical documents three times over the course of their
22 stay in Djibouti.

23 163. On January 2, 2018, the Embassy returned the family's passports and provided
24 Mohamed Abdo Ali Mohamed with a letter stating that his application for a visa has been denied
25 due to the Proclamation and that he would not be granted a waiver. **Exhibit 20.**

164. With rising costs, and no access to resources, Mohamed Abdo Ali Mohamed and his family moved back to Yemen on July 20, 2018. The family flew back to Aden, then travelled to Sana'a by land. The trip cost approximately \$5,000.

165. The family currently lives in an active warzone. There are regular airstrikes, and the children are often unable to sleep, fearing an imminent attack. Mohamed Abdo Ali Mohamed and his wife are unemployed.

166. Over the course of visa application process, Mohamed Abdo Ali Mohamed has spent more than \$100,000 in borrowed funds on travel, accommodations and food alone.

167. Plaintiff Abdo Ali Mohamed is suffering from depression and anxiety because of this prolonged separation from his son and his son's family, and has been hospitalized on numerous occasions.

168. To date, none of Mohamed Abdo Ali Mohamed, Alqasmi, or their six children has been issued a visa or a granted a waiver.

Plaintiff Maher Nagi Khader Musaid

169. Maher Nagi Khader Musaid is a United States citizen who resides in Brooklyn, New York.

170. Maher Nagi Khader Musaid married his wife, Plaintiff's Beneficiary Suad Hussain Saleh Aldakash, in Yemen on September 6, 2013. They have one child, R.M.N.K.M.

171. On May 5, 2016 Maher Musaid filed an I-130 petition seeking visas to bring his wife and son to join him in the United States. He attended an interview with USCIS in New York on March 21, 2017. After submitting all of the information requested, Maher Musaid's wife and son were scheduled for an interview at the Embassy on November 29, 2017.

172. Aldakash traveled from Aden, Yemen to Egypt with her son and brother in October 2017. Once they arrived in Egypt, the family applied for the visas necessary to enter Djibouti, which took several days to be processed and issued. Aldakash and her son arrived in

1 Djibouti on October 23, 2017. Maher Musaid arrived in Djibouti on October 16, 2017 from the
2 United States to support his wife through the interview process. The journey to Djibouti cost
3 more than \$7,000.

4 173. Maher Musaid, Aldakash, and their son attended their interview at the Embassy
5 on November 29, 2017. At the conclusion of the interview, the consular officer informed
6 Aldakash and R.M.N.K.M. that their visas were approved, and provided them with a document
7 stating that their visas were approved and identifying their redress numbers, DJI2017593030 and
8 DJI2017593031. **Exhibit 21.**

9
10 174. The consular officer also took Aldakash's and R.M.N.K.M.'s passports to provide
11 the printed visas. Aldakash and R.M.N.K.M. understood that their request for visas had been
12 approved and that no further steps remained in the application process, as their passports were
13 taken by the Embassy and they were provided paperwork stating plainly that their visas had been
14 approved.

15
16 175. On December 18, 2017, Maher Nagi Khader Musaid travelled back to the United
17 States to continue working and financially support his family while his wife and son remained in
18 Djibouti.

19 176. On December 28, 2017, Aldakash and R.M.N.K.M. each received letters stating
20 that their applications for a visa had been denied due to the Proclamation and that they would not
21 be granted a waiver. **Exhibits 22, 23.**

22 177. On January 26, 2018, Aldakash and R.M.N.K.M. returned to Yemen.

23
24 178. On May 23, 2018, Aldakash was issued an "updated refusal letter" stating that she
25 was being considered for a waiver under the provisions of the Proclamation.

26 179. In January 2019, the Embassy informed R.M.N.K.M. that the Embassy was
27 prepared to issue his visa, and requested that he again provide his passport to the Embassy and
28 that he complete an updated medical examination. Aldakash did not receive a similar notice.

180. After finally obtaining his visa, R.M.N.K.M. flew to the United States in March 2019, where he currently resides, leaving Aldakash behind, separated from her husband and her five-year-old son.

