

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FONJONG, ET AL.

PLAINTIFFS,

V.

TRUMP, ET AL.

DEFENDANTS.

Case No. 20-cv-2128-APM

**Plaintiffs' Motion for Temporary
Restraining Order and Preliminary
Injunction**

Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction

Plaintiffs hereby move this court pursuant to Fed. R. Civ. P 65 and LCvR 65.1 for the following injunctive relief:

- (1) an order requiring Defendants to reserve visa numbers for the Plaintiffs through the pendency of litigation;
- (2) declaring Defendants' policies, procedures, and practices suspending the adjudication of immigrant visa applications for the fiscal year 2020 Diversity Visa Program unlawful;
- (3) an order setting aside Defendants' implementation of policies, procedures, and practices precluding issuance of visas for DV-2020 selectees and their derivative beneficiaries based on the entry suspension promulgated in PP 10014 and PP 10052; and
- (4) an order mandating Defendants to fulfill their mandatory, non-discretionary duty to process Plaintiffs' immigrant visa applications, schedule Plaintiffs' for immigrant visa interviews, and issue visas to eligible Plaintiffs.

In support of their motion, Plaintiffs rely on the accompanying Memorandum, declarations, and exhibits.

A proposed order is attached.

Statement Pursuant to Local Rule 7(m) and 65.1

Pursuant to Local Rule 7(m), Plaintiffs' counsel Curtis Lee Morrison reached out to AUSA and Civil Chief Daniel Van Horn to get the government's position on this motion early on

August 6, 2020, and Mr. Van Horn's response was that "I also presume that the government, as in similar cases, will oppose the Fonjong plaintiffs' motions for a temporary restraining order and preliminary injunction." Further, Mr. Morrison has emailed all the filings that have occurred in the case so far, and Mr. Van Horn has agreed to pass those on to the appropriate government attorney.

Dated: August 6, 2020

Respectfully submitted,

/s/ Curtis Lee Morrison

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CERTIFICATE OF SERVICE

On the below date, I electronically filed the Plaintiffs' Motion, Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction and all attached exhibits with the Clerk of the United States District Court for the District of Columbia, using the CM/ECF System. The Courts CM/ECF System will send an electronically email all noticed parties to the action who are registered with the Court's CM/ECF System.

Plaintiffs will initiate service of process via USPS and file proof of service, as well as provide courtesy copies upon filing immediately via email to Civil Chief Daniel Van Horn.

Dated: August 6, 2020

Respectfully submitted,

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**Memorandum in Support Plaintiffs'
Motion for Temporary Restraining
Order and Preliminary Injunction**

**Memorandum in Support of Plaintiffs' Motion for Temporary
Restraining Order and Preliminary Injunction**

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I. Introduction

The Diversity Visa (DV) Program, enacted by Congress in 1990 and signed into law by President George H. W. Bush to promote immigration to the United States of America from a greater array of countries, sets a target of 50,000 diversity visa immigrants per year from countries and regions with low rates of immigration to the U.S. to promote a greater diversity of Americans. *See* 8 U.S.C. § 1151(e). The DV Program has led to a broader mix of nationalities represented in the U.S. immigrant population, creating a U.S. better equipped to understand and relate to the diversity of the world.¹

Plaintiffs in this action are 243 DV-2020 selectees and derivative beneficiaries who have been selected and have applied for immigrant visas pursuant to the Congressionally enacted DV Program. *See* Immigration Act of 1990, Pub. L. No. 101-649, § 131, 104 Stat. 4978, 500 (codified as amended at 8 U.S.C. § 1153(c)). Plaintiffs are natives from thirty-six countries, including Democratic Republic of Congo, Cuba, Ethiopia, Russia, Japan, Serbia, Yemen, and many more.²

Since assuming office in 2017, President Donald J. Trump has sought to dismantle the DV Program. *See generally* Complaint (“*Compl.*”) ¶¶ 1121-1139. In a 4:30 AM Twitter tirade on November 1, 2017, Defendant Trump vocalized his hostility towards the program, asserting “[N]o more Democrat Lottery Systems. We must get MUCH tougher (and smarter).” In a cabinet

¹ Rep. Bruce A. Morrison, author of the House bill that became the Immigration Act of 1990, Hearing Before the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, House of Representatives, 109th Congress, 1st Session, June 15, 2005, (“There is no better antidote to the challenges of globalization than to attract self-selected strivers from every corner of the globe.”)

² Other Plaintiffs are natives from Egypt, Sudan, Cameroon, Nepal, Turkey, France, Kazakhstan, Kenya, Ukraine, Albania, Belarus, Italy, Moldova, Thailand, Angola, Austria, Australia, Azerbaijan, Belgium, Germany, Japan, Jordan, Lebanon, Netherlands, Switzerland, Togo, Uruguay, Uzbekistan, and Venezuela. Ex.1, *World Map Reflecting Native Country and Regions of Plaintiffs*

meeting later that day, Defendant Trump stated “*I am today starting the process of terminating the diversity visa lottery program... Diversity lottery. Sound nice. It’s not nice. It’s not good. It’s not good. It hasn’t been good. And we’ve been against it.*” *Compl.* ¶ 1122. (emphasis added).

Over the next three years, the President spoke frequently of his animus towards the DV Program and his desire to “terminate” it. *Id.* He frequently lobbied Congress to legislatively end the program by disparaging immigrants, stating that “these people” are “murderers,” “bank robbers,” and “the worst of the worst.” *Compl.* ¶¶ 1124, 1125. However, the President repeatedly failed to garner Congressional support from both Republicans and Democrats to pass legislation to end the DV Program. *Compl.* ¶ 1136. Unable to pass law, the President’s attempts to end the program have culminated in a series of Department of State (hereafter referred to as the “Department”) policies, procedures, and practices unlawfully suspending the adjudications and issuances of immigrant visa applications for DV selectees and their derivative beneficiaries. *Compl.* ¶¶ 1138, 1139. These policies, procedures and practices have effectively ended the program for the FY 2020 (hereafter referred to as the “DV-2020 program”). The result is an unlawful withholding of a mandatory, nondiscretionary duty to adjudicate applications from and issue visas to eligible Plaintiffs prior to the Congressionally enacted DV-2020 program deadline of September 30, 2020. As a result, Plaintiffs will lose their ability to immigrate to the United States without immediate injunctive relief.

In sum, Defendants’ policies, procedures, and practices refusing to adjudicate immigrant visa applications and refuse issuance of visas to eligible DV selectees and their derivative beneficiaries contravenes existing law and regulations, is arbitrary and capricious, and a unreasonably delays and withholds a clear duty owed to the Plaintiffs. Moreover, Defendants’

policies, practices, and procedures suspending the diversity visa program are *ultra vires* because the Department lacks the authority to do so. As such, the Court should grant this motion.

II. Relevant Facts

A. The DV Program

Congress created the DV program in 1990 to promote immigration to the United States of America from countries with historically low rates of immigration. *See* 8 U.S.C. § 1153(c). The statute sets a target of 50,000 diversity immigrants per fiscal year. *See* 8 U.S.C. § 1151(e). To implement the program, the Secretary of Homeland Security first identifies countries and regions with low rates of immigration and applies a statutory formula to allocate available visas to natives of those places. *See* 8 U.S.C. 1153(c)(1)(E); 22 C.F.R. § 42.33(a). Over a 34-day application period, the Department invites the natives of these countries and regions to enter into a “lottery” for a chance opportunity to work and live in the United States of America as a Legal Permanent Resident. *See* 22 C.F.R. § 42.33(c). In FY 2018, 14,692,258 entrants and 8,396,355 derivative beneficiaries participated in the DV-2018 Program. *See* Ex. 30, *DV Statistics 2016-2018: Number of Entries Received*. Of those approximately 23,000,000 participants, 115,968 applicants were selected for a chance at the American Dream and awarded an opportunity to apply for an immigrant visa. *See* Ex. 22, *DV 2018: Selected Entrants*. The odds of being selected were less than one percent.

After being selected, intending immigrants must submit a DS-260, *Immigrant Visa and Alien Registration Application* and supporting documentation, pay necessary fees, and appear for an immigrant visa interview before a consular officer at a US embassy or consulate. *See* 8 U.S.C. § 1202(b); 22 C.F.R. §§ 42.33(g), 42.61-42.67. By law, the Department must then issue visas to applicants who satisfy the eligible criteria. *See* 8 U.S.C. § 2253(c)(1); 22 C.F.R. § 40.6, 42.81(a).

The law mandates that DV Program selectees be issued an immigrant visa before the end of the fiscal year of their selection. 8 U.S.C. § 1154(A)(1)(1)(ii)(II); 22 C.F.R. § 42.33(a)(1). For Plaintiffs, the deadline for adjudication of their immigrant visa applications and issuance of their visas is midnight September 30, 2020. 8 U.S.C. 1154(a)(1)(I)(ii)(II). If not issued before September 30th, Plaintiffs cannot be issued a visa and will lose their opportunity to immigrate to the United States of America. Once a visa is issued, it is generally valid for up to six months.³ See U.S.C § 1201(c)(1).

B. Presidential Animus

President Trump's animus towards the DV Program is long running and well documented. Since November 1, 2017, the President has taken to Twitter at least 16 times to express his displeasure with the Congressionally mandated Diversity Visa program. See Ex. 25, *Presidential Tweets*. The President also frequently commented on the DV program in the media and during public appearances. In a cabinet meeting in November of 2017, President Trump stated that "Diversery [sic] and diversity lottery. Diversity lottery. Sounds nice. It's not nice. It's not good. It's not good. It hasn't been good. And we've been against it." *Compl.* ¶ 1122. He also stated, "I am today starting the process of terminating the diversity lottery program." *Id.*

The next day, President Trump came to the realization that he did not have the necessary Congressional backing to end the statutorily mandated program. Despite bipartisan opposition to ending the program, President Trump stated "We're being stopped by Democrats because they're obstructionists. And, honestly, they don't want to do what's right for our country. We need strength. We need resolve. We have to stop it. So, we're going to get rid of this lottery program as soon as possible." *Compl.* ¶ 1123. Over the next two years, President Trump repeatedly

³ For example, an immigrant visa issued on July 20, 2020 would be valid until Wednesday, January 20, 2021 – Inauguration Day.

denigrated and demonized immigrant participants of the DV Program in an effort to increase support to end the DV program. The President also repetitively told lies about how career State Department employees operated the program. On December 15, 2017, at a graduation speech for FBI agents President Trump alleged:

They have a lottery. You pick people. Do you think the country is giving us their best people? No. (Laughter.) What kind of a system is that? They come in by lottery. They give us their worst people, they put them in a bin, but in his hand, when he's picking them is, really, the worst of the worst. Congratulations, you're going to the United States. Okay. (Laughter.) What a system — lottery system.

Remarks by President Trump at FBI National Academy Graduation Ceremony, White House (December 15, 2017) available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-fbi-national-academy-graduation-ceremony>. During the 2018 State of the Union Address, the President reiterated his intention to end the DV Program, stating the he wanted to end “the visa lottery – a program that randomly hands out green cards without any regard for skill, merit, or the safety of our people.”⁴ At a “Make Again Great Again” Rally in Cincinnati, Ohio in 2019, the President repeated that he was going to end the program and painted a wildly inaccurate picture of the program.⁵ To a ruckus crowd, the President stated, “you put the name in a basket. The country puts the name in the basket. And you pick people out of the lottery. 'Well, let's see, this one's a murderer. This one robbed four banks, this one ... I'd better, not say ... this one, another murderer, ladies and gentlemen, another murderer.” *Id.*

⁴ Full Transcript: *Trump's 2018 State of the Union Address* available at <https://www.usnews.com/news/politics/articles/2018-01-30/full-transcript-of-president-donald-trumps-2018-state-of-the-union-address>.

⁵ Dale, et al., *Fact check: Trump makes more than 20 false claims at Cincinnati rally*, CNN Politics (August 2, 2019) available at <https://www.cnn.com/2019/08/02/politics/donald-trump-cincinnati-rally-fact-check/index.html>.

Despite the President’s ill-informed and meanspirited campaign denigrating immigrants and their families, he repeatedly failed to garner Congressional support to end the program. In 2017, Alabama Senator Tom Cotton sponsored a bill that would have ended the program. S.354 — 115th Congress (2017-2018). The bill supported by President Trump and shaped by his advisors Stephen Miller and Steve Bannon, did not attract any co-sponsors and did not obtain adequate support to receive a vote in the Senate. ⁶ In 2018, another immigration bill supported by President Trump attempted to end the program. The bill was overwhelmingly rejected by a 39-60 vote in the Senate, receiving bipartisan opposition. S. Amdt. 1959 to H.R.2579. In 2019, Senator Cotton re-introduced his 2017 bill. S. 1720 - RAISE Act-115th Congress (2017-2018). The bill never left committee.

C. PP 10014 AND PP 10052

On April 22, 2020, President Trump signed Presidential Proclamation 10014 (“PP 10014”), which temporarily suspends the "entry into the United States" of certain classes of immigrants who did not already have a valid immigrant visa or travel document as of April 23, 2020, the effective date of the Proclamation. *Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak* (April 23, 2020), 85 Fed. Reg. at 23, 442-43 §§ 1, 2(a), 5. The Proclamation cites various justifications rooted in the bigoted fallacy that immigrants cause economic harm to American workers to justify the suspension of entry. *See* 85 Fed. Reg. at 23,441-42. For these alleged reasons, the President suspended the entry of DV selectees and their derivative beneficiaries for a 60-day period starting April 23, 2020. *Id.* at 23,443 §§ 4-5. The Proclamation provided an exception for "any alien whose

⁶ In an interview with the New York Times, Stephen Miller cited to the Center for Immigration Studies, a known hate group that circulated racist materials from white nationalists and anti-Semites some 2,000 times. *See Stephen Miller, While Defending Racist Immigration Bill at Press Conference, Cites Hate Group* (August 2, 2017)

entry would be in the national interest." *Id.* at 23,443 § 2(b)(ix). The Secretaries of State and Homeland Security are tasked with implementing the Proclamation as it applies to visas and aliens, respectively. *Id.* at 23,443 § 3. However, the State Department has repeatedly stated there is no exceptions for entry for the DV-2020 program. Ex. 18, *State Department Tweets Communicating the End of DV-2020 Processing*. On June 22, 2020, the President issued a follow-up proclamation, which extended PP 10014 through December 31, 2020 -- effectively ending the DV-2020 Program pursuant to Defendants' scheme. See *Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak* (June 22, 2020)(PP 10052).

Other obstacles 2020 DV selectees have faced is the use of additional Presidential Proclamations by Defendants to refuse to adjudicate Plaintiffs' Diversity Visas. Defendants have relied on: (1) Presidential Proclamation 992, *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*; (2) Presidential Proclamation 9993, *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*; and (3) Presidential Proclamation 9996, *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus* to further effectuate their unlawful policies, programs, and practices of dismantling the Diversity Visa Program. Additionally, almost all the U.S. Embassies and Consulates around globe are closed for routine visa processing. Accordingly, the only recourse that Plaintiffs have to have their diversity visas be properly and fully adjudicated is by a temporary restraining order and preliminary injunction from this Court.

D. Myth of Economic Hardship Caused by Immigration

Study after study has found that immigration creates economic benefits. The notion that a migrant worker displaces an American worker is a fallacy rooted in xenophobia. In fact, research finds that there is little evidence that immigration significantly affects the overall employment levels of native-born workers. Rather, studies show that migration can be a compliment to native workers, or stated differently migration creates more jobs than existed before. Picture a busy restaurant, efficient and available workers boost productivity and expand the business. This creates a demand for more workers and in turn more managers. Immigration also boosts innovation. Foreign born engineers, scientists, doctors, and other highly skilled workers create much of our country's innovation. This innovation creates new products and markets and expands our economy. This fact is unsurprising when analyzing who leaves their home to make it in the United States, people with grand ambition, necessary gumption, intelligence, and grit. The research is clear that immigration drives economic growth and creates more winners in our country.

Defendants have provided no analysis or statistics to support their claim that immigrants are detrimental to the economy. Plaintiffs consist of professionals, entrepreneurs, and children with limitless potential that will advance the U.S. economy. The fact that diversity visa awardees would instantly become Legal Permanent Residents who will be embedded in the fabric of the United States further erodes Defendants' assertions that immigrants will compete with the U.S. labor market. Plaintiffs would be Lawful Permanent Residents who enhance the U.S. economy, pay taxes, and bring value to the communities they settle in.

E. Diversity Visa Adjudication Process

The Immigration and Nationality Act (INA), its implementing regulations, and preexisting Department policies implemented in the Department’s Field Affairs Manual⁷ (FAM) impose a nondiscretionary mandatory duty to adjudicate and issue decisions on immigrant visa applications made pursuant to the program. *Mohamed v. Pompeo*, No. 1:19-cv-01345-LJO-SKO, 2019 U.S. Dist. LEXIS 167266 (E.D. Cal. Sep. 27, 2019)(issuing a mandatory injunction ordering the State Department to complete adjudications of both immigrant diversity visa applications and PP 9645 waiver adjudications prior to the end of the FY-2019). These laws, regulations, and policies reflect that DV adjudications must take place before the statutory deadline and sets forth a clear timeline and procedure to complete the process. 9 FAM 502.6-4, *Diversity Visa Processing*.

