

## **APPENDIX – FREQUENTLY ASKED QUESTIONS ABOUT THE CASE**

### **Why are we suing?**

The Fifth Circuit Court of Appeals ruled more than two months ago that DACA, as prohibited, solely applied to Texas Residents. That means that USCIS now has a legal obligation to adjudicate pending DACA applications, of non-Texas residents, that were halted by the District Court's Order in 2021. There are more than 90,000 of these applications. To date, USCIS has not adjudicated these cases, even though it has a legal obligation to do so.

We are suing USCIS in a "Mass" action Mandamus lawsuit. A Mandamus is a Latin term that means "to demand". It is an order from a court to orderly perform a duty or correct an abuse of discretion. We are simply asking a federal court judge to order USCIS to adjudicate these long pending cases in a reasonable period of time. We believe that unless forced to do so, USCIS will simply continue holding these cases in abeyance. We have not yet decided on the venue for this lawsuit, but we will likely choose the district court applicable to where the most plaintiffs reside, in a circuit that is amenable to Mandamus actions of this type.

### **What is the legal basis for the new suit?**

The legal basis lies both in the federal Mandamus statutes, and the Administrative Procedure Act, which mandates that government agencies adjudicate cases in a reasonable period of time.

### **Who is eligible to participate?**

Any individual who filed for DACA before July 16, 2021, who does not currently reside in the state of Texas, who has a valid receipt notice from USCIS, and an unadjudicated case.

### **What is the fee to join this case?**

We are charging the de minimis amount of \$500 per applicant to participate in the case. The fee is a one-time charge, and we will not be charging additional expenses and legal fees. **The fee is due at the outset and is non-refundable since we will be filing the case quickly.**

Additionally, we reserve the right to reject any applicant as a plaintiff in this case, even after payment is submitted, for any reason at our sole discretion. In the event an applicant is not accepted, the fee will be refunded in full. Surcharges and convenience fees associated with making the payment will not be refunded. Please note we are moving quickly to file this lawsuit and aim to file it as soon as we have prepared the case for our clients.

### **Is this case being handled as a class action?**

No, we will be filing this case as a Mass Action, in that it only affects the Plaintiffs in this case. A class action will take too much time and will not guarantee a different result for the plaintiffs. There is a trend towards US Attorneys challenging venue claims if a plaintiff does not reside in the district where the case is filed. We believe with enough Plaintiffs in the District in which we file, that a class will not be necessary.

### **Where will the case be filed?**

We do not yet know. However, we do not believe venue will determine the outcome due to the unlawful agency action. We will choose a venue that is the most appropriate once we discuss the matter with the clients who join.

### **What is the deadline to sign up for this case?**

You must hire us (sign the agreement and pay the fee) by noon on **August 8, 2025**. We reserve the right to decline to proceed with a case for any reason, including not having enough plaintiffs to make a group

action viable. Should we decide not to file a case, money paid by individuals will be refunded in full. Surcharges and convenience fees associated with making the payment will not be refunded.

**What remedy is the lawsuit seeking? What does a win look like?**

Simply speaking, we are seeking to force the government to make a decision on each of the Plaintiff's pending DACA applications.

**Will there be a risk of backlash if I participate in the case?**

We have found over the years that the opposite tends to be the case – people who file a lawsuit are likely to get better treatment than people who don't. Knowing that an applicant is not afraid to sue – something that is time-consuming and expensive for the government to have to defend – usually means that the litigant will be treated respectfully.

**What are the odds of success?**

Litigation is unpredictable. Our team has looked at the factual and legal issues to conclude that there is a reasonable possibility of success. We are prepared, but we know that success is not guaranteed. We will work to the best of our ability.

**How will communications work?**

We will have periodic live streams to brief plaintiffs on the progress of the case and answer questions, and we send out emails to clients when there is news on the case. We use Constant Contact to communicate with plaintiffs via email. Plaintiffs are responsible for working with their email providers to ensure that messages from the legal team are received and not filtered into spam or junk folders.

**We do NOT have the ability to discuss your individual case situations, and you are not hiring us as your individual immigration lawyer. We also do NOT have the ability to discuss case strategy on an individual basis. You should be hiring a lawyer on an individual process if you need this type of assistance (a service which our firms do provide apart from this litigation), and you are welcome to hire any one of our firms if you need to talk to an immigration lawyer and do not have counsel already.**

Again, if getting your individual questions answered is a priority, you should consider filing your case individually. And you are welcome to post questions on our regular live streams. If you send individual queries outside of the scheduled updates or public forums, we reserve the right to charge our standard hourly rate for individualized responses.

**What if I already have a lawyer?**

We do not represent you with respect to your individual case and cannot advise on your individual case strategy. If you are represented by counsel, you should talk about the pluses and minuses of joining the lawsuit and whether it makes sense for you. If you are already independently pursuing legal action, you would not be able to be a plaintiff in this case.

**How long will it take to get results?**

We likely will not see results for several months, because we will be seeking summary judgment in this case, rather than a TRO or Declaratory Judgment.