181. To date, Aldakash has not been issued a visa or a granted a waiver.

Plaintiff Tufaic Mohamed Nagi

182. Tufaic Mohamed Nagi is a United States citizen who lives in Dearborn, Michigan. He works as a truck driver and has an eleven-year-old son, who is also a United States citizen.

183. Nagi met his wife, Plaintiff's Beneficiary Ahlam Ahmed Alshaibah, in Yemen. They are from neighboring villages in Yemen and were introduced by family members. Nagi married Alshaibah on July 5, 2005.

184. The protracted civil war in Yemen caused Nagi to be greatly concerned for his wife's safety. On October 28, 2016, Nagi filed an I-130 petition seeking a visa to bring his wife, Alshaibah, to join him and their child in the United States.

185. After his petition was approved, Nagi made travel arrangements for Alshaibah to attend her immigrant visa interview at the Embassy, which was scheduled for October 31, 2017. Nagi's father accompanied Alshaibah on the trip for safety reasons. While traveling to Djibouti for her immigrant visa interview, Alshaibah and Nagi's father had to pass through Sudan, and remain there until they were issued visas to enter Djibouti.

186. Alshaibah attended her interview on October 31, 2017 at the Embassy. At the end of the interview, the consular official informed her that her file was complete and that her visa was approved, and provided her with a notice stating that the visa was approved, identifying her redress number, DJI2017565012. **Exhibit 24.**

187. Alshaibah understood that her request for a visa had been approved and that no further steps remained in the application process, as Alshaibah's passport was taken by the Embassy and they were provided paperwork stating plainly that her visa had been approved.

1 188. More than four months later, on March 5, 2018, the Embassy contacted Alshaibah
2 and issued her a refusal letter informing her that her visa application had been refused pursuant
3 to the Proclamation. **Exhibit 25.**

4 189. Alshaibah was forced to return to Yemen due to financial hardship and the high
5 cost of living in Djibouti. Due to airport closures, she had to travel by boat, a two-day journey
6 considered highly dangerous by international humanitarian agencies.

7 190. Alshaibah is currently in an area of Yemen controlled by a militia group, and
8 regularly experiences episodes of militia fighting. Alshaibah occasionally calls Nagi in the
9 middle of the night crying, in fear for her life. Nagi has sought updates regarding his wife's case
10 from the Embassy and his U.S. congressperson. His efforts to obtain information about the
11 status of her application have been unsuccessful.

12 191. In total, Nagi has spent nearly \$30,000 in support of his wife's visa application
13 process. He has exhausted his savings and borrowed money from his friends and family. The
14 visa situation has also negatively affected their son and his performance in school.

15 192. Nagi has not seen his wife since his last trip to Yemen in 2014, and their son has
16 not seen his mother since 2015.

17 193. To date, Alshaibah has not been issued a visa or granted a waiver.

18 ***Plaintiff Nasseem Omer***

19 194. Nasseem Omer is a United States citizen. She was born in Brooklyn, New York in
20 1994 and graduated from Al-Noor High School in Brooklyn, New York in 2011. She is a
21 resident of Brooklyn, New York.

22 195. Omer married her husband, Plaintiff's Beneficiary Hassan Adnan Hassan
23 Bamdhaf, on December 14, 2013, in Yemen. Omer remained in Yemen with her husband for
24 two years after the wedding.

1 196. In March 2015, Omer travelled back to the United States to escape the escalating
2 violence in Yemen. She was pregnant at the time. Months after her arrival, she gave birth to her
3 first daughter, J.H.B., without her husband present.

4 197. On May 16, 2016, Omer filed an I-130 petition seeking a visa for her husband to
5 join her in the United States. Since he could not come to the United States while the application
6 was pending, Omer returned to Yemen to be with her husband and so that he could meet their
7 daughter. She stayed in Yemen for approximately six months, from August 2016 to February
8 2017, before receiving a letter informing her of her interview date with USCIS in New York.
9

10 198. Omer completed her interview with USCIS in New York in March 2017. She
11 stayed in New York for several weeks after the interview, before traveling back to Yemen again
12 to be with her husband. Omer was concerned about raising her daughter as a single mother in
13 the United States without the help of her husband.