1. Step 1: Application Processing

First, DV entries are processed at the Department’s Kentucky Consular Center (KCC). 9 FAM 502.6-4(c)(1), *KCC Role*. KCC will hold the case until those selected are entitled to make a formal application for a visa at a U.S. consular office abroad. 9 FAM 502.6-4(c)(1)(b). Then, the “KCC **will** schedule an appointment for a ‘documentarily qualified’ applicant **when his or her regional lottery is about to be current**”. 9 FAM 502.6-4(d)(2)(setting forth the timetable for adjudication)(emphasis added). “Applicants **are** considered ‘documentarily qualified’ for purposes of visa appointment scheduling when KCC confirms that the applicant has properly completed and submitted the DS-260.” 9 FAM 502.6-4(c)(2)(c)(emphasis added).

⁷ “The Foreign Affairs Manual (FAM) and associated Handbooks (FAHs) are a single, comprehensive, and authoritative source for the Department’s organization structures, policies, and procedures that govern the operations of the State Department, the Foreign Service and, when applicable, other federal agencies. The FAM (generally policy) and the FAHs (generally procedures) together convey codified information to Department staff and contractors so they can carry out their responsibilities in accordance with statutory, executive and Department mandates.” available at <https://fam.state.gov/default.aspx#>.

2. Step 2: Immigrant Visa Interview Scheduling

The State Department promulgates a visa bulletin for the purposes of tracking and communicating visa availability. The monthly “bulletin summarizes the availability of immigrant visa numbers” for immigrant visa applicants. *See* Ex. 23, *State Department July 2020 Visa Bulletin*. “Each month visa numbers **will be** allocated to applicants who are within the applicable rank cut-off [reflected on the visa bulletin] for that month and have been reported documentarily qualified.” 9 FAM 502.6-4(c)(2)(c)(again demonstrating a monthly pace of adjudication for applicants). Because the Department must schedule a DV selectee for an immigrant visa appointment when his or her visa is *about* to be current to ensure a timely adjudication, the Visa Bulletin also shows the available DV visas for the forthcoming month. *Id.* (providing a clear monthly pace of adjudication). All Plaintiffs have current visa numbers.

3. Step 3: Immigrant Visa Interview and Visa Issuance

At the interview, a consular officer must issue a visa to an eligible applicant. Under 22 C.F.R. § 42.81(a), “when a visa application has been properly completed and executed before a consular officer in accordance with the provisions of the INA and the implementing regulations, the consular officer **must** issue the visa [or] refuse the visa under INA 212(a) or 221(g) or other applicable law.” (2019). In addition, 22 C.F.R. § 40.6, states that “[a] visa can be refused only upon a ground specifically set out in the law or implementing regulations.” The FAM also states that “[d]ecisions to issue or refuse an immigrant visa application **must** be based on a personal interview, during which the consular officer must ensure that all required documentation has been provided, that there is a legal basis for the applicant to immigrate, and there are no ineligibilities that would affect the visa issuance.” 9 FAM 504.1-3(f), *Application Processing* (emphasis added). “Once an application has been executed, the consular officer **must** either issue the visa or refuse

it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she must inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available.” 9 FAM 504.1-3(g); 9 FAM § 504.11-2(A)(b) ([t]here is no such thing as an informal refusal or a pending case once a formal application has been made.); see also *Alharbi v. Miller*, 368 F.Supp.3d 527 (2019) (holding that consular officers have a nondiscretionary binary duty to issue or refuse visas). When read together, the INA, regulations, and the Department policy require Defendants to process and issue visas to eligible visa applicants.

F. Defendants Unreasonable Delays and Unlawful Withholding of a Mandatory Entitlement

Without the necessary support in the U.S. Congress to lawfully end the DV Program, Defendants have implemented a series of policies, procedures, and practices that unlawfully suspend the adjudications of immigrant visa applications for DV Program selectees and their derivatives and withhold a decision on those application through the program’s statutory deadline. Department policies, procedures, and practices suspend all stages of the processing of immigrant visa applications for selectees and their beneficiaries, including (1) application processing at the KCC; (2) transferring of applications to U.S. embassies and consulates, (3) mandatory scheduling of immigrant visa interviews, and (4) decision-making on already interviewed applications. The result is an unreasonable delay of adjudication and an unlawful withholding of a decision on Plaintiffs’ visa applications.

The Department has shrouded the substance of the policies, procedures, and practices in secrecy. Plaintiffs’ counsel has attempted to request information regarding PP 10014 and PP 10052’s implementation, but those efforts have been fruitless. Ex. 34, *FOIA Request*. However, the end result of the policies, procedures, and practices have been made clear by the Department

in a series of public social media posts and embassy e-mail's to Plaintiffs. Ex. 35, *E-mails Informing Plaintiffs of Adjudication Suspension*. On July 14, 2020, an official Department Twitter account thrice tweeted, "We will not be issuing DVs while the recent Presidential Proclamation is in effect. The Proclamation's restrictions expire December 31, 2020. The September 30, 2020 deadline for DV-2020 visas has not been extended." See Ex. 26, *State Department Tweets Communicating the End of DV-2020 Processing*. Consular Officers have also taken to Facebook to communicate the suspension of diversity visa processing.⁸ In the video, Department Senior Foreign Service Officer Michael Fitzpatrick, states "If a [diversity] visa has not been issued, we are unfortunately unable to do anymore processing due to a Presidential Proclamation through the end of this year. So, if you have not already gotten the visa, we will not be able to move forward with your case." He further explained, "We are not allowed to do any further [diversity] visa processing through December 31, 2020 and to be able to be issued a visa for diversity visa 2020 you have to have that visa by September 30th unless they are some legal changes. Unfortunately, if you have not gotten the visa you will not be able to get one for visa lottery 2020." These communications make clear that the DV-2020 program has been unlawfully ended. Should the resulting delay and withholding not be judicially cured, the Department will suspend adjudications through the DV-2020 statutory deadline and Plaintiffs will lose their opportunity to immigrate to the United States.

III. Legal Standards

A. Temporary Restraining Order and Injunctive Relief

Pursuant to Federal Rule of Civil Procedure 65 and Civil Local Rule 65.1, Plaintiffs respectfully move this court to issue a temporary restraining order following by a preliminary

⁸ Ask the Consul, *U.S. Embassy Yaounde, Cameroon*. The video is available at <https://www.facebook.com/yaounde.usembassy/videos/289067918877581/>.

injunction. In order to obtain a temporary restraining order and/or a preliminary injunction, a party must show that (1) it is likely to succeed on the merits of the claim; (2) it is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of the equities tip in its favor, and (4) a preliminary injunction is in the public interest. *Morgan Stanley DW Inc. v. Rothe*, 150 F. Supp. 2d 67, 72 (D.D.C. 2001) (quoting *Mova Pharm Corp. v. Shalala*, 140 F.3d 1060, 1066 (D.C. Cir. 1998)); *See also Doe v. Mattis*, 889 F.3d 745, 751 (D.C. Cir. 2018); *Gordan v. Holder*, 632 F.3d 722, 724 (D.C. Cir. 2011).

IV. Arguments

A. Standing

“A plaintiff asserting a procedural violation must show 'a causal connection between the government action that supposedly required the disregarded procedure and some reasonably increased risk of injury to its particularized interest.’” *Iyengar v. Barnhart*, 233 F. Supp. 2d 5, 12-13 (D.D.C. 2002) (quoting *Fla. Audubon Soc'y. v. Bentsen*, 94 F.3d 658, 664 (D.C. Cir. 1996)). A plaintiff need not show that the agency would have acted any differently. *Mendoza v. Perez*, 754 F.3d 1002, 1010 (2014). In the context of a procedural injury, injury in fact is required. *Ctr. for Biological Diversity v. Env'tl. Prot. Agency*, 861 F.3d 174, 183 (D.C. Cir. 2017). Once a plaintiff clears that hurdle, through, "the normal standards for immediacy and redressability are relaxed." *E.B. v. United States Dep't of State*, 422 F. Supp. 3d 81, 86 (D.D.C. 2019)(citing *Mendoza*, 754 F.3d at 1010).

All Plaintiffs have incurred a procedural injury. Plaintiffs have lost the entitlement of a full and proper adjudication of their immigrant visa applications pursuant to their DV-2020 selection and submission of their DS-260, *Immigrant Visa and Alien Registration Application* . This injury is caused by Defendants' unlawful implementation of policies, procedures, and

practices implemented pursuant to PP 10014 and PP 10052. The procedural rights are obviously linked to their concrete interest in the issuance of their visas. Plaintiffs have also expended time and money participating in the diversity visa lottery. Even the loss of a small amount of money is enough to satisfy Article III's injury-in-fact requirement. *Id.* at 86-87 (citing *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973, 983, 197 L. Ed. 2d 398 (2017) (holding that "For standing purposes, a loss of even a small amount of money is ordinarily an 'injury.'")). They also plainly fall within the zone of interest of the Diversity Visa Program. *Mohamed v. Pompeo*, No. 1:19-cv-01345-LJO-SKO, 2019 U.S. Dist. LEXIS 167266, at *6 (E.D. Cal. Sep. 27, 2019)(citing *V. Real Estate Grp., Inc. v. U.S. Citizenship & Immigration Servs.*, 85 F. Supp. 3d 1200, 1206 (D. Nev. 2015) (inquiring, in APA challenge to visa adjudication, whether plaintiff fell within zone of interest of "relevant provisions of the Immigration and Nationality Act" and acknowledging that in the APA context the test is not "especially demanding")). Therefore, all Plaintiffs have standing to sue.

B. Plaintiffs satisfy the requirements for permissive joinder.

Rule 20(a) allows multiple claims to be joined if (1) the claims arise from the same transaction or occurrence or series of transactions or occurrences and (2) any question of law or fact common to all plaintiffs arise in the action. Fed. R. Civ. P. 20(a). Permissive joinder is used to promote convenience and expedite resolution. *Montgomery v. STG Int'l, Inc.*, 532 F. Supp. 2d 29, 31 (D.D.C. 2008). The Supreme Court has stated that "[u]nder the Rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged." *United Mine Workers v. Gibbs*, 383 U.S. 715, 724, 86 S. Ct. 1130, 16 L. Ed. 2d 218 (1966); *See Darchini v. Pompeo*, No. SACV 19-1417 JVS (DFMx), 2019 U.S. Dist. LEXIS 220037 at *8 (C.D. Cal. Sep. 24, 2019)(finding joinder was appropriate to a challenge to a challenge to implementing policies to PP 9645's suspension of

entry); *Altowaiti v. Cissna*, No. 18-cv-508 (KBF), 2018 U.S. Dist. LEXIS 97672, at *4 (S.D.N.Y. June 11, 2018)(finding Plaintiffs challenge to the unreasonable delays and policies relating to USCIS's Yemeni I-130 scheme was proper).

All plaintiffs submitted entries in DV-2020 lottery and were selected to apply for an immigrant visa. All plaintiffs have submitted a DS-260, *Immigrant Visa and Alien Registration Application* and submitted all necessary documentation to be found documentarily qualified to be scheduled for visa interview and a decision pursuant to such an interview. All Plaintiffs have visa numbers available to them per the Department's July Visa Bulletin. *See* Ex. 23. The cause of the unreasonable delay and unlawful withholding of the mandatory, non-discretionary adjudication for every Plaintiffs' immigrant visa application is the caused by the same unlawful policies, procedures, and practices implemented by Defendants pursuant to PP 10014 and PP 10052 suspending the adjudications and issuances of diversity visas. Therefore, joinder is proper in this action.).

C. Plaintiffs' Extraordinary and Irreparable Harm

Plaintiffs face the imminent prospect of an injury that cannot be cured should this Court not issue a preliminary injunction. *See* Ex. 4-24, *Plaintiffs Declarations*. The INA and its implementing regulations state that "[u]nder no circumstances may a consular officer issue a visa or other documentation to an alien after the end of the fiscal year during which an alien possesses diversity visa eligibility." 22 C.F.R. § 42.33(A)(1). The end of the fiscal year for the DV-2020 Program is September 30, 2020. "The strict interpretation of the diversity visa statute has been adopted by every Circuit Court to have addressed the issue." *Mogu v. Chertoff*, 550 Supp. 2d 107, 109 (D.D.C. 2008). A recognized exception to the statutory bar is where the visa applicant seeks

and obtains injunctive relief before the year concludes. *See Almaqrami v. Pompeo*, 933 F.3d 744 (2019).

Should this Court not issue an injunction in this matter prior to the September 30th deadline, no subsequent judgement will be able to cure the lost opportunity to immigrate to the United States. Absent court intervention, all Plaintiffs will lose their chance to immigrate. The extremely low odds of selection, demonstrated by the amount of times many of the Plaintiffs have already entered the DV program and have not been selected and the likelihood future selection, make it extremely unlikely that Plaintiffs will have this opportunity again. *P.K. v. Tillerson*, 302 F. Supp. 3d 1, 10 (D.D.C. 2017)(finding the loss of the opportunity to immigrate to the US was irreparable harm); see also *Mohamed v. Pompeo*, No. 1:19-cv-01345-LJO-SKO, 2019 U.S. Dist. LEXIS 167266, at *1 (E.D. Cal. Sep. 27, 2019)(finding that absent an injunction the loss of the DV opportunity would irreparably harm Plaintiffs); Ex. 2, *Plaintiff's Chart Demonstrating Number of Entries Before Securing Opportunity to Apply*. While the odds of selection in any given year is less than one percent, the odds of being selected in the subsequent year fall to .00025%. The injury to their employment and educational prospects alone would be sufficient injury to make the lost opportunity adequate irreparable harm to support an injunction. *Ariz. Dream Act Coalition v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014)(“Plaintiffs’ inability to obtain drivers’ licenses likely causes them irreparable harm by limiting their professional opportunities.”).

D. Plaintiffs are likely to succeed on the merits of their unreasonable delay and unlawful withholding claims.

Department policies, procedures, and practices implemented pursuant to PP 10014 and PP 10052 have unlawfully suspended the processing of immigrant visa applications for the DV-2020 program. The Department has halted these adjudications through December 31, 2020. Since immigrant visas for DV-2020 selectees and their derivatives must be issued prior to midnight on

September 30th of the fiscal year of the selection, the Congressionally mandated program has effectively been unlawfully terminated by the Defendants. 8 U.S.C. §§ 1153(c)(1), (e)(1); 22 C.F.R. § 42.33(a)(1), (d); *see* 31 U.S.C. § 1102. Defendants cannot rely on any authority, statutory or regulatory, to support a suspension of the adjudications and issuances of immigrant visas pursuant to the Congressionally mandated program.

It is well established that the APA authorizes legal actions like the instant one challenging withholding of mandatory entitlements and unreasonable delays in agency actions. *See* 5 U.S.C § 555(b) (requiring agencies to, “within a reasonable time ... conclude the matter presented to it”); 5 U.S.C. § 706(1) (authorizing courts to “compel agency action unlawfully withheld or unreasonably delayed”). To state such a cause of action, Plaintiffs need only to point to an agency’s failure to take discrete action that it is required to take. *See Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004) (holding that “law” that generates a mandatory duty need be a statute but can also be agency regulation that has the force of law).

Defendants actions of suspending the adjudication of diversity immigrant visas is arbitrary, capricious, and not in accordance with law because Defendants lack the authority to dismantle the Congressionally mandated Diversity Visa Program. *Gresham v. Azar*, 950 F.3d (D.C. Cir. 2020). Defendants have not “considered the relevant evidence,” “weighed the consequences” of their policies, procedures, and practices, or “rationally justified” their decision. *District of Columbia v. U.S. Dep’t of Agric.*, No. 20-119, 2020 WL 1236657, *1 (D.D.C. Mar. 13, 2020). Finally, Defendants have failed to show “good reasons,” or any legal basis for suspension of adjudication and issuance of visas. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

Here, Plaintiffs state a cause of action for unreasonable delay here because Defendants are mandated by the Immigration Act of 1990, regulations, and preexisting internal Department policy

to adjudicate DV-2020 visa applications, but have failed to do so within a reasonable time. *See Nine Iraqi Allies*, 168 F. Supp. 3d at 293 n. 22, 295-96 (D.D.C. 2016)(holding that plaintiffs had stated a claim for unreasonable delay in processing their immigrant visa applications given agencies' mandatory duty to adjudicate visa applications). Under, the *Accardi* Doctrine, agencies must follow their own regulations and policies. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). The D.C. Circuit has recognized that the language, such as "shall" and "will," found throughout the statutes, regulations, and policies governing the required adjudication and issuance of visas pursuant to the DV program, impose a clear duty to act. *See Sierra Club v. Jackson*, 648 F.3d 848, 856 (D.C. Cir 2011)(internal quotation marks omitted); *Ass'n of Civilian Technicians, Mont Air Chapter No. 29 v. Fed. Labor Relations Auth.*, 22 F.3d 1150, 1153 (D.C. Cir. 1994). Therefore, the INA, regulations, and policies, set forth in detail above, mandate the Defendants adjudicate diversity visas. Plaintiffs are likely to succeed on this claim because all Plaintiffs' visa applications have been unlawfully suspended and Defendants do not have the discretion to suspend the processing of, withhold decisions on, or unreasonably delay Plaintiffs' applications.

1. TRAC factors warrant a finding of unreasonable delay of a full and proper adjudication of Plaintiffs' immigrant visa applications.

