

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
LINCOLN DIVISION

ANDRE BOULAY,)
JUANITA BRUNO,)
AARON CORCORAN,) CIVIL ACTION FILE NO.
MARGARITA CRUZ HERNANDEZ,)
ARUN DURAISWAMY,)
SEYFETTIN ERIK,)
SRISAILAM GAGAPURI,)
TERESA HARGREAVES,)
ALBERTO HERRERA MANSALVO,)
DANIEL LOPEZ CANCHOLA,)
ALEKSANDAR MARKOVSKI,)
BENJAMIN MORENO-GODOY,)
YANSY RIVERA SAABEDRA,)
ANITA SRESHTA,)
MARICELA TORRES PADRON,)
YIHAN XU,)
)
Plaintiffs,)
)
v.)
)
UR M. JADDOU, in her official)
Capacity as Director, United States)
Citizenship & Immigration Services)
(USCIS),)
)
Defendant.)

COMPLAINT

1. Plaintiffs are 16 beneficiaries of approved family-based immigrant visa petitions or fiancé visa petitions. While Defendant has approved the immigrant visa petition or fiancé visa petitions filed on behalf of each Plaintiff, Defendant's unreasonable delay in deciding their applications for waivers of inadmissibility have left them without recourse to regain admission to the United States to be with their families. Until these applications are

approved, Plaintiffs must remain waiting outside of the United States separated from their spouses and children.

2. Historically, applicants have waited six to eight months for a decision.
3. According to government statistics, USCIS's median processing time for waivers (including Form I-601) was 8 months for Fiscal Year 2022, and is currently 13.8 months for October 1, 2022, through February 28, 2023, in Fiscal Year 2023.
4. However, the posted processing time for eighty percent of applications for Form I-601 at the Nebraska Service Center is 25.5 months.
5. For Fiscal Year 2022, USCIS received 77,895 waivers, adjudicated 44,317 waivers, and left a backlog of 269,549, though this statistic includes five other forms in addition to the I-601.
6. Plaintiffs' applications have now been pending at the Nebraska Service Center for between 7 and 19 months.
7. Defendant has not acted with due regard for the convenience and necessity of Plaintiffs, as the Administrative Procedure Act ("APA") requires. Plaintiffs seek relief pursuant to the APA to end this harmful and unreasonable delay.

PARTIES

8. Plaintiff Andre Boulay [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

9. Plaintiff Juanita Bruno [REDACTED]

[REDACTED]

10. Plaintiff Aaron Corcoran [REDACTED]

[REDACTED]

[REDACTED]

11. Plaintiff Margarita Cruz Hernandez [REDACTED]

[REDACTED]

12. Plaintiff Arun Duraiswamy [REDACTED]

[REDACTED]

[REDACTED]

13. Plaintiff Seyfettin Erik [REDACTED]

[REDACTED]

14. Plaintiff Srisailam Gagapuri [REDACTED]

[REDACTED]

[REDACTED]

15. Plaintiff Teresa Hargreaves [REDACTED]

[REDACTED]

16. Plaintiff Alberto Herrera Mansalvo [REDACTED]

[REDACTED]

[REDACTED]

17. Plaintiff Daniel Lopez Canchola [REDACTED]

[REDACTED]

18. Plaintiff Aleksandar Markovski [REDACTED]

[REDACTED]

[REDACTED]

19. Plaintiff Benjamin Moreno-Godoy [REDACTED]

[REDACTED]

20. Plaintiff Yansy Rivera Saabedra [REDACTED]

[REDACTED]

[REDACTED]

21. Plaintiff Anita Sreshta [REDACTED]

[REDACTED]

22. Plaintiff Maricela Torres Padron [REDACTED]

[REDACTED]

23. Plaintiff Yihan Xu [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. All plaintiffs are suffering financial and emotional hardship due to USCIS's unreasonable delay in processing and adjudicating their applications. Specifically, all plaintiffs remain stuck in limbo abroad, unable to make future life decisions without the knowledge whether their future is in the United States as lawful permanent residents with their families. All named plaintiffs suffer from lost economic opportunities due to the extended delay by the agency. All named plaintiffs filed an I-601 waiver application for a ground of inadmissibility. USCIS received the I-601 waiver application for each plaintiff along with a \$930.00 filing fee. But USCIS has failed to adjudicate their applications.