14 199. After Omer's petition was approved, Bamdhaf was scheduled for an interview at
15 the Embassy on October 31, 2017. Prior to the interview, Omer traveled back to New York on
16 October 21, 2017 to find an apartment and prepare for her husband's arrival.
17

18 200. Bamdhaf travelled to Djibouti ten days before his interview to prepare his medical
19 records. It was a difficult journey from Yemen to Djibouti because there were no available
20 flights. Bamdhaf had no other option but to take a boat from Aden to Djibouti. The boat ride,
21 which was between 15 to 17 hours, was extremely dangerous, as the boat was not intended to
22 accommodate the number of passengers it carried.
23

24 201. After completing the required medical examinations, Bamdhaf attended his
25 interview at the Embassy on October 31, 2017. At the conclusion of the interview, the consular
26 official told Bamdhaf that his visa was approved and provided him with a notice stating that the
27 visa was approved, identifying his redress number, DJI2017597039. **Exhibit 26.** The consular
28 officer also took Bamdhaf's passport, and informed him that his visa would be issued soon.

1 202. Omer and Bamdhaf understood that Bamdhaf's request for a visa had been
2 approved and that no further steps remained in the application process, as Bamdhaf's passport
3 was taken by the Embassy and they were provided paperwork stating plainly that her visa had
4 been approved.

5 203. Bamdhaf remained in Djibouti waiting for his visa to be printed. After several
6 months of Embassy inaction, Omer made multiple visits to Congresswoman Nydia Velazquez's
7 office, asking for assistance obtaining clarification from the Embassy regarding her husband's
8 visa. She made the first visit in January 2018, and asked her representative to send a letter of
9 inquiry to the Embassy. She subsequently visited her representative two more times, asking for
10 updates.
11

12 204. By March 2015, Bamdhaf was no longer able to remain in Djibouti due to the
13 rising costs and the long wait. Omer asked her Congressional representative to advocate on her
14 behalf, and ask that the Embassy either issue a visa, or if they would not, return her husband's
15 passport to him so that he could travel. The next day, on March 5, 2018, the Embassy returned
16 her husband's passport and issued him a notice informing him that his visa had been denied
17 pursuant to the Proclamation. **Exhibit 27.**
18

19 205. During his stay in Djibouti, which lasted five months, Bamdhaf spent more than
20 \$10,000 in borrowed funds on food and housing alone.

21 206. While in the United States, Omer lived with her brothers and sisters in Michigan
22 and New York. Her mother supports her with her pension and social security funds. Her father
23 passed away in 2012.
24

25 207. Omer traveled to Sana'a, Yemen, with her daughter in March 2018 to reunite with
26 her husband. Since their arrival, there have been repeated bombings in Sana'a, and there is
27 limited access to hospitals and medical care. Her daughter no longer attends daycare, due to
28

1 safety concerns. Bamdhaf is not currently employed; his job in Aden is no longer accessible
2 given the heightened security risk in the area.

3 208. To date, Bamdhaf has not been issued a visa or granted a waiver.

4 ***Plaintiff Mused Ali Riyashi***

5 209. Mused Ali Riyashi is a United States citizen who resides in Melvindale,
6 Michigan.

7 210. Riyashi filed an I-130 petition seeking a visa for his daughter, Amlak Musaed Ali
8 Alreyashi, his daughter's husband, Adel Mohammed Qasem Alashram, and two of their children,
9 all Plaintiff Beneficiaries, to join him in the United States in December 2002.

10 211. Amlak Alreyashi married her husband, Adel Alashram, in Yemen on August 27,
11 1999. The couple has six children: Amal Adel Mohammed Alashram, K.A.M.A., A.A.M.A.,
12 N.A.M.A., D.A.M.A., and F.A.M.A.

13 212. On August 8, 2016, thirteen years after the I-130 petition was first filed, Riyashi
14 was informed that his daughter and her family were finally scheduled for an interview at the
15 Embassy on September 5, 2016. According to the letter, the applicants eligible to attend the
16 interview were Alreyashi, her husband Adel Alashram, and the oldest two children, Amal
17 Alashram and K.A.M.A., who were all part of the original petition.