The D.C. Circuit, in *Telecommunications Research & Action Center v. FCC* ("TRAC"), established guidelines to consider when determining whether an agency delay warrants mandamus compelling the agency to act. 750 F.2d 70, 77-78 (D.C. Cir. 1984). The court stated that "[i]n the context of a claim of unreasonable delay, the first stage of judicial inquiry is to consider whether the agency's delay is so egregious as to warrant mandamus." *Id* at 79. The court then enumerated several factors to consider when answering this question:

- (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 it 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 is unreasonably delayed.

Id. (internal citations omitted).

a. Rule of Reason and Congressional Timetable or Indication of Speed

The Immigration Act of 1990 and its implementing regulations and policies provide a clear timetable and indication of speed of adjudication. The DV program’s implementing statute imposes a clear deadline of September 30th for the adjudication and issuance of diversity visas. 8 U.S.C. 1154(a)(1)(I)(ii)(II). The text makes clear that visas are to be made available to eligible selectees and must be issued before the deadline. *Id.*; see also 9 FAM 502.6-4(b)(3)(a), *Diversity Visa Application Validity*.

Implementing regulations and Department policy also make clear that the processing and interview must be done with haste due to the statutory deadline for the adjudication of the visa. *See Supra* Section (II)(E)(1)-(3), *Diversity Visa Adjudication Process*.

First, the INA mandates that “diversity immigrants *shall* be allotted visas each fiscal year.” 8 U.S.C. § 1153(c)(1); INA § 203(c)(1)(emphasis added). After the Attorney General determines the allotment per country and region, immigrant visas “*shall* be issued to eligible qualified

immigrants strictly in a random order established by the Secretary of State for the fiscal year involved.” 8 U.S.C. § 1153(c)(1); INA § 203(c)(1)(emphasis added).

Next, Department policy sets forth a scheduling timeline based on the availability of the visa. The Department “will schedule an appointment for a documentarily qualified applicant when his or her regional lottery is about to be current.” 9 FAM 592.6-4(2)(creating a duty to schedule diversity visas before they are current). The Department’s July 2020 Visa Bulletin states all of Plaintiffs are already current. Because the Congress and the Department have set a timetable for adjudication of diversity visa and Department policy creates a mandatory adjudication of those visas pursuant to this timetable, the Court should find that this factor tips in the favor of the Plaintiffs.

b. Human Health and Welfare are at stake.

As to the human health and welfare implicated by the delay, the loss of gainful employment, educational opportunities, and the chance at the American Dream, are concrete and severe. *See* Ex. 4-24, *Plaintiffs’ Declarations*. Many Plaintiffs have sold the majority of their property to finance the immigrant visa application process. Many have foreclosed employment and business opportunities in their home country because they anticipated that they would begin a new life in America. Others have borrowed large amounts of money that they will never be able to pay if they remain in their native countries. Many of the Plaintiffs are fleeing war, disease, and famine and live in third countries as refugees, some are considered stateless. Others suffer discrimination from oppressive authoritarian regimes. Due to the dramatic loss of opportunity and the clear danger in remaining in their native countries, this factor clearly tips in the favor of the Plaintiffs.

c. Competing Priorities and Nature of Delay.

The “court should consider the effect of expediting delayed action on agency activities of a higher or competing priority” and “the nature and extent prejudiced by the delays.” *Independence Mining Co., Inc.*, 105 F.3d 502, 507 n.7; *TRAC v. FCC* at 80 (citations omitted). Here, the nature, extent, and prejudice of the delay easily overcome competing priorities. Consular sections at embassies around the world have resumed adjudications of immigrant visa application for applicants not subject to PP 10014 and PP 10052’s suspension of entry. Ex. 27, *State Department Communications Regarding Resuming Services*. Further, the Department’s Foreign Service Officers have largely ceased emergency repatriations of American citizens abroad due to COVID-19 and routine commercial flights have resumed to the United States. Also, the interest of other visa applicants will not be prejudiced because the adjudication of most of those applications are not time sensitive. The timely adjudication of Plaintiffs’ immigrant visa applications, given the drastic consequences of the failure to issue their visas prior to the September 30, 2020 deadline, clearly outweigh the current competing priorities and tips in the favor of the Plaintiffs.

d. Impropriety

Although the Court need not find any impropriety lurking behind the agency lassitude in order to hold the agency action is unreasonably delayed, the President and Department have clearly implemented policies, procedures, and practices that circumvent the will of Congress in order to effectuate the President’s failed legislative goals. Time and time again, the President has pledged to “terminate” and “cancel” the DV Program. He has maliciously disparaged and vilified diversity immigrants and their families and lied about the how the program functions. Unable to pass legislation, the Defendants have implemented unlawful policies, procedures, and practices to delay immigrant visa applications so to effectively end the DV program. This Court should find that the

President and the Department have acted with impropriety in delaying the Plaintiff's visa applications and find that the factor tips in favor of the Plaintiffs.

E. Defendants policies, procedures, and practices are arbitrary, capricious, and contrary to law.

Further, Plaintiffs are likely to prevail on their claims against Defendants that violate § 706(2)(A) and (D) of the APA. The APA bars federal agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or is conducted “without observance of procedure required by law.” *Id.* The Department's policies, procedures, and practices implementing PP 10014 and PP 10052 are contrary to law and must be set aside. *Id.* (permitting district courts to set aside final agency action “not in accordance with law.”).

First, the INA, regulations, and existing Department policies require the Department to make visas available to DV selectees, adjudicate their visa applications, and issue visas to the statutorily eligible applicants. The Department cannot rely on any statutes, regulations, or policies to support its current suspension of these mandatory adjudications.

Second, PP 10014 does not call for a blanket suspension of the adjudications of diversity visas. In fact, it explicitly calls for consular officers to continue adjudications and to make determinations as to whether visa applicants fall into exemptions set forth in the proclamation. PP 10014 § 3. The result is additional restrictions and eligibility requirements for decisions on diversity visa applications that cannot be not be found in the statutes, regulations, or executive orders governing their adjudications. Defendants' actions contravene the INA, regulations, department policies, and executive orders and breach a clear duty owed to Plaintiffs to process and issue visas to eligible Plaintiffs. Therefore, these policies should be enjoined and set aside.

Third, in addition to not following the INA and relevant federal regulations governing the Diversity Visa Program, Defendants failed to properly propose a rule change to the adjudication

of the diversity visa. Pursuant to the APA, “[g]eneral notice of proposed rule-making shall be published in the Federal Register [and] shall include (1) a statement of the time, place and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.” 5 U.S.C. § 553 (b). Defendants have given no notice regarding their policies, programs, and procedures dismantling the Diversity Visa Program. The only information that Defendants have provided about their unlawful and shadowy policies, programs, and procedures dismantling the Diversity Visa Program is by tweets. This does not constitute notice and tweets are not legal authority. Defendants also failed to comply with the APA’s rule making requirements by failing to give interested parties an “opportunity to participate in the rule making” process. 5 U.S.C. § 553(c); see also *Batterton v. Marshall*, 648, 703 F.3d (D.C. Cir. 1980).

1. Defendants policy unlawfully suspends the clear duty to adjudicate visas

“Congress has plenary power to create immigration law” and Congress has created “ a clear distinction between issuance and admissibility determinations under the INA.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001); *Alharbi v. Miller*, 368 F. Supp 3d 527 (S.D.N.Y. 2019). Upon a noncitizen’s arrival to the U.S., an immigration official can still determine that the noncitizen is suspended from entry, notwithstanding that they have been issued an immigrant visa pursuant to the nondiscretionary process. *Id.* In fact, two independent agencies are tasked with the administration of each determination. The Department make determinations as to admissibility, while Customs and Border Protection is tasked with determinations over entry to the United States.

Section 212(f) of the INA does not grant authority to the President to suspend the issuances of visas. The statute states:

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the

interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restriction she may deem appropriate.

8 U.S.C. § 1182(f); INA § 212(f). Rather, the INA and governing regulations have imposed on the Defendants a duty to allocate diversity visa, adjudicate diversity visa applications, and issue diversity visas to those eligible to receive them.

Congress did not impose an entry qualification for the issuance of diversity visas. Rather, Congress sets forth two qualification for eligibility for issuance of a diversity visa. “If it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 1182 of this title or any other provision of law.” 8 U.S.C. § 1201(g). The operative subsection, § 1182(a), states “except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States. Section 1182(a) then sets forth a list of ineligibilities. 8 U.S.C. § 1182(a); INA §§ 212(a)(1)-(10). Section 1182(f) is a separate subsection and not included in the relevant paragraphs of 1182(a). In addition to ineligibilities set forth in INA § 212(a), congress imposed an additional education or work-experience requirement for diversity visa selectees. *See* INA § 203(c)(2)(requiring a high school equivalent education or 2 years work experience in a field that requires two years of training). If a diversity visa selectee satisfies those requirements, then a immigrant visa must be issued. C.F.R. § 42.81(a).

In addition, PP 10014 and PP 10052 does not direct the Department nor does it impart the authority to suspend the adjudication of diversity visas. The proclamation, entitled “Suspension of *Entry* of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak,” is based entirely on an

allegedly perceived threat to the economy by diversity immigrants once they enter the United States. In fact, the implementing statement by the President only pertains to *entry*, stating that “that the *entry* into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their *entry* should be subject to certain restrictions, limitations, and exceptions.” PP 10014. No where in the text of the PP 10014 and PP 10052 does the President suspend or grant the any Secretary or officer the discretion to suspend the adjudication of visas applications, nor is such a discretion inherent.⁹ Rather, the proclamation imparts a clear, nondiscretionary duty upon consular officers to continue to adjudicate visas and determine whether an immigrant has established his or her eligibility for an exception in section 2(b) of this proclamation. Ex. 28, *State Department Update on PP 10014 and PP 10052*.¹⁰ Given the plain language of PP 10014 and PP 10052 and the contextual evidence of an adjudicative step put forth in § 3 of PP 10014, there is no basis to conclude it prescribes a suspension of visa issuance.

In sum, an entry suspension under INA § 212(f) is not a ground for denying a visa under § 1182(a) and PP 10014 does not suspend adjudication or issuance of visas. Therefore, Defendants’ policy for refusing to process visas for applicants like Plaintiffs, who would be “otherwise eligible” but for the suspension of entry pursuant to PP 10014 and PP 10052, is contrary to law and should be set aside.

F. Plaintiffs are likely to succeed on their Mandamus Claim

⁹ It is unnecessary for the Court to find whether or not such a suspension if implemented by Presidential Proclamation would be lawful, because it has not happened.

¹⁰ The most recent State Department updates states “Applicants for immigrant visas covered by Presidential Proclamations 10014 and 10052, including Diversity Visa 2020 (DV-2020) applicants, who have not been issued an immigrant visa as of April 23 are subject to the proclamation’s restrictions unless eligible for an exception. No valid visas will be revoked under this proclamation.” Available at <https://travel.state.gov/content/travel/en/News/visas-news/exceptions-to-p-p-10014-10052-suspending-entry-of-immigrants-non-immigrants-presenting-risk-to-us-labor-market-during-economic-recovery.html>.

The mandamus statute grants district courts "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 the plaintiff." 28 U.S.C. § 1361. Mandamus relief is proper only if: "(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff." *Fornaro v. James*, 416 F.3d 63, 69 (D.C. Cir. 2005) (quoting *Power v. Barnhart*, 292 F.3d 781, 784 (D.C. Cir. 2002)). As explained above, Plaintiffs have a right to have their visa applications processed in accordance with the INA, the Defendants have a clear non-discretionary duty to adjudicate their diversity visas, and without relief the Plaintiffs will lose their opportunity to immigrate and this Court will be unable to offer adequate relief. As such, this Court should find that Plaintiffs are likely to succeed on their Mandamus claim. INA § 203(c); 22 C.F.R. § 42.81; see generally 9 FAM § 502.6-4, *Diversity Visa Processing*; *Mogu*, 550 Supp. 2d at 109 (holding that courts do not have the authority to mandate adjudication of a diversity visa after the September 30 deadline).

G. The Doctrine of Consular Non-reviewability does not apply.

1. Consular Non-reviewability does not preclude a challenge to Department's policies, procedures, and practices.

The doctrine of consular non-reviewability does not apply to Plaintiffs' challenge to the Department's policies, procedures, and practices. *P.K. v. Tillerson*, 302 F.Supp. 3d 1, 12 (D.C. Cir. 2017) (citing *Patel v. Reno*, 134 F.3d 929 (9th Cir. 1997)) As in *P.K. v. Tillerson*, Plaintiffs do not challenge consular discretion. Rather, Plaintiffs challenge the legality of the Department's policies, procedures, and practices implementing PP 10014 and PP 10052 unlawfully suspending the adjudication and issuance of diversity visas. Thus, the doctrine of consular non-reviewability bars neither the relief Plaintiffs seek. *Id.*

2. Consular Non-reviewability does not apply when the Department has not rendered a decision on an immigrant visa application.

The doctrine of consular non-reviewability does not apply where the government has not made a final decision. *See P.K.*, 302 F.Supp at 11 (citing *Nine Iraqi Allies Under Serious Threat Because of Their Faithful Serv. To the United States v. Kerry*, 168 F.Supp. 3d 268, 291-92 (D.D.C. 2016)). In *Nine Iraqi Allies*, the court held that the doctrine of consular non-reviewability did not apply where the applications were not formally refused. 168 F.Supp. 3d 268. In *Patel v. Reno*, the Ninth Circuit held that mandamus relief where the Plaintiffs application had only been provisionally refused was also not precluded by the doctrine of consular non-reviewability. 134 F.3d 929, 932-33 (9th Circ. 1997); see also *Maramjaya v. U.S. Citizenship & Immigration Servs.*, 2008 WL 9398947, at *4 (D.D.C. Mar. 26, 2008). Like these cases, all of Plaintiffs immigration visa applications have not received a full and proper adjudication of their immigrant visa applications and remain suspended before a final decision has been rendered. Therefore, the doctrine of consular non-reviewability does not preclude judicial review.

H. A Temporary Restraining Order is in the Public Interest.

The balance of equities and the public interest, which merge in cases against the government, support the issuance of a temporary restraining order, followed by the injunctive relief Plaintiffs seek. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). Granting the requested restraining order and injunction would impose no injury on the government or the public. Rather, the public interest would be served by granting a restraining order because it would estopped Defendants from further effectuating their unlawful policies, programs, and procedures of dismantling the Diversity Visa Program. “There is no public interest in the perpetuation of the unlawful agency action...” *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016); see also *Gulf Coast Mar. Supply, Inc. v. United States*, 218 F.Supp.3d. 92, 101 (D.D.C. 2016). More importantly,

Defendants “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Open Cmty. Alliance v. Carson*, 286 F. Supp. 3d 148, 179 (D.D.C. 2017).

As noted above, the adjudication of Plaintiffs’ applications and availability of the visas for Plaintiffs is Congressionally mandated. Congress sets forth a clear indication of speed in which the adjudications should occur. Consular officers will assess the eligibility of all Plaintiffs and refuse those found inadmissible, including national security grounds which involve interagency background checks. Assuming this Court were to order the adjudication of Plaintiffs’ visa and set aside the unlawful preclusion of issuance of visas to eligible applicants, Plaintiffs would still be unable to enter the United States for the duration of the President’s suspension of entry. Simply processing Plaintiffs’ visa application according to the law will prevent a severe and irreparable injury to Plaintiffs without injuring the government or public in any sense. Therefore, this Court should find that granting Plaintiffs’ preliminary injunction is in the public interest.

V. Conclusion

For these reasons, Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction should be granted the following injunctive relief:

- (1) an order requiring Defendants to reserve visa numbers for the Plaintiffs through the pendency of litigation;
- (2) declaring Defendants’ policies, procedures, and practices suspending the adjudication of immigrant visa applications for the fiscal year 2020 Diversity Visa Program unlawful;
- (3) an order setting aside Defendants’ implementation of policies, procedures, and practices precluding issuance of visas for DV-2020 selectees and their derivative beneficiaries based on the entry suspension promulgated in PP 10014 and PP 10052; and
- (4) an order mandating Defendants to fulfill their mandatory, non-discretionary duty to process Plaintiffs’ immigrant visa applications, schedule Plaintiffs’ for immigrant visa interviews, and issue visas to eligible Plaintiffs.