25. Defendant Ur M. Jaddou is the Director of USCIS. In her official capacity, she oversees the adjudication of all applications and petitions for immigration benefits, including Form I-601, and the establishing and implementing of governing policies. She is sued in her official capacity.

JURISDICTION AND VENUE

26. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction). *Califano v. Sanders*, 430 U.S. 99, 106 (1977).
27. This Court has the authority to grant relief pursuant to the APA, 5 U.S.C. § 701 *et seq.*, to compel agency action that is unlawfully withheld or unreasonably delayed, 5 U.S.C. § 706(1), and pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201. The United States has waived sovereign immunity pursuant to 5 U.S.C. § 702.
28. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(B), as a substantial part of the events or omissions giving rise to the claim occurred within this District. Plaintiffs' applications have been pending at the Nebraska Service Center located in Lincoln, Nebraska, since they were filed, and will ultimately be adjudicated at this location under Defendant's direction.
29. Plaintiffs are appropriately joined under Federal Rule of Civil Procedure 20(a)(1)(A) because they assert a right to relief jointly or severally with respect to and arising out of the same series of transactions or occurrences. Under Fed. R. Civ. P. Rule 20, persons may join in one action if: "(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all plaintiffs will arise in the action." Fed. R. Civ. P. 20(a)(1). "[J]oinder of claims, parties and remedies is strongly encouraged," *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724, 86 S. Ct. 1130 (1966), and the "policy underlying permissive joinder is to promote trial convenience and expedite the resolution of lawsuits." *Disparte v. Corp. Executive*

Bd., 223 F.R.D. 7, 10 (D.D.C. 2004), *quoting Puricelli v. CNA Ins. Co.*, 185 F.R.D. 139, 142 (N.D.N.Y. 1999).

30. Plaintiffs join together in this action seeking the same relief—adjudication of their long-pending I-601 waiver applications. The case involves a question of law common to all Plaintiffs’ claims: Has USCIS unreasonably delayed the adjudication of I-601 waiver applications. Common questions of fact that will arise in this litigation include: (1) Whether USCIS has utilized a “first in, first out” policy in deciding I-601 waiver applications; (2) what USCIS has done with the fees the agency collected from I-601 waiver applicants and whether policy or personnel decisions have caused unreasonable delay; and (3) why the processing times for I-601 waivers have increased from historical averages of 6-8 months to 25.5 months within a short period of time..

31. Details of each plaintiff’s name, USCIS Receipt Number, and the date the agency received the I-601 wavier application are provided in this chart:

First name	Last Name	Receipt Number	Receipt Date
Andre	Boulay	[REDACTED]	[REDACTED]
Juanita	Bruno	[REDACTED]	[REDACTED]
Aaron	Corcoran	[REDACTED]	[REDACTED]
Margarita	Cruz Hernandez	[REDACTED]	[REDACTED]
Arun	Duraiswamy	[REDACTED]	[REDACTED]
Seyfettin	Erik	[REDACTED]	[REDACTED]
Srisailam	Gangapuri	[REDACTED]	[REDACTED]
Teresa	Hargreaves	[REDACTED]	[REDACTED]
Alberto	Herrera Mansalvo	[REDACTED]	[REDACTED]
Daniel	Lopez Canchola	[REDACTED]	[REDACTED]
Aleksandar	Markovski	[REDACTED]	[REDACTED]
Benjamin	Moreno-Godoy	[REDACTED]	[REDACTED]
Yansy	Rivera Saabedra	[REDACTED]	[REDACTED]

Anita	Sreshta		
Maricela	Torres Padron		
Yihan	Xu		

EXHAUSTION

32. There are no available remedies for Plaintiffs to exhaust.

LEGAL BACKGROUND

33. To become a U.S. lawful permanent resident in a family-based category, Plaintiffs must complete a two-step process.

34. First, a U.S. citizen or lawful permanent resident must file a petition with USCIS for an immigrant visa classification on behalf of their noncitizen relative using a Form I-130 Petition for Alien Relative. *See* 8 U.S.C. § 1154(a)(1); 8 C.F.R. § 204.2.