18 213. In anticipation of the interview, Adel Alashram travelled with Alreyashi and their
19 two oldest children, Amal Alashram and K.A.M.A., to Djibouti. The remaining four children
20 stayed behind in Yemen with their grandmother. The family travelled to Aden through
21 numerous checkpoints, and boarded boats to Djibouti that were unsafe and intended for
22 commercial shipping. The family's travel from Yemen to Djibouti lasted over 23 hours.

23 214. During the interview on September 5, 2016, consular officials informed Alashram
24 and Alreyashi that they could not conduct the interview without all of their children present,
25 because they needed to process the whole family's petitions simultaneously. The Embassy
26

1 issued a new interview date of December 14, 2016, so that the couple would have time to bring
2 the remaining children from Yemen. Alashram left Djibouti for Yemen on November 20, 2016
3 to retrieve his remaining children for the interview.

4 215. Once in Yemen, however, Alashram and his children could not leave due to war-
5 related closures and violence. Alashram and his four children were forced to remain in Yemen
6 for an additional 40 days and thus missed their interview date in Djibouti.

7 216. On December 14, 2016, Alreyashi attended the interview with her two children,
8 Amal Alashram and K.A.M.A.. At the conclusion of the interview, the consular official
9 informed Alreyashi that their visas were approved and provided her with a document stating that
10 the visas were approved which identified her redress number, DJI2016700011. **Exhibit 28.**

12 217. The consular officer took Alreyashi's passport, along with the passports of Amal
13 Alashram and K.A.M.A. Alreyashi understood that the visa requests had been approved and that
14 no further steps remained in the application process, as their passports were taken by the
15 Embassy and they were provided paperwork stating plainly that their visas had been approved.
16

17 218. Alashram returned to Djibouti in January 2017 with his four youngest children,
18 A.A.M.A., N.A.M.A., D.A.M.A., and F.A.M.A. The Embassy rescheduled his interview for
19 April 4, 2017. At the conclusion of the interview, the consular officer took Alashram's passport,
20 along with the passports of his four children. Alashram understood that their requests for visas
21 had been approved, just as the rest of the family's had, and that no further steps remained in the
22 application process.
23

24 219. After the interview, the family remained in Djibouti awaiting the printing of their
25 visas. During this wait, each member of the family was required to complete a new medical
26 examination every six months to be in compliance with the Embassy's requirements.
27
28

220. On December 20, 2017, the Embassy returned all eight passports and provided them with a letter stating that their visa applications had been denied pursuant to the Proclamation and that they would not be granted a waiver.

221. Over the course of the I-130 petition and visa process, Alashram spent over \$110,000 in borrowed funds on food, travel and housing alone. Alashram relies heavily on his brother for financial support, as he has been unemployed for several years. None of the children have been able to regularly attend school.

222. None of Amlak Mused Ali Alreyashi, Adel Mohamed Qasem Alashram, or their six children have been issued a visa or granted a waiver.

FIRST CAUSE OF ACTION

(Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D))

223. The foregoing allegations are repeated and incorporated as though fully set forth herein.

224. Defendants have taken action in purported reliance on the Proclamation to revoke Plaintiffs' Beneficiaries' previously approved immigrant visas.

225. The actions Defendants have taken in purported reliance on the Proclamation constitute final agency action within the meaning of the Administrative Procedure Act. See *Bennett v. Spear*, 520 U.S. 154 (1997).

226. This Court has the power under 5 U.S.C. § 706(1) to redress agency actions which are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law.