Date: August 6, 2020

Respectfully submitted,
/s/ Curtis Lee Morrison
Curtis Lee Morrison
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Abadir Barre*
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Tel: (703) 929-4424
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curtis@curtismorrisonlaw.com
ru@urenaesq.com
abadir@barrelaw.com
Attorneys for the Plaintiffs
* Pro hac vice application pending

EXHIBIT 3

Fonjong V. Trump (DDC 1:20-cv-2128)

DV winner plaintiffs were polled to find out of how many times they entered into the DV lottery prior to winning the 2020 draw

The average is 3

Out of 110 submissions

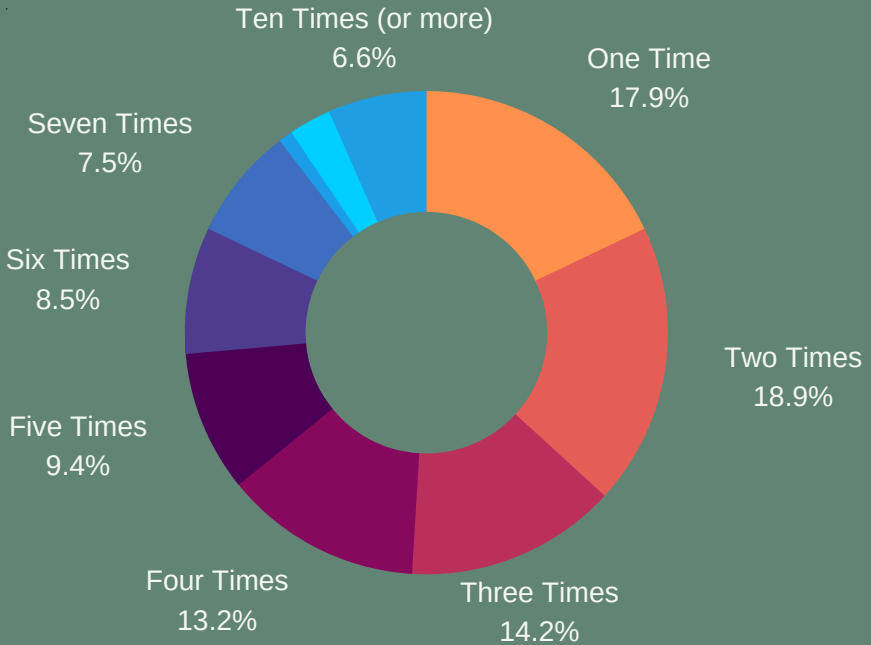
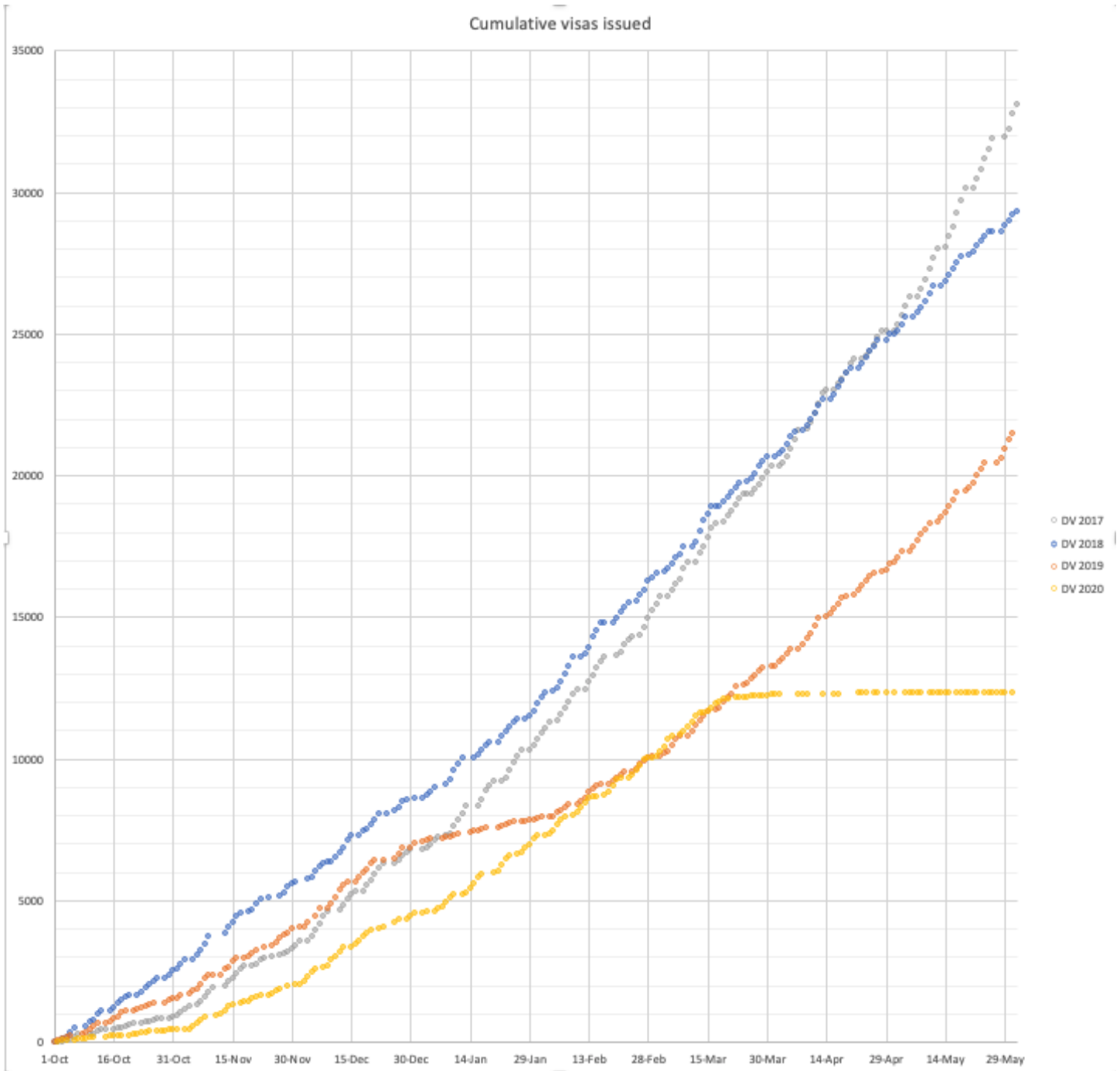


EXHIBIT 3



Prepared by: Plaintiff Tiago Vaz Duarte Soares

- Data was gathered throughout the years for visualization of the progress of the DV lotteries
- Data was gathered legally through the appropriate legal channels supplied by the US Department of State
- The data digested to create these plot points was obtained from a unofficial source, dvcharts.xarthisius.xyz
- The data from dvcharts.xarthisius.xyz was obtained through official channels - CEAC's own 'Visa Status Check' page at ceac.state.gov/CEACStatTracker/
- Points of interest in this graph would include the two times document procedures were modified at KCC.
- Note that since the time gap between KCC scheduling an interview and the interview itself is usually 6-8 weeks, the effects of the changes are delayed by a similar timeframe.
- The raw data comprised data points representing individual case numbers, and their given status at the time the data was scraped. It details, for each case number, its current status (how many visas had been issued, refused, in administrative processing, ready, in transit, transfer or at NVC), and which consulate the case pertained to - all as given by the consular electronic application center (CEAC).
- Only data which concerned issued visas was considered for these charts.
- Number of visas issued were aggregated programmatically by date, and a cumulative count was created based off of these numbers.

EXHIBITS 4 THROUGH EXHIBIT 24

ARE NOT SHARED PUBLICLY BECAUSE THEY ARE DECLARATIONS FROM
PLAINTIFFS IN THE CASE THAT CONTAIN PRIVATE INFORMATION

EXHIBIT 25

PRESIDENTIAL TWEETS

- Jul 30, 2018: We must have Border Security, get rid of Chain, Lottery, Catch & Release Sanctuary Cities - go to Merit based Immigration. Protect ICE and Law Enforcement and, of course, keep building, but much faster, THE WALL!
- Jul 29, 2018: I would be willing to “shut down” government if the Democrats do not give us the votes for Border Security, which includes the Wall! Must get rid of Lottery, Catch & Release etc. and finally go to system of Immigration based on MERIT! We need great people coming into our Country!
- Jun 15, 2018: The Democrats are forcing the breakup of families at the Border with their horrible and cruel legislative agenda. Any Immigration Bill MUST HAVE full funding for the Wall, end Catch & Release, Visa Lottery and Chain, and go to Merit Based Immigration. Go for it! WIN!
- May 26, 2018: Put pressure on the Democrats to end the horrible law that separates children from there [sic] parents once they cross the Border into the U.S. Catch and Release, Lottery and Chain must also go with it and we MUST continue building the WALL! DEMOCRATS ARE PROTECTING MS-13 THUGS.
- Feb 15, 2018: ...lottery, continues deadly catch-and-release, and bars enforcement even for FUTURE illegal immigrants. Voting for this amendment would be a vote AGAINST law enforcement, and a vote FOR open borders. If Dems are actually serious about DACA, they should support the Grassley bill!
- Feb 10, 2018: My Administration has identified three major priorities for creating a safe, modern and lawful immigration system: fully securing the border, ending chain migration, and canceling the visa lottery. Congress must secure the immigration system and protect Americans.
- Feb 8, 2018: Time to end the visa lottery. Congress must secure the immigration system and protect Americans.
- Feb 6, 2018: We need a 21st century MERIT-BASED immigration system. Chain migration and the visa lottery are outdated programs that hurt our economic and national security.
- Feb 6, 2018: Polling shows nearly 7 in 10 Americans support an immigration reform package that includes DACA, fully secures the border, ends chain migration & cancels the visa lottery. If D’s oppose this deal, they aren’t serious about DACA-they just want open borders.
- Jan 16, 2018:we need to keep America safe, including moving away from a random chain migration and lottery system, to one that is merit-based.

- Jan 16, 2018: The Democrats want to shut down the Government over Amnesty for all and Border Security. The biggest loser will be our rapidly rebuilding Military, at a time we need it more than ever. We need a merit based system of immigration, and we need it now! No more dangerous Lottery.
- Jan 12, 2018: The so-called bipartisan DACA deal presented yesterday to myself and a group of Republican Senators and Congressmen was a big step backwards. Wall was not properly funded, Chain & Lottery were made worse and USA would be forced to take large numbers of people from high crime.....
- Jan 11, 2018: The Democrats seem intent on having people and drugs pour into our country from the Southern Border, risking thousands of lives in the process. It is my duty to protect the lives and safety of all Americans. We must build a Great Wall, think Merit and end Lottery & Chain. USA!
- Jan 9, 2018: Thanks to all of the Republican and Democratic lawmakers for today's very productive meeting on immigration reform. There was strong agreement to negotiate a bill that deals with border security, chain migration, lottery and DACA.
- Jan 4, 2018: Thank you to the great Republican Senators who showed up to our mtg on immigration reform. We must BUILD THE WALL, stop illegal immigration, end chain migration & cancel the visa lottery. The current system is unsafe & unfair to the great people of our country - time for change!
- Dec 29, 2017: The Democrats have been told, and fully understand, that there can be no DACA without the desperately needed WALL at the Southern Border and an END to the horrible Chain Migration & ridiculous Lottery System of Immigration etc. We must protect our Country at all cost!
- Nov 2, 2017: I am calling on Congress to TERMINATE the diversity visa lottery program that presents significant vulnerabilities to our national security.
- Nov 1, 2017: We are fighting hard for Merit Based immigration, no more Democrat Lottery Systems. We must get MUCH tougher (and smarter). @foxandfriends
- Nov 1, 2017: The terrorist came into our country through what is called the "Diversity Visa Lottery Program," a Chuck Schumer beauty. I want merit based.



Donald J. Trump 

@realDonaldTrump



We must have Border Security, get rid of Chain, Lottery, Catch & Release Sanctuary Cities - go to Merit based Immigration. Protect ICE and Law Enforcement and, of course, keep building, but much faster, THE WALL!

4:57 AM · Jul 30, 2018 · [Twitter for iPhone](#)

27.1K Retweets and comments **101.9K** Likes



Donald J. Trump 
@realDonaldTrump

The terrorist came into our country through what is called the "Diversity Visa Lottery Program," a Chuck Schumer beauty. I want merit based.

4:24 AM · Nov 1, 2017 · [Twitter for iPhone](#)



Donald J. Trump  @realDonaldTrump · Nov 2, 2017 

I am calling on Congress to TERMINATE the diversity visa lottery program that presents significant vulnerabilities to our national security.



 9.4K

 16K

 63.3K






Donald J. Trump  @realDonaldTrump · Dec 29, 2017 

The Democrats have been told, and fully understand, that there can be no DACA without the desperately needed WALL at the Southern Border and an END to the horrible Chain Migration & ridiculous Lottery System of Immigration etc. We must protect our Country at all cost!

 39.5K

 34.4K

 126.2K





Donald J. Trump  @realDonaldTrump · Jan 4, 2018

Thank you to the great Republican Senators who showed up to our mtg on immigration reform. We must BUILD THE WALL, stop illegal immigration, end chain migration & cancel the visa lottery. The current system is unsafe & unfair to the great people of our country - time for change!

 21.8K

 27K

 118.8K





Donald J. Trump  @realDonaldTrump · Jan 9, 2018

Thanks to all of the Republican and Democratic lawmakers for today's very productive meeting on immigration reform. There was strong agreement to negotiate a bill that deals with border security, chain migration, lottery and DACA. 45.wh.gov/POTUS45



 8.4K

 10.4K

 50.4K





Donald J. Trump  @realDonaldTrump · Jan 11, 2018

The Democrats seem intent on having people and drugs pour into our country from the Southern Border, risking thousands of lives in the process. It is my duty to protect the lives and safety of all Americans. We must build a Great Wall, think Merit and end Lottery & Chain. USA!

 26.6K

 28.2K

 107.7K





Donald J. Trump  @realDonaldTrump · Jan 12, 2018 

The so-called bipartisan DACA deal presented yesterday to myself and a group of Republican Senators and Congressmen was a big step backwards. Wall was not properly funded, Chain & Lottery were made worse and USA would be forced to take large numbers of people from high crime.....

 13.5K

 19.1K

 71.2K





Donald J. Trump  @realDonaldTrump · Jan 16, 2018 

The Democrats want to shut down the Government over Amnesty for all and Border Security. The biggest loser will be our rapidly rebuilding Military, at a time we need it more than ever. We need a merit based system of immigration, and we need it now! No more dangerous Lottery.

 18.2K

 21.2K

 86.4K





Donald J. Trump  @realDonaldTrump · Feb 6, 2018 

Polling shows nearly 7 in 10 Americans support an immigration reform package that includes DACA, fully secures the border, ends chain migration & cancels the visa lottery. If D's oppose this deal, they aren't serious about DACA-they just want open borders.



POLL: Majority Of Americans Agree With Trump On DACA, Immigration
Voters across both party lines are largely in agreement with President
Donald Trump's immigration priorities, a new Harvard-Harris Poll finds.
[dailycaller.com](https://www.dailycaller.com)

 18K

 21.1K

 77.3K





Donald J. Trump  @realDonaldTrump · Feb 6, 2018

We need a 21st century MERIT-BASED immigration system. Chain migration and the visa lottery are outdated programs that hurt our economic and national security.

Chain Migration (chain· mi· gra· tion) *n.*

1. The process by which foreign nationals permanently resettle within the U.S. and subsequently bring over their foreign relatives, who then have the opportunity to bring over their foreign relatives, and so on, until entire extended families are resettled within the country. ▶ *Chain Migration is a process that can continue without limit.*

National Security Threats—Chain Migration and the Visa Lottery System...
Our current immigration system jeopardizes our national security and puts American communities at risk. That's why President Donald J. Trum...
whitehouse.gov

 19.4K

 23K

 79.3K





Donald J. Trump  @realDonaldTrump · Feb 8, 2018

Time to end the visa lottery. Congress must secure the immigration system and protect Americans.



Department of Justice Files Denaturalization Complai...
The Department of Justice today filed a complaint to revoke the naturalization of a Sudan native—who ...
[justice.gov](https://www.justice.gov)

 15.8K

 21K

 83.7K





Donald J. Trump  @realDonaldTrump · Feb 10, 2018

My Administration has identified three major priorities for creating a safe, modern and lawful immigration system: fully securing the border, ending chain migration, and canceling the visa lottery. Congress must secure the immigration system and protect Americans.



 27K

 28.9K

 102.8K






Donald J. Trump  @realDonaldTrump · Feb 15, 2018 

The Schumer-Rounds-Collins immigration bill would be a total catastrophe. @DHSgov says it would be “the end of immigration enforcement in America.” It creates a giant amnesty (including for dangerous criminals), doesn't build the wall, expands chain migration, keeps the visa...

 13.6K

 18K

 62.7K



Donald J. Trump  @realDonaldTrump · Feb 15, 2018 

...lottery, continues deadly catch-and-release, and bars enforcement even for FUTURE illegal immigrants. Voting for this amendment would be a vote AGAINST law enforcement, and a vote FOR open borders. If Dems are actually serious about DACA, they should support the Grassley bill!

 10.8K

 13.2K

 52.2K





Donald J. Trump  @realDonaldTrump · May 26, 2018 

Put pressure on the Democrats to end the horrible law that separates children from there parents once they cross the Border into the U.S. Catch and Release, Lottery and Chain must also go with it and we MUST continue building the WALL! DEMOCRATS ARE PROTECTING MS-13 THUGS.

 58.2K

 31.7K

 78.2K






Donald J. Trump  @realDonaldTrump · Jun 15, 2018 

The Democrats are forcing the breakup of families at the Border with their horrible and cruel legislative agenda. Any Immigration Bill MUST HAVE full funding for the Wall, end Catch & Release, Visa Lottery and Chain, and go to Merit Based Immigration. Go for it! WIN!

 53.3K

 32.2K

 96.4K






Donald J. Trump  @realDonaldTrump · Jul 29, 2018 

I would be willing to "shut down" government if the Democrats do not give us the votes for Border Security, which includes the Wall! Must get rid of Lottery, Catch & Release etc. and finally go to system of Immigration based on MERIT! We need great people coming into our Country!