35. Second, if USCIS approves the petition, noncitizens who have to consular process must apply to the State Department for an immigrant visa. *See* 8 U.S.C. §§ 1201(a), 1202(a); 22 C.F.R. §§ 42.61-62.

36. A consular officer cannot approve an immigrant visa if the officer knows that the applicant is ineligible to receive a visa. 8 U.S.C. § 1201(g).

37. Congress gave the Attorney General the exclusive authority and discretion to waive inadmissibility, including for inadmissibility arising from unlawful presence under 8 U.S.C. § 1182(a)(9)(B)(v), inadmissibility from certain criminal convictions under 8 U.S.C. § 1182(h), inadmissibility from having aided immediate family members in entering the country under 8 U.S.C. § 1182(d)(11), and inadmissibility arising from past misrepresentations under 8 U.S.C. § 1182(i).

38. This discretion to grant or deny a visa does not extend to the non-discretionary decision to adjudicate a properly filed and paid for waiver application. 8 C.F.R. § 103.3(a)

FACTUAL BACKGROUND

39. Defendant’s median processing time in the “Waivers” category, which includes Form I-601, have increased in the last four fiscal years as follows:

- FY 2020: 7.3 months
- FY 2021: 7.6 months
- FY 2022: 8.0 months
- FY 2023 (October 1, 2022, through February 28, 2023): 13.8 months

See USCIS, *Historical National Median Processing Time (in Months) for All USCIS Officers for Select Forms by Fiscal Year, Fiscal Year 2018 to 2023 (up to February 28, 2023)* (hereafter “USCIS Median Processing Time FY 2018 – Feb. 28, 2023”), <https://egov.uscis.gov/processing-times/historic-pt> (last visited April 10, 2023). The median is the time it takes Defendant to process 50% of the pending applications in the time period identified. *Id.*

40. During Fiscal Years 2012 through 2016, the median processing time for waivers was under 7.5 months.

- FY 2012: 6.2 months
- FY 2013: 6.3 months
- FY 2014: 7.5 months
- FY 2015: 4.8 months
- FY 2016: 6.7 months

See USCIS, *Historical National Median Processing Time (in Months) for All USCIS Officers for Select Forms by Fiscal Year, Fiscal Year 2012 to 2017* (hereafter “USCIS Median Processing Time FY 2012 – 2017”), <https://egov.uscis.gov/processing-times/historic-pt-2> (last visited April 10, 2023).

41. Plaintiffs are all beneficiaries of approved family-based visa petitions.

42. Each plaintiff paid a \$930.00 filing fee for the processing of their Form I-601, “Application for Waiver of Grounds of Inadmissibility.”
43. Along with their filing fees, each plaintiff filed information and documentation to demonstrate that they qualify for their respective waivers as a matter of law and as a matter of discretion.
44. Defendant is depriving Plaintiffs of their opportunity to become a U.S. lawful permanent resident and of their ability to begin or resume residence in the United States with their American families by withholding adjudication of their Forms I-601.

TRAC FACTORS AND UNREASONABLE DELAY

45. Courts often evaluate whether an agency’s delay is unreasonable by applying the six factors identified by the D.C. Circuit in *Telecomms. Rsch. & Action Ctr. v. FCC*, 750 F.2d 70, 80 (D.C. Cir. 1984) (“TRAC”):
- (1) The time agencies take to make decisions must be governed by a ‘rule of reason’;
 - (2) Where Congress has provided a timetable or other indication of the speed with which is expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason;
 - (3) Delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake;
 - (4) The court should consider the effect of expediting delayed action on agency activities of a higher or competing priority;
 - (5) The court should also take into account the nature and extent of the interests prejudiced by delay; and

(6) The court need not ‘find any impropriety lurking behind agency lassitude in order to hold that agency action in unreasonably delayed.