227. Defendants' actions, practices, interpretations of law, and failure to issue Plaintiffs' Beneficiaries previously approved immigrant visas constitute agency action that is

1 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary
 2 to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction,
 3 authority, or limitations, or short of statutory right; and without observance of procedure required
 4 by law” in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

5 228. Plaintiffs began the immigrant visa process for Plaintiffs’ Beneficiaries in 2015 or
 6 early 2016 and the State Department approved Plaintiffs’ Beneficiaries’ immigrant visas before
 7 the Proclamation was in lawful effect. Under the applicable and binding regulations in effect at
 8 the time, Defendants were required to timely print and issue Plaintiffs’ Beneficiaries approved
 9 immigrant visas. Federal regulations prescribe, in relevant part, that “[w]hen a visa application
 10 has been properly completed and executed before a consular officer in accordance with the
 11 provisions of the INA and the implementing regulations, the consular officer *must* issue the visa
 12 [or] refuse the visa under INA 212(a) or 221(g) or other applicable law.”⁹ 22 C.F.R. § 42.81(a)
 13 (emphasis added). If a consular officer refuses a visa, the consular officer must sign and date a
 14 refusal form and “inform the applicant of the provision of law or implementing regulation on
 15 which the refusal is based and of any statutory provision of law or implementing regulation
 16 under which administrative relief is available.” *Id.* § 42.81(b).

17 229. Following their visa interviews, Defendants informed Plaintiffs’ Beneficiaries,
 18 orally and in writing, that their visas had been approved. Defendants did not inform Plaintiffs’
 19 Beneficiaries that they were ineligible. Under applicable law, the approval decision was the final
 20 determination in the visa application process. Defendants later withheld, revoked or denied said
 21 visas pursuant to the Proclamation, which had no lawful force at the time Plaintiffs’
 22
 23
 24
 25
 26

27 ⁹ The only other exception relates solely to individuals from countries subject to “visa sanctions”
 28 pursuant to INA 243(d), whose visas may be “discontinued”; that provision is not applicable
 in this case.

1 Beneficiaries completed their visa interviews and when Defendants were legally required to
2 either approve or refuse their visa applications. Defendants' actions were based on legal error,
3 particularly in light of the reliance issues at stake, and were therefore arbitrary, capricious, an
4 abuse of discretion, and otherwise not in accordance with law, and in violation of the
5 Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

6 230. Defendants' actions, as set forth above, are contrary to constitutional rights,
7 including Plaintiffs' rights not to be deprived of their liberty interest in family reunification, and
8 statutory and regulatory rights to petition for visas for their family members, without due process
9 and as protected by the First and Fifth Amendments to the U.S. Constitution, in violation of the
10 Administrative Procedure Act, 5 U.S.C. § 706(2)(B).

11 231. Defendants' actions, practices, interpretation of law in withholding or denying the
12 Plaintiffs' Beneficiaries' previously approved immigrant visas, as set forth above, are ultra vires
13 and exceed any authority granted by the Proclamation, State Department regulations, and the
14 INA, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

15 232. Defendants' actions, as set forth above, affect Plaintiffs' substantive rights and
16 were made without observance of procedure required by law in violation of the Administrative
17 Procedure Act, 5 U.S.C. § 706(2)(D).

18 233. Defendants' actions, practices, and failure to issue Plaintiffs' Beneficiaries'
19 previously approved immigrant visas, as set forth above, contravene the State Department's own
20 policy and procedures and therefore should be set aside under the Accardi doctrine, which
21 invalidates agency actions that contravene an agency's own policies. United States ex. rel.
22 Accardi v. Shaughnessy, 347 U.S. 260 (1954). Defendants' actions are therefore arbitrary,
23 capricious, an abuse of discretion, or otherwise not in accordance with law, in violation of the
24 Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

234. Defendants' continued actions to withhold Plaintiffs' Beneficiaries' previously approved immigrant visas have caused Plaintiffs and Plaintiffs' Beneficiaries to suffer and continue to suffer irreparable harm and damages entitling them to declaratory, injunctive and other relief.

SECOND CAUSE OF ACTION

(Fifth Amendment Procedural Due Process)

235. The foregoing allegations are repeated and incorporated as though fully set forth herein.

236. Defendants' actions, practices, and failure to issue Plaintiffs' Beneficiaries' previously approved immigrant visas violate Plaintiffs' procedural due process rights under the Due Process Clause of the Fifth Amendment to the United States Constitution.

237. The Due Process Clause provides that "[n]o person . . . shall be deprived of life, liberty, or property, without due process of law."