 52.5K

 37.8K

 118.3K





Donald J. Trump  @realDonaldTrump · Jul 30, 2018

We must have Border Security, get rid of Chain, Lottery, Catch & Release Sanctuary Cities - go to Merit based Immigration. Protect ICE and Law Enforcement and, of course, keep building, but much faster, THE WALL!

 23.6K

 27.1K

 101.9K





Donald J. Trump  @realDonaldTrump · Jan 14, 2018

I, as President, want people coming into our Country who are going to help us become strong and great again, people coming in through a system based on MERIT. No more Lotteries! [#AMERICA FIRST](#)

 34.5K

 36.9K

 138.2K



EXHIBIT 26

STATE DEPARTMENT TWEETS SPENDING IS ADIATIONS

July 14, 2020: @ferdina44124710 We will not be issuing DVs while the recent Presidential Proclamation is in effect. The Proclamation's restrictions expire December 31, 2020. The September 30, 2020 deadline for DV-2020 visas has not been extended.

June 24, 2020: DV-2020 applicants must obtain their visa or adjust status by September 30, 2020. The deadline has not been extended. There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas by September 30, 2020.

June 21, 2020: Hello, at this time, the DV-2020 program has not been extended past its anticipated end date at midnight on September 30, 2020. Please monitor the Embassy's website to determine whether appointments for routine visa services have resumed.



Travel - State Dept 

@TravelGov



Replying to [@ferdina44124710](#)

[@ferdina44124710](#) We will not be issuing DVs while the recent Presidential Proclamation is in effect. The Proclamation's restrictions expire December 31, 2020. The September 30, 2020 deadline for DV-2020 visas has not been extended.

7:59 AM · Jul 14, 2020 · [Hootsuite Inc.](#)

17 Retweets and comments **6** Likes



Travel - State Dept 

@TravelGov



Replying to [@Jacqueline_bijo](#)

DV-2020 applicants must obtain their visa or adjust status by September 30, 2020. The deadline has not been extended. There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas by September 30, 2020.

9:13 AM · Jun 24, 2020 · [Hootsuite Inc.](#)



Travel - State Dept 

@TravelGov

Replying to [@vutrokha](#)

[@vutrokha](#) Hello, at this time, the DV-2020 program has not been extended past its anticipated end date at midnight on September 30, 2020. Please monitor the Embassy's website to determine whether appointments for routine visa services have resumed.

4:43 AM · Jun 21, 2020 · [Hootsuite Inc.](#)

1 Retweet **4** Likes

EXHIBIT 27

STATE DEPARTMENT TWEETS RESUMING VISA SERVICES

July 14, 2020: @mabaldwin Hi Mary – Beginning July 15, US Embassies and Consulates may begin the phased resumption of routine visa services depending on local conditions. Please monitor the embassy/consulate website for the status of their services.



Travel - State Dept ✓
@TravelGov



Replying to @mabaldwin

@mabaldwin Hi Mary - Beginning July 15, US Embassies and Consulates may begin the phased resumption of routine visa services depending on local conditions. Please monitor the embassy/consulate website for the status of their services.

7:40 AM · Jul 11, 2020 · [Hootsuite Inc.](#)

Exceptions to Presidential Proclamations (10014 & 10052) Suspending the Entry of Immigrants and Nonimmigrants Presenting a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak

Last Updated: July 16, 2020

EXHIBIT 28

On June 22, the President signed Presidential Proclamation (P.P.) 10052, which extends P.P. 10014 through December 31, 2020, and suspends the entry to the United States of certain additional foreign nationals who present a risk to the U.S. labor market during the economic recovery following the 2019 novel coronavirus outbreak. The Department of State is committed to implementing this Proclamation in an orderly fashion in conjunction with the Department of Homeland Security and interagency partners and in accordance with all applicable laws and regulations.

There are certain limited exceptions to this Presidential Proclamation for humanitarian travel, public health response, and national security. Other limited exceptions may be provided to:

- applicants who are subject to aging out of their current immigrant visa classification before the relevant P.P.s expire or within two weeks thereafter
- certain H and J visa applicants who are traveling to work in support of a critical U.S. foreign policy objective (such as COVID-19 response) and/or traveling at the request of the U.S. government
- spouses and children of certain visa class holders, such as H, J, and L visa holders who are already excepted from, or not subject to, P.P. 10052.

The Department of State will continue to issue H, L, and J visas to otherwise qualified derivative applicants who are otherwise currently excepted or where the principal applicant is currently in the United States.

Applicants for immigrant visas covered by the proclamation, including Diversity Visa 2020 (DV-2020) applicants, who have not been issued an immigrant visa as of April 23 are subject to the proclamation's restrictions unless eligible for an exception. No valid visas will be revoked under this proclamation.

EXHIBIT 29

**Diversity Visa Program, DV 2016-2018: Number of Entries Received During Each
Online Registration Period by Country of Chargeability**

DV online registration period - Each year through the Department of State, Electronic Diversity Visa website, www.dvlottery.state.gov
The totals below DO NOT represent the number of diversity visas issued or the number of selected entrants

Foreign State of Chargeability	FY 2016			FY 2017			FY 2018		
	Entrants	Derivatives	Total	Entrants	Derivatives	Total	Entrants	Derivatives	Total
Afghanistan	32,950	33,001	65,951	39,672	43,605	83,277	58,576	64,179	122,755
Albania	127,277	118,852	246,129	162,521	153,321	315,842	189,168	178,063	367,231
Algeria	147,732	56,701	204,433	176,403	76,330	252,733	229,410	113,447	342,857
Andorra	105	81	186	121	45	166	123	52	175
Angola	4,573	6,973	11,546	6,175	8,684	14,859	9,410	13,409	22,819
Antigua and Barbuda	344	293	637	370	271	641	296	229	525
Argentina	8,420	9,307	17,727	8,828	9,481	18,309	9,803	10,008	19,811
Armenia	71,854	96,261	168,115	96,389	130,156	226,545	110,725	156,342	267,067
Aruba	310	293	603	318	278	596	329	282	611
Australia	16,933	7,955	24,888	18,382	8,322	26,704	18,118	8,235	26,353
Austria	5,320	3,338	8,658	5,503	3,566	9,069	5,323	3,582	8,905
Azerbaijan	30,382	23,811	54,193	38,557	34,436	72,993	61,535	62,516	124,051
Bahamas	2,170	2,093	4,263	1,951	1,630	3,581	1,898	1,643	3,541
Bahrain	1,037	1,469	2,506	1,216	1,448	2,664	1,438	1,574	3,012
Barbados	634	450	1,084	635	442	1,077	568	423	991
Belarus	52,485	46,282	98,767	70,266	64,958	135,224	86,133	85,001	171,134
Belgium	5,285	4,275	9,560	5,329	4,293	9,622	5,352	4,322	9,674
Belize	575	600	1,175	358	379	737	450	480	930
Benin	107,089	29,232	136,321	95,093	22,539	117,632	96,550	25,221	121,771
Bhutan	1,516	1,596	3,112	2,008	2,215	4,223	1,986	2,035	4,021
Bolivia	3,887	4,014	7,901	3,684	3,814	7,498	4,165	4,497	8,662
Bosnia and Herzegovina	5,005	5,445	10,450	6,265	6,083	12,348	5,610	5,928	11,538
Botswana	526	453	979	505	454	959	646	549	1,195
Brunei	138	136	274	129	122	251	160	118	278
Bulgaria	49,869	44,644	94,513	46,107	42,249	88,356	38,614	35,702	74,316
Burkina Faso	20,007	4,988	24,995	24,188	6,485	30,673	32,933	8,028	40,961
Burma	24,187	17,856	42,043	29,142	21,633	50,775	24,897	19,855	44,752
Burundi	12,050	9,836	21,886	11,067	9,899	20,966	14,499	12,609	27,108
Cambodia	225,098	26,850	251,948	250,815	31,308	282,123	242,758	28,845	271,603
Cameroon	220,894	82,889	303,783	238,928	93,850	332,778	300,924	126,335	427,259
Cape Verde	650	673	1,323	756	634	1,390	1,137	952	2,089
Central African Republic	1,269	822	2,091	1,142	716	1,858	1,630	986	2,616
Chad	3,727	1,150	4,877	4,179	1,582	5,761	6,758	2,522	9,280
Chile	2,562	2,836	5,398	4,154	3,550	7,704	8,595	7,157	15,752
Christmas Island	7	5	12	11	5	16	9	6	15
Cocos Keeling Islands	17	3	20	24	16	40	31	8	39
Comoros	484	293	777	353	267	620	381	287	668

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	Entrants	Derivatives	Total	Entrants	Derivatives	Total	Entrants	Derivatives	Total
Congo-Brazzaville	8,216	6,105	14,321	9,556	6,895	16,451	15,784	11,199	26,983
Congo-Kinshasa	258,895	241,500	500,395	330,601	284,853	615,454	424,636	350,657	775,293
Cook Islands	90	74	164	108	82	190	157	117	274
Costa Rica	4,496	3,885	8,381	3,724	3,247	6,971	4,963	3,909	8,872
Cote d'Ivoire	93,019	24,146	117,165	128,228	25,917	154,145	208,258	35,400	243,658
Croatia	3,894	3,036	6,930	3,647	2,782	6,429	3,649	2,618	6,267
Cuba	176,668	185,700	362,368	61,301	66,970	128,271	55,938	58,622	114,560
Curacao	303	310	613	264	276	540	271	300	571
Cyprus	1,070	927	1,997	977	805	1,782	1,022	784	1,806
Czech Republic	5,285	3,557	8,842	5,254	3,666	8,920	5,155	3,559	8,714
Denmark	2,848	2,357	5,205	2,689	2,151	4,840	2,668	2,130	4,798
Djibouti	5,794	2,669	8,463	7,105	3,391	10,496	9,253	4,878	14,131
Dominica	733	811	1,544	735	708	1,443	659	658	1,317
Ecuador	N/A	N/A	N/A	N/A	N/A	N/A	96,983	101,702	198,685
Egypt	336,780	512,901	849,681	354,184	560,633	914,817	490,619	784,132	1,274,751
Equatorial Guinea	376	352	728	452	400	852	542	471	1,013
Eritrea	27,034	22,635	49,669	27,083	23,912	50,995	34,183	28,998	63,181
Estonia	2,396	1,771	4,167	2,341	1,777	4,118	2,488	1,929	4,417
Ethiopia	605,213	175,616	780,829	643,549	201,410	844,959	787,814	268,718	1,056,532
Faroe Islands	62	42	104	67	38	105	60	36	96
Federated States of Micronesia	33	20	53	27	19	46	35	24	59
Fiji	5,586	7,381	12,967	5,715	7,164	12,879	5,545	6,828	12,373
Finland	3,357	3,438	6,795	3,328	3,146	6,474	3,200	2,872	6,072
France	39,091	27,618	66,709	39,808	27,804	67,612	41,927	29,037	70,964
French Polynesia	323	342	665	282	305	587	272	284	556
French Southern and Antarctic Lands	24	18	42	22	18	40	32	16	48
Gabon	3,245	1,367	4,612	3,978	1,711	5,689	4,728	2,422	7,150
Georgia	33,830	40,159	73,989	44,258	55,093	99,351	54,098	68,011	122,109
Germany	51,328	37,603	88,931	52,373	39,525	91,898	51,903	40,581	92,484
Ghana	1,976,818	254,927	2,231,745	1,953,577	245,444	2,199,021	1,973,057	254,473	2,227,530
Greece	5,900	5,231	11,131	6,707	5,694	12,401	7,405	5,883	13,288
Greenland	42	11	53	42	17	59	66	26	92
Grenada	559	448	1,007	606	410	1,016	506	362	868
Guatemala	4,425	5,194	9,619	4,793	5,449	10,242	9,292	9,103	18,395
Guinea	193,140	46,366	239,506	210,085	40,666	250,751	272,404	50,539	322,943
Guinea-Bissau	1,140	183	1,323	571	228	799	1,000	355	1,355
Guyana	1,537	1,766	3,303	1,323	1,543	2,866	1,578	1,822	3,400

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	Entrants	Derivatives	Total	Entrants	Derivatives	Total	Entrants	Derivatives	Total
Honduras	8,526	10,901	19,427	6,141	8,139	14,280	10,950	12,962	23,912
Hong Kong S.A.R.	14,144	10,978	25,122	6,051	5,069	11,120	8,022	6,577	14,599
Hungary	11,215	10,285	21,500	11,421	10,101	21,522	11,645	10,286	21,931
Iceland	1,215	1,361	2,576	1,122	1,136	2,258	1,024	880	1,904
Indonesia	12,499	14,675	27,174	13,133	14,673	27,806	13,205	14,867	28,072
Iran	641,696	561,835	1,203,531	737,181	653,672	1,390,853	849,869	774,335	1,624,204
Iraq	18,482	28,962	47,444	31,132	45,162	76,294	62,805	82,905	145,710
Ireland	7,443	3,892	11,335	6,770	3,335	10,105	6,464	3,330	9,794
Israel	12,805	16,705	29,510	14,094	18,658	32,752	16,535	20,608	37,143
Italy	36,994	23,220	60,214	37,335	23,264	60,599	37,691	23,214	60,905
Japan	29,211	22,938	52,149	28,098	22,115	50,213	28,595	22,055	50,650
Jordan	27,881	44,557	72,438	23,949	39,378	63,327	37,754	57,314	95,068
Kazakhstan	22,000	26,136	48,136	27,661	32,973	60,634	41,990	51,416	93,406
Kenya	209,764	94,929	304,693	249,397	110,626	360,023	317,029	125,937	442,966
Kiribati	62	65	127	79	77	156	98	101	199
Korea, North	108	121	229	127	81	208	148	94	242
Kosovo	15,261	16,614	31,875	22,983	23,681	46,664	26,411	25,408	51,819
Kuwait	8,301	15,358	23,659	8,436	15,588	24,024	10,580	19,374	29,954
Kyrgyzstan	14,442	16,872	31,314	19,698	23,666	43,364	32,613	39,737	72,350
Laos	294	311	605	282	319	601	288	270	558
Latvia	3,845	3,459	7,304	3,899	3,641	7,540	4,421	4,302	8,723
Lebanon	15,304	25,298	40,602	17,245	25,249	42,494	15,670	25,332	41,002
Lesotho	423	236	659	299	133	432	272	235	507
Liberia	408,041	253,590	661,631	499,010	175,926	674,936	512,128	174,741	686,869
Libya	10,346	15,292	25,638	16,672	23,170	39,842	21,427	28,441	49,868
Liechtenstein	49	32	81	65	37	102	49	17	66
Lithuania	10,736	9,718	20,454	15,361	14,114	29,475	16,175	14,491	30,666
Luxembourg	344	239	583	328	205	533	333	173	506
Macau S.A.R.	1,336	675	2,011	N/A	N/A	N/A	613	284	897
Macedonia	16,685	15,567	32,252	21,876	21,304	43,180	23,845	23,383	47,228
Madagascar	2,736	3,259	5,995	2,538	3,020	5,558	2,210	2,580	4,790
Malawi	1,030	985	2,015	1,124	1,077	2,201	1,332	1,328	2,660
Malaysia	7,221	6,820	14,041	7,596	7,123	14,719	7,716	6,903	14,619
Maldives	191	226	417	149	154	303	200	203	403
Mali	7,975	3,076	11,051	9,527	3,656	13,183	11,363	5,609	16,972
Malta	308	252	560	275	225	500	269	178	447
Mauritania	1,919	971	2,890	3,414	1,697	5,111	4,940	2,324	7,264

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	Entrants	Derivatives	Total	Entrants	Derivatives	Total	Entrants	Derivatives	Total
Mauritius	1,878	1,880	3,758	2,024	1,975	3,999	1,373	1,388	2,761
Mayotte	8	10	18	-	-	-	-	-	-
Moldova	144,569	85,489	230,058	154,453	97,727	252,180	315,488	125,375	440,863
Monaco	85	44	129	118	38	156	127	47	174
Mongolia	10,406	15,607	26,013	14,429	22,926	37,355	13,142	21,646	34,788
Montenegro	1,199	929	2,128	1,780	1,412	3,192	2,330	1,504	3,834
Morocco	160,234	41,730	201,964	227,471	58,950	286,421	231,792	61,916	293,708
Mozambique	384	472	856	428	502	930	439	456	895
Namibia	547	522	1,069	545	530	1,075	497	539	1,036
Nauru	153	83	236	120	56	176	116	53	169
Nepal	664,854	426,026	1,090,880	692,137	444,485	1,136,622	728,718	458,632	1,187,350
Netherlands	6,203	5,372	11,575	6,216	5,322	11,538	6,064	5,103	11,167
New Caledonia	121	98	219	112	96	208	127	95	222
New Zealand	4,498	2,272	6,770	4,551	2,328	6,879	4,442	2,139	6,581
Nicaragua	4,918	5,214	10,132	2,337	2,706	5,043	3,354	3,835	7,189
Niger	13,804	2,423	16,227	9,065	4,017	13,082	10,996	5,652	16,648
Niue	11	8	19	15	7	22	38	10	48
Norfolk Island	20	14	34	30	9	39	12	6	18
Northern Ireland	1,479	984	2,463	1,368	935	2,303	1,246	831	2,077
Norway	2,389	1,829	4,218	2,715	1,622	4,337	2,220	1,565	3,785
Oman	757	708	1,465	915	876	1,791	1,132	1,017	2,149
Panama	1,137	1,046	2,183	1,106	1,082	2,188	1,435	1,277	2,712
Papua New Guinea	160	187	347	164	168	332	159	196	355
Paraguay	626	516	1,142	553	496	1,049	722	611	1,333
Poland	41,904	38,152	80,056	38,425	34,856	73,281	41,365	37,637	79,002
Portugal	3,076	2,864	5,940	3,226	2,829	6,055	3,230	2,917	6,147
Qatar	2,538	3,238	5,776	3,252	4,129	7,381	3,869	4,859	8,728
Republic Of Palau	34	37	71	38	27	65	54	25	79
Republic Of The Marshall Islands	12	5	17	5	6	11	21	14	35
Romania	36,303	36,924	73,227	33,693	33,885	67,578	47,883	31,700	79,583
Russia	133,095	141,651	274,746	161,107	170,962	332,069	211,372	222,981	434,353
Rwanda	29,791	19,265	49,056	30,408	21,703	52,111	40,644	27,031	67,675
Saint Martin	139	27	166	99	44	143	90	35	125
Samoa	178	243	421	95	119	214	126	182	308
San Marino	24	12	36	27	11	38	39	27	66
Sao Tome and Principe	243	47	290	45	35	80	49	38	87
Saudi Arabia	26,755	32,137	58,892	31,699	34,214	65,913	47,512	45,548	93,060

