

DV-2026 MANDAMUS LITIGATION FAQ

Despite the Department of State (DOS) losing similar lawsuits in 2020 and 2021, DOS is once again failing to timely process winners of the 2026 Diversity Visa Lottery. This FAQ explains our upcoming lawsuit, what is different now, who is eligible to participate, and what we hope to accomplish. The IMMpact Litigation team will file this suit together.

The deadline to be added to this lawsuit will be June 19, 2026. The legal fee is \$1000.00 per family.

1. WHO IS THIS LAWSUIT AIMING TO HELP?

We hope to assist DV-2026 selectees who are facing pauses, delays, and refusals under 212(f) at any Department of State stage of processing. This will include individuals in the following situations:

- DS-260 submitted to KCC, but the case has not been sent to the consulate
- Consulate has received the case but not yet scheduled an interview
- An interview has been scheduled, but has been canceled or postponed
- An interview has been held, but the case is stuck in “administrative processing” or refused under INA § 212(f)--(because consulates cannot refuse visas under 212(f)—we are NOT challenging the 212(f) proclamation in this specific lawsuit)
- The visa was issued, but the individual is not able to travel to the US due to travel and enter due to the restrictions, and the consulate has not reissued the visa
- **This lawsuit does NOT include winners of previous DV lotteries. It also does NOT include DV-2022 winners who are already in the US**

applying for adjustment of status. The lawsuit does not include anyone denied or refused under § 212(a).

2. WHAT WILL THE LAWSUIT TRY TO DO?

Like our previous DV mandamus lawsuits, we will be asking a federal judge to order the Department of State to adjudicate plaintiffs' visa applications within a reasonable period of time, and no later than the end of the fiscal year (September 30, 2026). There are no visa reservation options for future years.

This lawsuit will primarily challenge the pause policy in addition to anyone subject to the 75-public charge policy and 39-country ban under 212(f), but depending on demand, we may split off the 39 country ban clients into a separate lawsuit.

3. WHY A LAWSUIT? WHAT HAPPENED WITH THE PREVIOUS ONES?

Has IMMpact successfully handled Diversity Visa lawsuits before?

Yes. Our firm has a strong track record litigating Diversity Visa cases and has successfully represented thousands of Diversity Visa selectees in prior lawsuits.

DV-2020 Litigation

For DV-2020 (*Aker v. Trump*), the federal district court consolidated our lawsuit with several related cases and certified a nationwide class action (*Gomez v. Trump*). In September 2020, the court ordered the government to issue thousands of diversity visas. As a result, thousands of Diversity Visa selectees, including many of our clients, were able to receive their visas.

DV-2021 Litigation

For DV-2021 (*Goh v. Blinken*), the federal court issued an order on September 9, 2021 requiring the government to make good-faith efforts to process Diversity Visa applications before the September 30 statutory deadline, without relying on unlawful tiered prioritization. As a result of that litigation, thousands of Diversity Visa selectees, including many of our clients, successfully received their visas before the end of the fiscal year.

Why is litigation necessary again?

Under U.S. law, all diversity visas must be issued by September 30 of the relevant fiscal year, and courts do not have the authority to order visas to be issued after that deadline. When the government implements unlawful policies, delays adjudications, or fails to process cases in a timely manner, eligible Diversity Visa selectees risk losing visas permanently. In those circumstances, litigation may be the only effective way to compel lawful and timely processing before the deadline.

Our prior DV-2020 and DV-2021 cases demonstrate that court intervention can make a meaningful difference when the government fails to comply with the Diversity Visa statute.

4. WHAT IS THE LEGAL BASIS FOR THIS LAWSUIT, AND WHERE WILL IT BE FILED?

We will seek a writ of mandamus based on the Department of State's unlawful withholding and unreasonable delay processing DV-2026 cases. The Department of State has failed to work on DV-2026 cases in accordance with law. If it continues this pattern, the Department of State will "waste" thousands of visas just as it tried to do for DV-2020 and DV-2021.

We will also argue that the Department of State is continuing to illegally give DV cases low priority compared to other applications, in violation of prior court orders finding that the a "prioritization scheme" is illegal.

We will file this case in the Federal District Court for the District of Columbia, which heard our previous DV lawsuits.

5. WHAT DOES THE TIMELINE LOOK LIKE? HOW LONG DOES IT TAKE TO GET RESULTS? WHAT DOES A WIN LOOK LIKE?

We are actively adding plaintiffs to the case until June 19th, 2026.

We will ask the judge to order the Department of State to immediately schedule appointments and adjudicate our plaintiffs' applications.