TRAC, 750 F.2d at 80 (citations omitted).

TRAC Factors 1 and 2: “Rule of Reason” and a Statutory Benchmark

46. Defendant does not follow a rule of reason in adjudicating Form I-601. USCIS’s median processing time for these waiver applications has increased from under 7.5 months for Fiscal Years 2012 to 2016, to 13.8 months from October 1, 2022, until February 28, 2023 in Fiscal Year 2023. The most recently available processing times show the Nebraska Service Center decides eighty percent of Form I-601 waivers in 25.5 months.
47. Defendant Jaddou may allege that the agency adjudicates waiver applications first in, first out, but such assertions should not be taken at face value.
48. USCIS has no consistent processing rule.
49. However the agency decides waivers, it is not an adjudicatory rule that can be considered reasonable given the dramatic recent increase in processing times. A drastic change at the agency has caused this harmful delay for Plaintiffs’ and their families.
50. Defendant Jaddou acknowledges that USCIS processing times are unreasonable. On February 2, 2022 (over a full year ago, and when processing times were shorter than they are today), at a briefing for stakeholders on the one-year anniversary of the Biden administration, Defendant Jaddou stated: “Let me be very clear. Our processing times are too long. There are no ifs, ands or buts about it.” Suzanne Monyak, *USCIS director: Federal immigration funds ‘critical’ to agency*, Roll Call (Feb. 2, 2022, 7:17 pm), <https://rollcall.com/2022/02/02/uscis-director-federal-immigration-funds-critical-to-agency/>.

51. The increase in the median processing time and the processing time for eighty percent of cases has increased substantially since Plaintiffs first filed their cases. These substantial increases in processing times do not equate to a reasonable time frame for processing Form I-601. *Barrios Garcia v. DHS*, 25 F.4th 430, 454 (6th Cir. 2022) (concluding in the context of agency delays that “it [is] unhelpful to fixate on the average snail’s pace when comparing snails against snails in a snails’ race.”). This new “80%” standard is a change from the historical processing times which reflected times between a median time frame and the last 7% to be adjudicated. Neither of these standards provides an accurate representation of the actual processing times from USCIS.
52. Congress has expressed its expectation that USCIS adjudicate a Form I-601 waiver within 180 days. “It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application.” 8 U.S.C. § 1571(b).
53. In Fiscal Year 2020, during the height of the COVID-19 pandemic, USCIS received 62,154 waivers, and completed a total of 56,745 waivers, which is about 91% of the number received, and ended that fiscal year with 216,721 waivers pending.¹ USCIS, *Number of Service-wide Forms by Quarter and Form Status, Fiscal Year 2020, Quarter 4, Fiscal Year – To Date*, https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2020_Q4.pdf (last visited April 10, 2023). In Fiscal Year 2022, USCIS received 77,895 waivers, and completed a total of 44,317, which is 12,428 fewer waivers than Fiscal Year 2020 and only 57% of the number received, and ended that fiscal year with 269,549 waivers

¹ Note that this number includes Forms I-191, I-192, I-212, I-601, I-602, and I-612.

pending. USCIS, *Number of Service-wide Forms by Quarter, Form Status, and Processing Time, Fiscal Year 2022, Quarter 4, Fiscal Year – To Date*, [https://www.uscis.gov/sites/default/files/document/data/Quarterly All Forms FY2022 Q4.pdf](https://www.uscis.gov/sites/default/files/document/data/Quarterly%20All%20Forms%20FY2022%20Q4.pdf) (last visited April 10, 2023). This meant that the total pending applications increased by 52,828 between Fiscal Year 2020 and Fiscal Year 2022.

54. DHS data indicates that it takes an average of just 2.06 hours of adjudicator time to decide an I-601 waiver application. *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, Proposed Rule*, 88 Fed Reg. 402, 449 (Jan. 4, 2023). To accept a filing fee of \$930 and then not spend the two necessary hours to adjudicate the case for 25.5 months—particularly with human health and welfare on the line—cannot be considered reasonable.