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Senegal	38,230	7,973	46,203	50,810	11,391	62,201	49,697	10,615	60,312
Serbia	24,286	18,774	43,060	28,177	22,003	50,180	29,884	23,729	53,613
Seychelles	212	124	336	144	94	238	195	94	289
Sierra Leone	575,457	36,526	611,983	807,065	34,623	841,688	967,062	44,663	1,011,725
Singapore	3,331	3,054	6,385	3,285	2,714	5,999	3,505	2,648	6,153
Sint Maarten	114	97	211	105	82	187	136	74	210
Slovakia	5,526	3,562	9,088	5,302	3,550	8,852	5,197	3,491	8,688
Slovenia	1,024	768	1,792	1,006	747	1,753	974	687	1,661
Solomon Islands	65	18	83	59	10	69	92	42	134
Somalia	21,554	6,833	28,387	26,815	8,584	35,399	45,974	14,605	60,579
South Africa	27,124	34,938	62,062	28,518	38,210	66,728	28,775	38,569	67,344
South Sudan	1,624	1,070	2,694	1,935	1,238	3,173	2,463	1,769	4,232
Spain	17,549	12,729	30,278	16,095	12,012	28,107	16,185	11,622	27,807
Sri Lanka	57,409	59,264	116,673	51,899	53,082	104,981	69,877	69,650	139,527
St. Barthelemy	11	10	21	15	7	22	28	11	39
St. Kitts and Nevis	329	280	609	286	231	517	253	186	439
St. Lucia	938	774	1,712	1,021	784	1,805	828	667	1,495
St. Pierre and Miquelon	8	9	17	15	7	22	10	16	26
St. Vincent and the Grenadines	550	451	1,001	398	328	726	449	337	786
Sudan	197,631	142,761	340,392	259,726	191,697	451,423	286,351	217,961	504,312
Suriname	453	483	936	520	553	1,073	644	679	1,323
Svalbard	16	13	29	24	19	43	39	25	64
Swaziland	284	150	434	232	147	379	280	181	461
Sweden	7,671	5,573	13,244	7,536	5,582	13,118	7,083	5,114	12,197
Switzerland	7,608	5,320	12,928	7,277	5,089	12,366	6,895	4,751	11,646
Syria	30,413	48,681	79,094	32,484	51,344	83,828	30,807	49,359	80,166
Taiwan	32,777	25,406	58,183	30,763	25,062	55,825	32,875	25,997	58,872
Tajikistan	16,276	22,918	39,194	28,109	42,230	70,339	47,635	74,543	122,178
Tanzania	6,369	5,555	11,924	6,919	6,166	13,085	7,539	6,637	14,176
Thailand	9,444	4,151	13,595	9,706	4,027	13,733	8,787	4,174	12,961
The Gambia	4,022	2,744	6,766	4,369	2,410	6,779	5,760	3,208	8,968
Timor-Leste	45	40	85	50	36	86	97	82	179
Togo	135,742	31,404	167,146	152,521	34,087	186,608	218,117	50,077	268,194
Tokelau	24	7	31	28	14	42	31	6	37
Tonga	678	1,024	1,702	603	886	1,489	661	1,024	1,685
Trinidad and Tobago	6,108	6,480	12,588	4,478	4,673	9,151	5,550	5,718	11,268
Tunisia	15,385	8,148	23,533	15,280	9,166	24,446	15,608	9,979	25,587

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Turkey	137,146	108,347	245,493	170,370	145,856	316,226	204,729	202,200	406,929
Turkmenistan	6,010	6,949	12,959	7,963	9,646	17,609	12,598	17,068	29,666
Tuvalu	23	43	66	9	8	17	10	16	26
Uganda	25,790	15,722	41,512	28,377	17,950	46,327	32,457	21,510	53,967
Ukraine	890,039	401,960	1,291,999	970,193	500,057	1,470,250	953,323	497,164	1,450,487
United Arab Emirates	9,629	10,300	19,929	11,018	12,312	23,330	13,282	14,949	28,231
Uruguay	1,524	1,411	2,935	1,964	1,699	3,663	1,557	1,502	3,059
Uzbekistan	946,212	542,772	1,488,984	876,875	699,304	1,576,179	1,232,938	881,508	2,114,446
Vanuatu	57	70	127	70	61	131	90	111	201
Vatican City	24	20	44	28	26	54	46	38	84
Venezuela	110,579	148,342	258,921	137,509	175,619	313,128	158,450	202,349	360,799
Wallis and Futuna	14	12	26	12	18	30	15	12	27
Western Sahara	45	22	67	68	14	82	70	15	85
Yemen	92,709	43,689	136,398	108,549	64,193	172,742	171,033	93,486	264,519
Zambia	2,541	2,820	5,361	2,715	2,750	5,465	4,067	3,326	7,393
Zimbabwe	6,235	6,930	13,165	7,752	8,254	16,006	9,260	10,148	19,408
Grand Totals	11,391,146	6,182,218	17,573,364	12,437,190	6,907,396	19,344,586	14,692,258	8,396,355	23,088,613

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DV 2018 - Selected Entrants

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2018 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available *50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 115,968 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first *50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2018 numbers will be used during fiscal year 2018 (October 1, 2017 until September 30, 2018).

EXHIBIT 30

Applicants registered for the DV-2018 program were selected at random from 14,692,258 qualified entries (23,088,613 with derivatives) received during the 34-day application period that ran from noon, Eastern Daylight Time on Wednesday, October 4, 2016, until noon, Eastern Daylight Time on Monday, November 7, 2016. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the total *50,000 visa numbers have been used, the program for fiscal year 2018 will end. Selected applicants who do not receive visas by September 30, 2018 will derive no further benefit from their DV-2018 registration. Similarly, spouses and children accompanying or following to join DV-2018 principal applicants are only entitled to derivative diversity visa status until September 30, 2018.

Dates for the DV-2019 program registration period will be widely publicized in the coming months. Those interested in entering the DV-2019 program should check the Department of State's Visa web page in the coming months.

*The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by foreign state of chargeability of those registered for the DV-2018 program:

AFRICA		
ALGERIA 2,897	ETHIOPIA 4,496	NIGER 57
ANGOLA 184	GABON 41	RWANDA 542
BENIN 611	GAMBIA, THE 64	SAO TOME AND PRINCIPE 0
BOTSWANA 10	GHANA 3,549	SENEGAL 400
BURKINA FASO 317	GUINEA 1,470	SEYCHELLES 0
BURUNDI 193	GUINEA-BISSAU 5	SIERRA LEONE 1,790
CABO VERDE 24	KENYA 2,997	SOMALIA 436

CAMEROON 3,720	LESOTHO 4	SOUTH AFRICA 300
CENTRAL AFRICAN REP. 17	LIBERIA 3,989	SOUTH SUDAN 34
CHAD 85	LIBYA 441	SUDAN 3,781
COMOROS 7	MADAGASCAR 50	SWAZILAND 3
CONGO 240	MALAWI 36	TANZANIA 173
CONGO, DEMOCRATIC REPUBLIC OF THE 4,497	MALI 126	TOGO 1,667
COTE D'IVOIRE 1,029	MAURITANIA 79	TUNISIA 181
DJIBOUTI 121	MAURITIUS 24	UGANDA 485
EGYPT 4,495	MOROCCO 2,719	ZAMBIA 68
EQUATORIAL GUINEA 11	MOZAMBIQUE 6	ZIMBABWE 149
ERITREA 556	NAMIBIA 16	
ASIA		
AFGHANISTAN 636	JAPAN 263	QATAR 46
BAHRAIN 14	JORDAN 447	SAUDI ARABIA 489
BHUTAN 16	NORTH KOREA 1	SINGAPORE 43
BRUNEI 2	KUWAIT 167	SRI LANKA 777
BURMA 209	LAOS 6	SYRIA 414
CAMBODIA 390	LEBANON 221	TAIWAN 318
HONG KONG SPECIAL ADMIN. REGION 84	MALAYSIA 70	THAILAND 60
INDONESIA 167	MALDIVES 4	TIMOR-LESTE 0
IRAN 4,500	MONGOLIA 197	UNITED ARAB EMIRATES 197
IRAQ 754	NEPAL 4,097	YEMEN 1,239
ISRAEL 159	OMAN 10	
EUROPE		
ALBANIA 4,484	GREECE 171	NORTHERN IRELAND 16
ANDORRA 0	HUNGARY 205	NORWAY 47
ARMENIA 2,844	ICELAND 13	Svalbard 1
AUSTRIA 89	IRELAND 123	POLAND 863
AZERBAIJAN 961	ITALY 546	PORTUGAL 84
BELARUS 1,466	KAZAKHSTAN 1,020	Macau 5
BELGIUM 86	KOSOVO 464	ROMANIA 516
BOSNIA & HERZEGOVINA 92	KYRGYZSTAN 753	RUSSIA 4,500
BULGARIA 776	LATVIA 91	SAN MARINO 0
CROATIA 63	LIECHTENSTEIN 0	SERBIA 560
CYPRUS 19	LITHUANIA 257	SLOVAKIA 82
CZECH REPUBLIC 95	LUXEMBOURG 2	SLOVENIA 10

DENMARK 45	MACEDONIA 514	SPAIN 311
Faroe Islands 2	MALTA 2	SWEDEN 130
ESTONIA 61	MOLDOVA 1,418	SWITZERLAND 85
FINLAND 68	MONACO 3	TAJIKISTAN 1,209
FRANCE 649	MONTENEGRO 38	TURKEY 4,390
French Polynesia 15	NETHERLANDS 79	TURKMENISTAN 306
New Caledonia 2	Aruba 8	UKRAINE 4,478
GEORGIA 1,195	Curacao 10	UZBEKISTAN 4,494
GERMANY 886	Sint Maarten 4	VATICAN CITY 0
NORTH AMERICA		
BAHAMAS, THE 15		
OCEANIA		
AUSTRALIA 2,154	NEW ZEALAND 546	SAMOA 10
FIJI 900	Cook Islands 19	SOLOMON ISLANDS 10
KIRIBATI 18	Niue 1	TONGA 129
MARSHALL ISLANDS 0	Tokelau 2	TUVALU 0
MICRONESIA, FEDERATED STATES OF 6	PALAU 3	VANUATU 17
NAURU 25	PAPUA NEW GUINEA 23	
SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN		
ANTIGUA AND BARBUDA 2	DOMINICA 8	PARAGUAY 7
ARGENTINA 109	ECUADOR 1,228	SAINT KITTS AND NEVIS 1
BARBADOS 2	GRENADA 11	SAINT LUCIA 14
BELIZE 1	GUATEMALA 120	SAINT VINCENT AND THE GRENADINES 8
BOLIVIA 52	GUYANA 10	SURINAME 6
CHILE 76	HONDURAS 144	TRINIDAD AND TOBAGO 79
COSTA RICA 66	NICARAGUA 51	URUGUAY 36
CUBA 733	PANAMA 22	VENEZUELA 2,209

Natives of the following countries were not eligible to participate in DV-2018: Bangladesh, Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R., Macau, and Taiwan), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, the Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

EXHIBIT 31



United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 43 Volume X

Washington, D.C.

IMMIGRANT NUMBERS FOR JULY 2020

A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during July for: "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by June 9th. If not all demand could be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, PHILIPPINES, and VIETNAM.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08JUL14	08JUL14	08JUL14	08DEC97	01JUN11
F2A	C	C	C	C	C
F2B	01MAY15	01MAY15	01MAY15	08MAR99	01JAN11
F3	08MAY08	08MAY08	08MAY08	08JUL96	15AUG01
F4	22AUG06	22AUG06	08FEB05	01JUN98	01JUN01

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22APR15	22APR15	22APR15	08JAN00	08FEB12
F2A	01JUN20	01JUN20	01JUN20	01JUN20	01JUN20
F2B	01FEB16	01FEB16	01FEB16	15OCT99	01AUG11
F3	15APR09	15APR09	15APR09	15JUL00	22APR02
F4	15AUG07	15AUG07	22OCT05	08MAR99	08JAN02

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

	All Charge- ability Areas Except Those Listed	CHINA- mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
<u>Employment- Based</u>							
1st	C	22AUG17	C	08MAY17	C	C	C
2nd	C	08NOV15	C	08JUL09	C	C	C
3rd	15APR18	22JUN16	15APR18	01JUN09	15APR18	15APR18	15APR18
Other Workers	15APR18	22JUL08	15APR18	01JUN09	15APR18	15APR18	15APR18
4th	C	C	01FEB17	C	15JUN18	C	C
Certain Religious Workers	C	C	01FEB17	C	15JUN18	C	C
5th Non-Regional Center (C5 and T5)	C	22JUL15	C	C	C	C	15MAY17
5th Regional Center (I5 and R5)	C	22JUL15	C	C	C	C	15MAY17

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2020 this reduction will be limited to approximately 350.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01NOV17	C	01AUG17	C	C
2nd	C	01AUG16	C	15AUG09	C	C
3rd	01APR19	01MAR17	01APR19	01FEB10	01APR19	01APR19
Other Workers	01APR19	01AUG08	01APR19	01FEB10	01APR19	01APR19
4th	C	C	01MAY17	C	C	C
Certain Religious Workers	C	C	01MAY17	C	C	C
5 th Non-Regional Center (C5 and T5)	C	15DEC15	C	C	C	C
5 th Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

6. The Department of State has a recorded message with the Final Action date information which can be heard at: (202) 485-7699. This recording is updated on or about the seventeenth of each month with information on final action dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF JULY

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2020 annual limit to approximately 54,650. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For July, immigrant numbers in the DV category are available to qualified DV-2020 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	CURRENT	Except: Egypt 42,000
ASIA	CURRENT	Except: Nepal 13,500
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2020 program ends as of September 30, 2020. DV visas may not be issued to DV-2020 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2020 principals are only entitled to derivative DV status until September 30, 2020. DV visa availability through the very end of FY-2020 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN AUGUST

For August, immigrant numbers in the DV category are available to qualified DV-2020 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately
AFRICA	CURRENT
ASIA	CURRENT
EUROPE	CURRENT
NORTH AMERICA (BAHAMAS)	CURRENT
OCEANIA	CURRENT
SOUTH AMERICA, and the CARIBBEAN	CURRENT

D. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES DURING THE COVID-19 PANDEMIC, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

E. VISA AVAILABILITY

MEXICO E4 and SR: There continues to be high demand in these categories which will result in the Mexico E4 per-country limit being reached during July. Therefore, readers should expect the retrogression of the August E4 and SR Final Action Dates for Mexico. This action will allow the Department to hold worldwide number use within the maximum allowed under the FY-2020 annual limits.

F. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs publishes the monthly Visa Bulletin on their website at www.travel.state.gov under the Visas section. Alternatively, visitors may access the Visa Bulletin directly by going to:

<http://www.travel.state.gov/content/visas/english/law-and-policy/bulletin.html>.

To be placed on the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:

Subscribe Visa-Bulletin

(example: *Subscribe Visa-Bulletin*)

To be removed from the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa final action dates which can be heard at: **(202) 485-7699**. The recording is normally updated on/about the 17th of each month with information on final action dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV

(This address cannot be used to subscribe to the Visa Bulletin.)

UNCLASSIFIED (U)

EXHIBIT 32

9 FAM 502.6**(U) DIVERSITY IMMIGRANT VISAS**

(CT:VISA-1082; 06-05-2020)
(Office of Origin: CA/VO/L/R)

9 FAM 502.6-1 (U) RELATED STATUTORY AND REGULATORY AUTHORITIES**9 FAM 502.6-1(A) (U) Immigration and Nationality Act**

(CT:VISA-1082; 06-05-2020)

(U) INA 202(b) (8 U.S.C. 1152(b)); INA 203 (8 U.S.C. 1153); INA 204(a)(1)(I) (8 U.S.C. 1154(a)(1)(I)); INA 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)); INA 212(e) (8 U.S.C. 1182(e)); INA 213(a) (8 U.S.C. 1183(a)); INA 221(g) (8 U.S.C. 1201).