The government typically has 60 days to respond to our lawsuit. They will likely request that the judge dismiss the case, and we will respond. Because the case is time-sensitive and related to older cases, it's possible we will be able to secure an expedited briefing schedule and hearing. There is no required time frame for the judge to make a decision, and we cannot force him or her to rush the case. We will also consider a preliminary injunction given the government's brazen failure to follow federal court case law and the urgency of the September 30, 2026 deadline.

6. COULD I FACE BACKLASH IF I PARTICIPATE IN THE CASE?

We have found over the years that the opposite tends to happen – people who file a lawsuit often get better results than people who don't, because the government knows they are not afraid to sue. Over several years and

thousands of plaintiffs, we have not heard of any instances of backlash from a government employee. The harm has also already occurred, and the diversity visa opportunity is something that ends on September 30, 2026.

7. WHAT ARE THE ODDS OF SUCCESS?

Lawyers cannot and should not ever promise that a lawsuit will be successful. The federal court process is unpredictable. However, we have had good results in our previous DV cases, where the judge has recognized the injustice that applicants are facing. However, the legal issues in the DV-2026 case will be slightly different, and we do not believe it would be appropriate to quantify the odds of success. We will zealously advocate for our clients.

Even if the judge orders the Department of State to process some or all of our plaintiffs' applications, this does not guarantee a visa will be issued. If your case has other issues (for example, you are ineligible due to a criminal infraction), suing the government will not help.

8. WHAT IS THE FEE TO PARTICIPATE, AND HOW DOES IT WORK?

The deadline to join this lawsuit will be June 19, 2026. The legal fee is \$1000.00 per family.

The fee is a one-time charge. We will not be billing for additional expenses and legal fees unless a particular plaintiff requests an individualized consultation with one of the firms' attorneys.

The fee is due at the outset. We are not able to offer payment plans or other financing. Please do NOT sign up for this case if you are expecting a refund of fees. Once we have drafted the complaint and filed it with the court, all fees

will be considered earned and no refunds will be issued after that point. The fee is for our work preparing and litigating the case; it does not guarantee a particular outcome for the lawsuit or for your individual visa application.

If an individual wants to withdraw *before* we have filed the complaint, we may offer a partial refund depending on how much work we've done at the time of withdrawal. Please note we are moving quickly on this lawsuit.

9. HOW WILL COMMUNICATION WORK?

We email our plaintiffs right away when there is any substantive news about a case. We also have livestreams twice per month where we discuss updates to our lawsuits and answer questions from plaintiffs.

We do NOT have the ability to discuss your individual case situations. You should hire a lawyer individually if you need assistance with your application. You are welcome to hire any of the four firms co-counseling on this case if you need to talk to an immigration lawyer and do not have counsel already. Contact information for each law firm is provided at the bottom of the IMMpact website home page.

We also do not have the ability to answer your individual emails, DMs or phone calls. We will create a web form for you to share case updates with us. We would love to answer your individual questions about the case, but we simply can't get our work done for you unless we are strict about this.

After onboarding, we will provide you with a link to an updating website to communicate and updates on your case or personal circumstances or any corrections you need to make on the onboarding information.

10. WHAT IF I ALREADY HAVE A LAWYER OR HAVE FILED A MANDAMUS CASE?

We are not representing you on your individual visa application, and cannot advise on your individual case strategy. If you have an attorney for your DV application, you should talk about the pluses and minuses of joining the lawsuit and whether it makes sense for you.

If you are already filing a mandamus lawsuit for your DV application, individually or with another group, you may not join this case.

11. IS THIS CASE A CLASS ACTION? WILL I BENEFIT IF I DON'T JOIN THE LAWSUIT?

No. We will be suing on behalf of our plaintiffs and will not request that the judge recognize a class. While it will not be a class action, it is possible that the judge could issue an order that applies generally to DV-2026 applicants. It is also possible that he could issue an order that benefits only plaintiffs. For example, in the DV-2021 case, the judge's order in our favor on September 9 benefited all DV-2021 selectees. Prospective clients should understand that participation in the lawsuit cannot guarantee that their applications will be considered ahead of non-clients. In addition, even if the judge rules in our favor, it is possible that some clients will secure visas while others will not.

12. WILL THIS CASE SEND ME TO THE FRONT OF THE LINE IF I HAVE A HIGH DV RANK NUMBER?

If your case number is not current when we get a positive decision, you will not be entitled to an immediate interview. However, in FY 2021, the Department of State made all DVs “current” in June, meaning that everyone was eligible to process throughout the summer and fall. We cannot promise that the same will happen this year, but we hope all clients will have an opportunity to receive a visa.

If we get a positive result, we will request that our clients with current priority dates be adjudicated first or that “visa numbers” be reserved for our plaintiffs and issued prior to September 30, 2026. , but we cannot guarantee that this will happen.