TRAC Factors 3 and 5: Prejudice and Harm to Health and Welfare Due to Delay

55. Defendant’s delay in processing Plaintiffs’ Form I-601 waiver applications has resulted in family separation, family relocation, and frustrated any chance for future plan for applicants to live and work in the United States.

56. Plaintiffs are suffering from the uncertainty caused by Defendant’s delay, and their application and waiver included ample evidence of the hardship they are facing financially, emotionally, and physically as a result of the delay. Until a decision is made, they must continue to reside abroad, often away from the rest of their immediate and extended family.

57. Plaintiffs cannot complete consular processing and, as a result cannot obtain U.S. lawful permanent residence, and the attendant benefits that status grants, including the stability that permanent residence affords. Their pathway to U.S. citizenship is indefinitely

lengthened as they are not able to begin accruing the years of permanent resident status necessary to be eligible for naturalization.

TRAC Factor 4: Competing Priorities

58. USCIS has a history of prioritizing family unity. “Many INS programs in the 1940s and 1950s addressed individuals affected by conditions in postwar Europe... . Other post-war INS programs facilitated family reunification.” USCIS, Overview of Agency History, Postwar Years, <https://www.uscis.gov/about-us/our-history/overview-of-agency-history/post-war-years> (last visited April 10, 2023).
59. Defendant has continued this tradition. “[T]he vast majority of our work is serving U.S. citizens who want to be with their families, and U.S. businesses that need talented employees. Again, this underscores the fact that the work that we do every day is of vital importance to the wellbeing of our nation.” USCIS, Remarks Delivered by Director Ur M. Jaddou at the 2021 National Immigration Integration Conference, Oct. 4, 2021 <https://www.uscis.gov/newsroom/speeches-statements-testimony/remarks-delivered-by-director-ur-m-jaddou-at-the-2021-national-immigrant-integration-conference> (last visited April 10, 2023).
60. The delay in adjudicating Plaintiffs’ waiver applications harms family unity by leaving Plaintiffs and their families unable to move forward with their lives because Plaintiffs are stuck abroad as they see processing times continue to climb with no action taken on their long pending applications.
61. USCIS received fees of \$930.00 each from Plaintiffs to adjudicate the I-601 waiver applications, yet they have not received any substantive correspondence outside of the receipt notices for each form.

62. Family unity is a compelling reason for requiring Defendant to adjudicate the application and waiver at issue within a reasonable time, which Plaintiffs assert is the 180-day benchmark. Prioritizing a judicial remedy for the application and waiver at issue while Defendant is also unreasonably delaying the adjudication of other requests for immigration benefits should not be the basis for weighing TRAC Factor 4 in favor of Defendant. In Fiscal Year 2022, USCIS apparently received approximately \$529.2 million appropriated by Congress. *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, Proposed Rule*, 88 Fed. Reg. 402, 416 (Jan. 4, 2023). “The appropriations support several DHS priorities, for example, decreasing USCIS application processing times, reducing the backlog of requests already on hand and being adjudicated (and for which a fee may have already been paid).” *Id.*

TRAC Factor 6: Unreasonable Delay Does Not Require Impropriety

63. USCIS is required to decide the application and waiver filed by Plaintiffs within a reasonable time. Agency delay here is unreasonable; unreasonableness does not have to be the result of bad faith or other impropriety.

FIRST CAUSE OF ACTION

(APA – Unreasonable Delay in Deciding Form I-601A Provisional Waiver Applications)

64. Plaintiffs reallege and incorporate by reference all allegations above as though fully restated here.

65. The APA provides for judicial review when a person is adversely affected by agency action. 5 U.S.C. § 702. Agency action includes an agency’s failure to act. 5 U.S.C. §

551(13). A court “shall compel agency action . . . unreasonably delayed.” 5 U.S.C. § 706(1).