9 FAM 502.6-1(B) (U) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

(U) 22 CFR 40.205; 22 CFR 42.33.

9 FAM 502.6-1(C) (U) Public Law

(CT:VISA-1; 11-18-2015)

(U) Section 131 of the Immigration Act of 1990 (Public Law 101-649); the Nicaraguan Adjustment and Central American Relief Act (NACARA - Public Law 105-100); Section 1 of Public Law 105-360; Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208); the Assistance for International Malaria Control Act (Public Law 106-570); USA PATRIOT Act (Public Law 107-56).

9 FAM 502.6-2 (U) DIVERSITY IMMIGRANTS OVERVIEW

(CT:VISA-175; 09-13-2016)

- a. **(U)** Section 131 of the Immigration Act of 1990 (Public Law 101-649) amended INA 203 to provide for a new class of immigrants known as "diversity immigrants" (DV immigrants). The amendment established an annual numerical limitation of 55,000 DV immigrants effective for fiscal year 1995 and thereafter. Aliens who are natives of countries determined by the Attorney General (now Secretary of Homeland Security) through application of a mathematical formula specified in INA 203(c)(1)(A) to be "low admission" countries may qualify for immigration under this limitation. INA 203(c)(1) requires a separate entry for each participating alien for each fiscal year.
- b. **(U)** INA 203(c)(1)(A) requires the Secretary of Homeland Security to determine the actual number of immigrant admissions from each foreign country for the previous five year period. The formula identifies both high and low admission regions and high and low admission foreign states. A greater share of the available visa numbers goes to low admission regions. High admission states are excluded from the program.
- c. **(U)** In November 1997, Congress passed Public Law 105-100, the Nicaraguan Adjustment and Central American Relief Act (NACARA). With NACARA, Congress stipulated that beginning with the 1999 Diversity Immigrant Visa Program, and as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas can be made available for use under the NACARA program.

9 FAM 502.6-3 (U) DIVERSITY VISA ELIGIBILITY

(CT:VISA-1082; 06-05-2020)

- a. **(U) Requirements for Diversity Immigrant Program:** To qualify under INA 203(c) as a diversity immigrant, the following requirements must be met:
 - (1) **(U)** The alien must be a native of, or be chargeable to, a country eligible for that year's DV program (see [9 FAM 502.6-3](#) paragraph b); and
 - (2) **(U)** The alien must have at least a high school education or equivalent (see [9 FAM 502.6-3](#) paragraph c); or

- (3) **(U)** The alien must have, within five years of the date of application for a diversity immigrant visa under INA 203(c), at least two years of work experience in an occupation that requires at least two years of training or experience (see [9 FAM 502.6-3](#) paragraph d).

b. (U) Qualifying Diversity Visa Countries

(1) (U) Formula for Identifying Qualifying Diversity Countries:

- (a) **(U)** The Secretary of Homeland Security is required to determine total admissions of preference and immediate relative (IR) immigrants over the most recent five-year period for which statistics are available, worldwide total, by region, and by individual foreign state. Using these figures, the Secretary of Homeland Security is to identify both high admission regions and high admission foreign states. A high admissions region is a region whose admission total is greater than one-sixth of the worldwide total. A foreign state whose admissions total is greater than 50,000 is a high admission foreign state.
- (b) **(U)** Using available estimates, the Secretary of Homeland Security must then determine the population of each of the six regions (excluding the population of any high admission foreign state) and use those totals to determine the apportionment of the 50,000 worldwide DV limitations. Quotas for the six regions will be established. Natives of these regions compete for that portion of the total established for that region. Any unused portion of a regional quota is distributed proportionally among the other regions. High admission states are excluded entirely from the apportionment. No one country's nationals may receive more than 7% of the available visas in any one year.

- (2) **(U) Qualifying Countries:** Natives of high admission *countries* are not eligible to register for the DV program unless they qualify based on chargeability to a DV program country. The Department of Homeland Security will determine annually the list of ineligible countries. The list is subject to change annually.

- (3) **(U) Native:** Native means a person born in a DV program *country*. An individual may be able to participate in the DV program because of specific family ties or personal situations by "charging" to another country. See [9 FAM 502.6-4](#) paragraph a(2) for additional information on chargeability.

c. (U) High School Education or Equivalent:

- (1) **(U)** You must adjudicate the *DV* applicant's qualifications under this requirement. In order to enter *the DV lottery* or apply for a visa under the DV program, the alien need not prove that this requirement is met. The *DV* applicant must, however, meet this requirement by the end of the fiscal year in which selected and present evidence of completion to the satisfaction of the consular officer. If the applicant does not meet the requirement at the time of the visa interview, *then the applicant is not eligible as a diversity immigrant under INA 203(c)(2) and the proper basis for refusing the case is under INA 203(c)*. If the applicant presents evidence of completion of high school before the end of the fiscal year, and visas are still available for the region, you may overcome the refusal.

(2) (U) "At Least a High School Education or its Equivalent" Means Successful Completion of at least a:

- (a) **(U)** Twelve-year course of elementary and secondary study in the United States; or
- (b) **(U)** Formal course of elementary and secondary education comparable to completion of 12 years of elementary and secondary education in the United States. Because a United States high school education is sufficient in itself to qualify a student to apply for college admission, in order for a foreign education to be equivalent to a United States education, it should be sufficient to allow a student to apply for college admission without further education. Vocational degrees that are not considered a basis for further academic study will not be considered equivalent to United States high school education.

- (3) **(U) Education Requirements:** "At least a high school education or its equivalent" in this context applies only to formal courses of study. Equivalency certificates (such as the G.E.D.) are not acceptable. To qualify, an alien must have completed a 12-year course of elementary and secondary education in the United States or a comparable course of study in another country. Evidence might consist of a certificate of completion equivalent to a United States diploma, school transcripts, or other evidence issued by the person or organization responsible for maintaining such records, which specify the completed course of study.

(4) (U) Education Evaluation:

(U) The burden of proving that an applicant's education is equivalent to a high school degree is entirely on the applicant. If the applicant does not satisfy you that the applicant's education is equivalent to a high school degree but you believe additional evidence could meet the applicant's burden, the *appropriate basis for refusal is INA 221(g)*. *You may* request the applicant to provide additional information. If the applicant is unable to credibly prove the education equivalency requirement to your satisfaction, *the appropriate basis for refusal is INA 203(c)*.

d. (U) Work Experience:

- (1) **(U) No Labor Certification:** The labor certification requirement of INA 212(a)(5) does not apply to applicants applying as DV immigrants. *However, applicants* who do not meet the education requirement must meet the work experience requirement of two years of experience in an occupation which requires at least two years training or experience within the five-year period immediately prior to *visa* application, or be able to meet the requirement prior to the end of the fiscal year in which the applicant was selected. If the applicant does not meet this requirement at the time of the interview, *then the applicant is not eligible as a diversity immigrant under INA 203(c)*

(2). Accordingly, the proper basis for refusing the case is under INA 203(c). If the requirement is met before the end of the fiscal year and visas are still available for the region, you may overcome the refusal.

(a) **(U)** You must be satisfied that the applicant has met the work experience requirement. If you are not satisfied that the applicant has met the work experience requirement, but you believe the applicant may be able to provide additional evidence that would satisfy the applicant's burden, INA 221(g) is the appropriate ground for refusal. You may request that the applicant provide evidence that addresses this requirement; for example, letters from trainers or employers giving the name, address, and title of the trainer or employer, as well as a description of the training received or experience of the applicant; resumes; or examples of previous work product. If the applicant is unable to credibly prove the work experience requirement to your satisfaction, the appropriate basis of refusal is INA 203(c).

(2) **(U) Work Experience Evaluation:** To evaluate an applicant's work experience, you must use the Department of Labor's O*Net OnLine database to determine qualifying work experience (see paragraph (3) below.) All applicants qualifying for a DV on the basis of their work experience must, within the five years preceding the date of their visa application, have two years of experience in an occupation that is classified in a Specific Vocational Preparation (SVP) range of 7.0 or higher.

(3) **(U) Using O*Net Online to Determine Work Experience:**

(a) **(U) Instructions for Determining the Applicant's Specific Vocational Preparation (SVP) Rating:**

- (i) **(U)** Log on to the Department of Labor's O*Net OnLine website;
- (ii) **(U)** Click on the "Find Occupations" link;
- (iii) **(U)** On the "Find Occupations" screen, enter occupational title, such as, "mason," "painter," "hairdresser," etc., and click on the "Go" button. A search results page appears with a list of various occupation titles that relate to whatever job title was entered. Click on the link in the "Occupation" column for the title that seems appropriate for the DV applicant's job experience;
- (iv) **(U)** A brief description for the job title will appear followed by more detailed data covering the following areas: tasks, knowledge, skills, abilities, work activities, work context, job zone, interests, work values, related occupations, and wages and employment.

(b) **(U) What SVP Range Qualifies an Applicant's Job Experience for the DV Program?** The O*Net Online database groups job experience into five "job zones." Zone 4 includes all occupations for which more than two years' experience on the job is required. An occupation in Job Zone 4 has an SVP range of 7.0 to < 8.0 (7.0 to less than 8.0) and will qualify an applicant for the DV program. Thus, all applicants qualifying for a DV on the basis of their work experience must, within the past five years, have two years of experience in an occupation that is classified in a SVP range of 7.0 or higher (i.e., an occupation in Job Zone 4).

e. **(U) Principal Entrants Under Age 18:** Although there is no minimum age for submission of an entry, the requirement for a high school education or work experience will effectively disqualify most persons under age 18.

9 FAM 502.6-4 (U) DIVERSITY VISA PROCESSING

(CT:VISA-1082; 06-05-2020)

a. **(U) Diversity Visa Chargeability, Numerical Control:**

- (1) **(U) DV Numerical Control:** The Department will have centralized control of the DV numerical limitation. (See [9 FAM 503.4](#).)
- (2) **(U) DV Chargeability:** As stated in the regulatory definition, the normal rules of chargeability apply to INA 203(c) immigrants. Many DV entrants may seek beneficial treatment from the rules of cross chargeability, as in the following examples:
 - (a) **(U)** A spouse or child born in a country that is not among those for which DVs are available (a non-qualifying country) may use the principal entrant's chargeability when he or she is accompanying or following-to-join;
 - (b) **(U)** A child born in a non-qualifying country in which neither parent was born nor was a resident at the time of the child's birth, may claim the birthplace of either parent;
 - (c) **(U)** A principal entrant born in a non-qualifying country and the spouse who was born in a qualifying country may be issued DVs, provided the relationship was established prior to submitting the entry. In such instances, however, both applicants are considered principal applicants for the purpose of cross-chargeability and must be issued visas and apply for admission to the United States.
 - (d) **(U)** A principal entrant born in a country that is among those for which DVs are available may derive a more favorable foreign state of chargeability from an accompanying alien spouse. For example, a principal applicant from a DV eligible country from a high-admission region may claim a more favorable chargeability from a spouse, who is from a DV eligible country from a low-admission region, provided the relationship was established prior to submitting the DV entry. In such instances, however, both applicants are considered principal applicants for the purpose of cross-chargeability and must be issued visas (if otherwise applicable) and apply for admission to the United States simultaneously.

b. (U) Diversity Visa Entries and Applications:

(1) (U) Diversity Visa Entries – Overview:

(a) (U) General Instructions for DV Entries:

- (i) **(U)** The regulatory requirements in 22 CFR 42.33(b) stipulate what information must be included on the DV electronic entry form, such as *entrant's name; date and place of birth; spouse's and children's names, dates, and places of birth; photo requirements*, etc. *Entrants may prepare and submit their own entries or have someone submit the entry for them. The regulations at 22 CFR 42.33 include other requirements for the DV program. The electronic entry form is considered the petition required by 22 CFR 42.33 and INA 204(a)(1)(I).*
- (ii) **(U)** Each year, the Department establishes a period of at least 30 days in which individuals may enter the DV lottery to apply for a visa the next fiscal year and publishes a notice in the Federal Register. The Federal Register notice includes the exact dates of the registration period.

(b) (U) Number of DV Entries:

- (i) **(U)** Only one entry by or for each person is allowed during each registration period *per INA 204(a)(1)(I)(i)*. Submission of more than one entry disqualifies the applicant from selection. *Entrants may be disqualified at any time if more than one entry is discovered. If the discovery is not made until when the visa application is being adjudicated, the appropriate basis for refusal is INA 204(a)(1)(I)(i).*
- (ii) **(U)** Spouses, if both are qualified, may each submit one entry. If either is selected, the other is entitled to seek derivative status.

- (c) **(U) Meeting DV Submission Requirements:** *Entries appearing on their face to meet the requirements specified in 22 CFR 42.33(a)(1) and the petition requirements specified in 22 CFR 42.33(b)(1-2), and which are received during the time period specified by the Department for the relevant fiscal year, will be considered for selection for immigrant visa processing under INA 203(c). Entries clearly lacking the required information or photos should not be selected; however, if you determine that a visa applicant was selected on the basis of an entry that did not comply with regulations promulgated pursuant to INA 204(a)(1)(I)(iii), the appropriate basis for refusing the application is INA 204(a)(1)(I)(iii).*

(2) (U) Submitting DV Entries:

- (a) **(U) Place of Registration:** To be accepted for DV selection, entries must be submitted electronically during the specified registration period at the Department's designated website.
- (b) **(U) Photos:** Photo specifications are detailed in the annual DV Bulletin and also posted at the Department's "travel.state.gov" website. The Department will disqualify entries lacking the required photos or including invalid photos. You must review the entry photo at the time of visa adjudication. If you determine the entry photo does not meet specifications published in the program year's DV Bulletin, *then the applicant would not be eligible for the DV for failure to comply with regulations promulgated pursuant to INA 204(a)(1)(I)(iii) and the appropriate basis for refusal would be INA 204(a)(1)(I)(iii)*. If you determine that the photo on the entry is not that of the applicant, you *should refuse under INA 204(a)(1)(I)(iii) and consider whether a refusal under INA 212(a)(6)(C)(i) is also appropriate (see 9 FAM 502.6-4 paragraph (f)(4)).*

Unavailable

Unavailable

(c) (U) Derivatives:

- (i) **(U)** Except as specified in paragraph ii below, entries must include the name, photograph, date and place of birth of the *entrant's* spouse and all natural children, as well as all legally-adopted children and stepchildren, who are unmarried and under the age of 21 as of the date of the initial entry. All derivatives must be included even if the *entrant* is no longer legally married to the child's parent, and even if the spouse or child does not currently reside with the *entrant* and/or will not immigrate with such *entrant*. Married children and children 21 years or older cannot qualify for the diversity visa on the basis of a parent's application. Entries lacking all of the required information may be disqualified at any time prior to selection, after selection, or during the visa application process. *No visa may be issued if the underlying entry lacked the required information or photo, as the entrant failed to comply with regulations prescribed pursuant to INA 204(a)(1)(I)(iii).*
- (ii) **(U)** By regulation, *entrants* are not required to include spouses and children who are already U.S. citizens or Lawful Permanent Residents (LPRs) on the entry. A failure to include on the entry spouses and children who are in fact U.S. citizens or LPRs *does not affect the validity of the entry and does not constitute grounds for visa denial.*
- (iii) **(U)** *Applicants* who failed to list *properly* on his or her DV lottery entry a spouse or child who was required to be listed *are ineligible for a DV for failure to comply with regulations prescribed pursuant to INA 204(a)(1)(I)(iii). The appropriate basis of refusal is INA 204(a)(1)(I)(iii).* This does not include a spouse or child *who is a U.S. citizen or LPR, or who was acquired after the submission of the DV entry.*

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The spouse of a principal applicant, if acquired after the initial DV entry and prior to the principal applicant's admission to the United States, or the child of a principal applicant, if the child was born after the DV entry or is the child of a marriage which took place after the DV entry and prior to the principal alien's admission to the United States, although not named on the DV lottery entry (*because the spouse/child relationship did not exist at the time*), is entitled to derivative DV status. Beginning with the DV2020 applications and thereafter, any applicant who included an individual on his or her DV entry who was not a spouse or child at the time of DV lottery entry *is ineligible for a DV for failure to comply with regulations prescribed pursuant to INA 204(a)(1)(I)(iii)*. If post believes a case merits issuance despite apparent failure to comply with the DV entry instructions, post must submit the case for an advisory opinion to *its adviser in the Advisory Opinions Division (CA/VO/L/A) after refusing the case under INA 221(g)*.

