

## **Immigration Ban Litigation: FAQ**

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

The Department of State has announced a suspension of processing and issuing immigrant visas from applicants from 75 countries. The lawsuit challenges this suspension. The countries banned are: Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bosnia, Brazil, Burma, Cambodia, Cameroon, Cape Verde, Colombia, Congo, Cuba, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Haiti, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Liberia, Libya, Macedonia, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Republic of the Congo, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Uruguay, Uzbekistan and Yemen.

This ban is on immigrant visas issued by the Department of State abroad. So far USCIS has not announced a benefits ban, so eligibility for this litigation is for those with approved USCIS petitions with a pending DS-260 immigrant visa application.

We believe that this total ban on work (after accepting payment) is a violation of several federal immigration statutes, the Administrative Procedure Act, Federal Court precedent, and the due process and equal protection clauses of the U.S. Constitution.

Our legal team has successfully sued the Department of State's failure to issue diversity visas, K-1 visas, and we have sued many times to force USCIS to adjudicate cases in

accordance with federal law and regulation. We believe we can successfully.

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

The legal basis lies both in the Administrative Procedure Act, which mandates that government agencies adjudicate cases in a reasonable period of time. We will also argue that this across-the-board failure to adjudicate is a violation of the due process clause and the equal protection clause of the Constitution.

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

Any individual who is a citizen by birth of one of these banned countries and has a pending DS-260 immigrant visa application with the Department of States.

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

We are charging \$2600.00 per applicant to take part in the case. The fee is a one-time charge, and we will not be charging additional expenses and legal fees for the District Court part of this case. **The fee is due at the outset and is non-refundable** once we file the case with the Federal District Court. We must have 100 Plaintiffs before we will file this litigation, which we anticipate may end up as high as the Supreme Court. We will also be seeking a preliminary injunction in this case to expedite the adjudicative process.

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 live 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 proper once we discuss the matter with the clients who join.

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

We reserve the right to decline to continue with a case for any reason, including not having enough plaintiffs to make group action practical. 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 looking to force the government to adjudicate to finality each application in a reasonable time after a court order finding that the indefinite "pause" on

processing and adjudications of plaintiffs' applications is unlawful.

### **Will there be a risk of backlash if I take part 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 zoom calls 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, given the nature of the litigation and time frames involved even in pushing forward with a Declaratory Judgment.