66. Defendant has a non-discretionary duty to decide Plaintiffs’ pending Form I-601 waiver applications. USCIS is required to give notice of an approval or denial for all properly filed benefits requests. *See* 8 C.F.R. § 103.2(b)(19) (defining procedures for notification of approvals); 8 C.F.R. § 103.3 (defining notification procedures for denials). More specifically, USCIS “*will* provide a written decision and notify the applicant and his or her attorney or accredited representative...”. 8 C.F.R. § 212.7(a)(3) (emphasis added). “With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency *shall proceed to conclude a matter presented to it.*” 5 U.S.C. § 555(b) (emphasis added). “[B]y using the term ‘shall’ in requiring that the courts compel action unlawfully withheld or unreasonably delayed, Congress imposed a mandatory duty in that regard.” *Saini v. U.S. Citizenship & Immigr. Servs.*, 553 F. Supp. 2d 1170, 1176 (E.D. Cal. 2008).
67. The APA requires that a reviewing court “shall compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). The reviewing court’s authority under the APA applies generally to agency action or inaction “except to the extent that . . . (1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law.” *Id.* § 701(a)(1)-(2). “[S]ection 706(1) coupled with [§] 555(b) does indicate a congressional view that agencies should act within reasonable time frames and that courts designated by statute to review agency actions may play an important role in compelling agency action that has been improperly withheld or unreasonably delayed.” TRAC, 750 F.2d at 77. Nothing in the Immigration and Nationality Act (“INA”) or other statutes

exempts USCIS from the reasonable time requirement in APA § 555 when processing Form I-601 waivers.

68. While these are discretionary decisions, Plaintiffs are not seeking review of a *judgment* regarding the granting of relief, but rather the failure to make any judgment within a reasonable time.
69. Defendant's duty to adjudicate an application is a discrete, ministerial act that applicants pay for in advance and that USCIS must complete within a reasonable time. USCIS set an appropriate fee for the application for a waiver of inadmissibility based on the statute. 81 Fed. Reg. at 50260.
70. Defendant has no rule of reason for adjudicating the waiver and application at issue here.
71. Even if Defendant has a hidden processing methodology, it is not a rule that is reasonable given the unbounded growth in processing times. USCIS identified median processing times for waivers of 6.7 months in FY 2016, 7.3 months in FY 2020, 13.8 months in the first part of FY 2023. USCIS Median Processing Time FY 2018 – 2023 (October 1, 2022 until February 28, 2023).
72. This Court should not consider USCIS's current published processing times dispositive of whether a delay is reasonable because the processing times are inconsistent and not credible.
73. Defendant's delay in deciding Plaintiffs' I-601 waiver applications impacts human health and welfare, not merely economic interests, as Plaintiffs are denied the opportunity to obtain lawful status in the United States and to plan their futures with their families. The delay leaves Plaintiffs and their American families in a state of uncertainty about whether they will be able to ever live together in the United States.

74. Family unity, which Defendants recognize as a priority, is a compelling reason for requiring USCIS to process the I-601 waiver application within the 180-day benchmark that Congress identified.
75. The USCIS failure to adjudicate provisional I-601 waiver applications within 180 days after filing constitutes an unreasonable delay.
76. Plaintiffs have no alternative remedy available.
77. Plaintiffs have suffered irreparable harm from Defendant's delay in adjudicating their I-601 waiver applications.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs request that this Court grant the following relief:

- A. Take jurisdiction over this matter;
- B. Declare that Defendant has violated the Administrative Procedure Act by unreasonably delaying the adjudication of the I-601 waiver applications of Plaintiffs;
- C. Enter an order to Defendant compelling USCIS to decide Plaintiffs' I-601 waiver applications within 30 days, and if USCIS issues a Request for Evidence, order the USCIS to adjudicate the I-601 waiver applications within 30 days of the agency's receipt of the response to the Request for Evidence;
- D. Award Plaintiffs' counsel reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- E. Enter and issue other relief that this Court deems just and proper.

April 12, 2023

Respectfully Submitted,

/s/ Aaron C. Hall

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**pro hac vice application forthcoming*

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