238. Congress has created statutory rights related to the petitioning for and issuance of immigrant visas.

239. Federal agencies have likewise created regulatory rights related to the petitioning for and issuance of immigrant visas.

240. Individuals must be given due process prior to the deprivation of these statutory and regulatory rights.

241. Defendants' failure to adhere to applicable statutory and regulatory requirements pertaining to the adjudication of visa applications violated Plaintiffs' procedural due process rights.

242. Additionally, United States citizens and lawful permanent residents have constitutionally protected liberty interests in family reunification and in the ability of their family

1 members to travel to the United States. Individuals must be given due process prior to the
2 deprivation of these liberty interests.

3 243. Defendants' actions, as set forth above, have deprived Plaintiffs of their
4 aforementioned statutory and regulatory rights and constitutional liberty interests without due
5 process of law.

6 244. Defendants' violation of Plaintiffs' constitutionally guaranteed rights have caused
7 Plaintiffs to suffer and continue to suffer irreparable harm and entitle them to declaratory,
8 injunctive and other relief.
9

10 **THIRD CAUSE OF ACTION**

11 **(Mandamus Act, 28 U.S.C. § 1361; 28 U.S.C. § 1651)**

12 245. The foregoing allegations are repeated and incorporated as though fully set forth
13 herein.

14 246. Defendants are severally and jointly charged with the mandatory responsibility to
15 administer and implement the INA and corresponding regulations, which limit their discretion
16 and impose non-discretionary duties on Defendants.
17

18 247. Defendants each severally and jointly bear responsibility for timely adjudication
19 of applications for immigrant visas and issuance of approved visas and have the authority and
20 jurisdiction required to adjudicate and influence the issuance of Plaintiffs' Beneficiaries'
21 immigrant visas.
22

23 248. Defendants have willfully and unreasonably delayed and or refused to perform
24 their clear, non-discretionary duties by failing to properly and in good faith, timely complete the
25 printing of Plaintiffs' Beneficiaries' approved visas as is required by the INA and applicable
26 regulations.
27

28 249. Plaintiffs have exhausted any administrative remedies that may exist and there
exists no other adequate remedy.

251. 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 Plaintiffs. See 28 U.S.C. § 1361.

252. Pursuant to 28 U.S.C. § 1361, Defendants must be compelled to discharge their statutory duties owed to Plaintiffs by order declaring Defendants' actions contrary to law and compelling the issuance of Plaintiffs' Beneficiaries' previously approved visas.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for the following relief:

253. Declare that Defendants' actions in withholding, denying or revoking Plaintiffs' Beneficiaries' previously approved visas were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D);

254. Enjoin Defendants, their officials, agents, employees, assigns, and all persons acting in concert or participating with them from implementing or enforcing any portion of Section 3(c) of the Proclamation in a manner that violates the APA, the INA, the United States Constitution, or the Proclamation;

255. Mandate that Defendants issue Plaintiffs' Beneficiaries' previously approved immigrant visas;

256. Award counsel for Plaintiffs costs and attorneys' fees; and

257. Grant any further relief that this Court deems just and proper.

Dated: September 4, 2019

Respectfully submitted,

s/Marc Van Der Hout
Marc Van Der Hout

Marc Van Der Hout, CA SBN 80778
Kelsey Morales, CA SBN 312362
VAN DER HOUT LLP
180 Sutter Street, Suite 500
San Francisco, CA 94104
Tel.: (415) 981-3000
Fax: (415) 981-3003
ndca@vblaw.com

Baher Azmy*
Diala Shamas*
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway 7th Floor
New York, NY 10012
Tel.: (212) 614-6464
Fax: (212) 614-6499
bazmy@ccrjustice.org
dshamas@ccrjustice.org

David W. Rivkin*
Christopher S. Ford*
Elizabeth Costello*
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
Tel.: (212) 909-6000
Fax: (212) 909-6836
dwrivkin@debevoise.com
csford@debevoise.com
ecostello@debevoise.com

**Pro hac vice application forthcoming*

Attorneys for Plaintiffs