(iv) **Unavailable**

(d) **(U) Passport Requirement:** *Starting with entrants in DV2021 (opened for entry registration in October 2019), each DV entry must include the passport number, country or authority of issuance, and expiration date for the principal entrant's valid, unexpired passport. There are only limited exemptions from this requirement, described in paragraph (e) below.*

(i) **(U)** *This requirement applies to the principal entrant only, not to derivatives.*

(ii) **(U)** *Any applicant who did not list valid passport information on his or her DV lottery entry and cannot explain, to your satisfaction, why they qualify for one of the exemptions described on the form and in paragraph (e) of this section is not eligible for a DV. The appropriate basis of refusal is INA 204(a)(1)(I)(iii).*

(iii) **(U)** *If there is a change in the passport numbers provided between the time of DV entry and visa application, you must determine whether the passport number included on the entry was valid when the DV entry was submitted. To do so, you may ask the applicant to explain the discrepancy in order to determine whether the passport number included on the entry was valid. KCC will review passport numbers and, if a discrepancy is found or an exemption is claimed, will enter remarks at the top of the DS-260 and provide an opportunity for applicants to submit a written explanation of the discrepancy to KCC during document collection. The DV website informs any selectee who does not fulfill the passport requirement (and for whom no exemption applies) that they may want to consider not pursuing a visa application as they may not be eligible. Travel.state.gov advises all selectees that, in such cases, they will not receive refunds of any visa application fees paid for themselves and their family members. Some selectees may choose not to move forward with a visa application knowing they are likely to be refused; others may choose to still apply for a visa. Many applicants have expressed frustration in the past when they went to great expense to apply for their visas only to be refused. Travel.state.gov provides selectees with information to make an informed decision about whether to apply in light of their particular circumstances, while recognizing KCC's administrative, non-adjudicatory role in the visa process.*

(iv) **Unavailable**

(e) **(U) Exemptions from the Passport Requirement:** *The Department of State's regulations provide for three limited exemptions from the passport requirement: individuals who are stateless; nationals of a Communist-controlled country who are unable to obtain a passport from the government of the Communist-controlled country; and beneficiaries of individual waivers approved by the Secretary of Homeland Security and the Secretary of State, pursuant to 22 CFR 42.2(g)(2). All three exemptions apply only to individuals who are unable to obtain a passport. A delay in obtaining a passport, whether or not the delay was within the applicant's control, is not a basis to qualify for an exemption. If an applicant indicates that he or she does not have a passport due to a delay in issuance, the applicant does not qualify for the exemption.*

(i) **(U)** *For guidance on assessing statelessness, see [9 FAM 201.2-4\(4\)](#).*

(ii) **(U)** *If an applicant claims an exemption to the passport requirement as a national of a communist-controlled country who is unable to obtain a passport from the government of the communist-controlled country, he/she must demonstrate to your satisfaction that he/she is unable to obtain a passport. For additional guidance, see [9 FAM 201.2-4\(5\)](#).*

(iii) **(U)** *If an applicant claims that the passport requirement may be waived by the Secretary of Homeland Security and the Secretary of State, you must request evidence that he or she is unable to obtain a passport. If the applicant provides acceptable evidence to establish that he or she is unable to obtain a passport you must request concurrence from the VO/F CBP liaison before issuing the visa. Acceptable evidence may include:*

(A) **(U)** *Evidence of a previous visa issued to the applicant on Form DS-232 (Note: You must verify in the CCD the circumstances of the previous visa application. If the visa was issued on Form DS-232 for some reason other than the applicant's inability to obtain a passport, this is not acceptable evidence that the applicant's entry was correct.);*

(B) **(U)** *Evidence of Form I-193 approved by USCIS; or*

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(C) *(U)* Evidence that the applicant has been granted refugee status in a country other than his or her country of nationality on the basis of persecution by the government of his or her country of nationality, indicating that the applicant is unable obtain a passport from that government without experiencing further harm.

(3) **(U) Diversity Visa Application Validity:**

- (a) **(U)** Under INA 204(a)(1)(I)(ii)(II), persons selected as DV immigrants are entitled to apply for a visa only during the fiscal year for which the entry was submitted. *The DV entry (which serves as the petition required pursuant to INA 204(a)(1)(I)) is valid until midnight of the last day of the fiscal year for which the petition was submitted. There is no carry-over of benefit into another year for persons who were not issued a visa during the fiscal year for which they registered. Following-to-join derivative visa applicants may be issued a diversity visa only during the same fiscal year as that of the principal beneficiary.*
- (b) **(U) Death of Principal Entrant:** *If the principal entrant dies, the DV entry must be revoked. Thereafter, derivative beneficiaries are no longer entitled to the DV classification as there is no principal visa applicant.*

c. **(U) KCC and DV Ranking:**

(1) **(U) KCC Role:**

- (a) **(U)** Selected DV entries are processed at KCC. KCC processes approximately 125,000 *entrants* (both principals and dependents) each year. KCC will notify posts of the number of *entrants* from their DV-processing area who were selected, broken down by country of residence. The Department will maintain a computer-generated master list of selected *entrants*. The list is not publicly released.
- (b) **(U)** KCC will hold the case until those selected are entitled to make a formal application for a visa at a U.S. consular office abroad, or *apply for* an adjustment of status with DHS/USCIS in the United States.

(2) **(U) DV Selection and Ranking:**

- (a) **(U)** Entries received during the designated registration period for the DV program will be separated into one of six geographic regions. At the end of the registration period, a computer will randomly select numbers. All entries successfully received during the registration period will have an equal chance of selection within the respective region.
- (b) **(U)** The selected entries for each region will have a rank order number consisting of two letters followed by eight digits, i.e., AF00000925. Within each region, the first entry randomly selected will have a rank order number 00000001, the second entry selected will be 00000002, etc. The letter codes are:

AF	Africa
AS	Asia
OC	Oceania
EU	Europe
NA	North America
SA	South America, Central America and the Caribbean

- (c) **(U)** Each month visa numbers will be allocated to applicants who are within the applicable rank cut-off for that month and have been reported documentarily qualified. Applicants are considered "documentarily qualified" *for purposes of visa appointment scheduling* when KCC confirms that the applicant has properly completed and submitted the DS-260.

d. **(U) Processing Diversity Visa Cases:**

(1) **(U) Instruction Package for Immigrant Visa Applicants:**

- (a) **(U)** If a *DV entry* is selected for additional processing, the entrant will be notified electronically via Entrant Status Check and instructed to complete Form DS-260, Online Application for Immigrant Visa and Alien Registration.
- (b) **(U)** Each visa applicant must follow the electronic instructions and electronically submit Form DS-260 to KCC. After KCC receives the complete DS-260, KCC will contact applicants and instruct them to e-mail scanned copies of required supporting documents to kccdvddocuments@state.gov. Required documents include: a copy of passport biographical pages for each applicant, birth certificates for all applicants, court/prison records (if applicable), police certificates from all required countries for applicants over 16, and military records (if applicable). KCC will contact applicants to notify them of any missing or illegible documents. Once all documents are received, KCC will prescreen *and flag for consular officers* any apparent inconsistencies or potential fraud indicators. Only after all scanned documents are received and reviewed will the case be considered "documentarily qualified" *for purposes of visa appointment scheduling*.

(c) **Unavailable**

- (2) **(U) Immigrant Visa Appointment Package:** KCC will schedule an appointment for a "documentarily qualified" applicant when his or her regional lottery rank number is about to become current. KCC will notify scheduled applicants by e-mail that they should log into the Entrant Status Check website to obtain their appointment letters and further instructions. When scheduled applicants log into the ESC, they will be referred to the pre-interview instructions on the Diversity Visa Process website. On that website, applicants will be able to review post-specific instructions, and any additional required forms.

(3) **Unavailable**

- e. **(U) Diversity Visa Fee:** There is no fee for submitting the initial entry for the DV program. However, those *entrants* who are selected and apply for DV immigrant visas will be required to pay a DV Lottery Fee at the time of the formal interview.

- (1) **(U) Collection of Fee:** Section 636 of Public Law 104-208, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, authorized the Department to collect a fee for the processing of DV immigrant visas. The DV Lottery Fee incorporates the standard IV processing fees, including the IV Application Fee and the IV Security Surcharge, and is specified in the Schedule of Fees for Consular Services. Posts must collect the DV Lottery Fee at the time of the applicant's formal interview.

(2) **Unavailable**(3) **Unavailable**

- f. **(U) Diversity Visa Ineligibility Grounds:**

- (1) **(U) Applicants who establish that they qualify for DV immigrant visa classification are subject to all grounds of ineligibility specified in the Immigration and Nationality Act other than the labor certification requirements *under INA 212(a)(5)(A)*.** There are no special provisions for a waiver of any ground of visa ineligibility other than those ordinarily provided in the INA.

- (2) **(U) Refusals for Unqualified Applicants:** Any applicant for a DV visa who fails to establish that they possess the requisite qualifications, including a valid entry for participation in the DV program, is ineligible under *one or both of the following sections of the INA:*

(a) **(U) INA 203(c)** for failing to fulfill the education and work experience requirement;

(b) **(U) INA 204(a)(1)(I)**, which is broken-down into three subsections:

- (i) **(U) INA 204(a)(1)(I)(i)** provides that only one petition may be filed by an alien per fiscal year. If an alien files more than one petition during the fiscal year, all such petitions shall be voided. Therefore, if a DV entrant submitted more than one petition during a single fiscal year, he or she would not be eligible for a visa under section (i).
- (ii) **(U) INA 204(a)(1)(I)(ii)** provides that DV entrants selected may receive such visa only through the end of the specific fiscal year for which they were selected. Therefore, if a DV entrant cannot show he or she is eligible for a DV before the end of the fiscal year, he or she would not be eligible for a visa under section (ii).
- (iii) **(U) INA 204(a)(1)(I)(iii)** provides that a petition shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require. Therefore, failure to comply with regulations promulgated pursuant to this INA provision will render an applicant ineligible for visa under section (iii).

(U) Note: Examples of failing to comply with regulations may include: failing to provide valid passport information on the DV entry, as described above at [9 FAM 502.6-4](#) paragraph (f); failing to comply with the photograph requirements described above at [9 FAM 502.6-4](#) paragraph b(2)(b); failing to list properly the alien's spouse or child on the entry, if applicable; or providing inaccurate information on the DV entry by including an individual on the DV entry who was not a spouse or child at the time of entry.

(3) **Unavailable**(4) **Unavailable**

- (5) **(U) INA 221(g) Refusals:**

- (a) **(U)** When applicable, you should advise applicants that failure to submit requested information promptly may mean that visa numbers will no longer be available and the applicant may miss the opportunity to obtain a visa.
- (b) **(U)** Posts must prepare a stamp to be placed on refusal letters to DV applicants refused under 221(g), with the following message:

Attention: Under no circumstances can a visa be issued or an adjustment of status occur in your case after September 30, ____.

Very important: Because of the limited number of visas that may be issued under this program, visas may cease to be available even before this date. This is especially true the closer to September 30 an application or re-application is made.

(c) **(U)** Cases that are refused pursuant to INA 212(g) may remain refused pursuant to INA 221(g) at the end of the DV fiscal year as INA 221(g) is a final refusal. You do not need to enter an additional refusal pursuant to INA 204(a)(1)(I)(ii)(II). However, if an applicant provides additional supporting documentation to try to overcome a prior INA 221(g) refusal, then a refusal pursuant to INA 204(a)(1)(I)(ii)(II) would be appropriate as DV immigrants cannot be issued a DV after the fiscal year for which the entry was submitted.

(6) **(U) Public Charge:** While many categories of immigrants must submit the legally binding Form I-864, Affidavit of Support Under Section 213A of the Act, the DV category is not one of them. Although DV applicants are not required to submit the I-864, consular officers must nevertheless apply a thorough "totality of the circumstances" analysis for possible public charge in all DV cases. See [9 FAM 302.8](#) for guidance on public charge.

(7) **(U) Material Misrepresentation:** You should compare the Electronic Diversity Visa Entry Form, DS-5501, to the Immigrant Visa Electronic Application, DS-260, and consider the application of 212(a)(6)(C)(i) (6C1) for any case in which you find a material misrepresentation. Not all misstatements on a DS-5501 satisfy the materiality requirement of 6C1, but the fact that the applicant did not personally sign and submit the DS-5501 does not serve to insulate the applicant from inadmissibility under 6C1, if you find that the applicant was aware of the action being taken by the third party in furtherance of the application. For general guidance on INA 212(a)(6)(C)(i), see [9 FAM 302.9-4\(B\)\(3\)](#).

(8) **(U) Waivers:** There are no special provisions for a waiver of any ineligibility grounds for DV applicants. The regular ineligibility waiver provisions of the INA, including INA 212(e), still apply.

g. (U) Refusal Letter for DV Applicant Denials Under INA 203(c) and/or 204(a)(1)(I): You must use the following refusal letter to inform a DV applicant of a refusal under INA 203(c) and/or 204(a)(1)(I):

Dear Applicant:

This is to inform you that you have been found ineligible for a diversity visa pursuant to section 203(c) and/or section 204(a)(1)(I) of the Immigration and Nationality Act. The information contained in the following paragraph(s) marked with "X" pertain(s) to your Diversity Visa application. Please disregard the unmarked paragraphs:

- Section 203(c): Failure to fulfill either the education or the work experience requirement.
- Section 204(a)(1)(I)(i): Submitting more than one DV entry during the fiscal year in which you were selected.
- Section 204(a)(1)(I)(ii): Unable to establish eligibility for a DV before the end of the fiscal year in which you were selected.
- Section 204(a)(1)(I)(iii): Failure to comply with DV entry regulations.
- Failure to provide valid passport information on the DV entry.
- Failure to comply with the photograph requirements.
- Failure to list properly your spouse and/or child(ren) on the DV entry.
- Providing inaccurate information on your DV entry by including an individual on the DV entry who was not a spouse or child at the time of DV lottery entry.
- Other failure to comply with the regulations: _____

Sincerely,
Consular Officer

h. (U) Following-to-Join Applicants: DV applicants are informed in the electronic notification of how to adjust status to lawful permanent residence in the United States. A principal applicant who has adjusted status may file Form I-824, Application for Action on an Approved Application or Petition with USCIS requesting DHS send the Form I-824, upon its adjudication, to consular posts as verification of his or her LPR status. Upon receipt of this information, posts must send any derivative family members instructions for accessing the Form DS-260, Online Application for Immigrant Visa and Alien Registration, and the Packets for Immigrant Visa Processing (see [9 FAM 504.4-2\(A\)\(2\)](#)) for completion. Post must notify the KCC of the adjustment of the principal applicant so that the electronic case can be modified and transmitted to post to allow visa issuance to the derivative family members. Proof of the principal applicant's adjustment of status must be provided to the KCC. Posts can then process these cases to conclusion, obtaining additional DV numbers from the Immigrant Visa Control and Reporting Division (CA/VO/DO/I) as necessary, via Visas Frog messages (see [9 FAM 504.3-2\(B\)](#)). Spouses and children who derive status from a DV application can only obtain visas in the DV category during the same Fiscal Year in which the principal applicant was admitted or adjusted status. *Derivative applicants cannot follow-to-join after the end of the Fiscal Year in which the principal applicant was admitted or adjusted status.*

i. (U) Transfer of DV Cases:

- (1) **(U)** Posts are to follow normal IV case transfer procedures when a DV applicant asks that his or her case be transferred to a different post for processing. (See [9 FAM 504.4-9](#).)
- (2) **(U)** Do not transfer or return cases to KCC in the IVO software. KCC's DV processing system cannot receive electronic case returns or transfers. If you need KCC assistance with a case transfer, contact kccpostliaison@state.gov.

UNCLASSIFIED (U)

EXHIBIT 49 33

9 FAM 504 PROCESSING

9 FAM 504.1

IMMIGRANT VISA PROCESS OVERVIEW

(CT:VISA-1030; 03-24-2020)

(Office of Origin: CA/VO/L/R)

9 FAM 504.1-1 STATUTORY AND REGULATORY AUTHORITIES

9 FAM 504.1-1(A) Immigration and Nationality Act

(CT:VISA-1; 11-18-2015)

INA 101(a)(16) (8 U.S.C. 1101(a)(16)); INA 201 (8 U.S.C. 1151); INA 202(b) (8 U.S.C. 1152(b)); INA 203(e) (8 U.S.C. 1153(e)); INA 203(f) (8 U.S.C. 1153(f)); INA 203(g) (8 U.S.C. 1153(g)); INA 204 (8 U.S.C. 1154); INA 221(a) (8 U.S.C. 1201(a)); INA 221(g) (8 U.S.C. 1201(g)); INA 222(a) (8 U.S.C. 1202(a)); INA 222(b) (8 U.S.C. 1202(b)); INA 222(e) (8 U.S.C. 1202(e)); INA 224 (8 U.S.C. 1204).

9 FAM 504.1-1(B) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

22 CFR 40.6; 22 CFR 42.41; 22 CFR 42.51; 22 CFR 42.52; 22 CFR 42.55; 22 CFR 42.62; 22 CFR 42.63; 22 CFR 42.65(b); 22 CFR 42.67; 22 CFR 42.81.

9 FAM 504.1-2 PRE-APPLICATION PROCESSING

(CT:VISA-1030; 03-24-2020)

a. Sending Instruction Package:

- (1) **NVC:** Upon receipt of an approved petition granting an alien immediate relative or preference status, the National Visa Center (NVC) must send the alien beneficiary the Instruction Package (formerly Packet 3) or "Notice of Registration as an Intending Immigrant" letter (formerly Packet 3A) notifying the beneficiary of receipt of the petition and advising the alien what steps, if any, to take in applying for a visa. (See [9 FAM 504.4-2\(A\)](#).)
- (2) **For Petitions Filed at Post:** You must send the instruction package for IV applicants immediately to applicants who have provided evidence of entitlement to immigrant classification. You should verify that the applicant's priority date (if subject to a numerical limitation) is earlier than the Date for Filing Applications established by the Department. You should also provide the Instruction Package to immigrant visa applicants and others upon request, regardless of whether the inquirer is entitled to immigrant classification, stressing that they should take no action unless directed by the NVC, a visa processing post, or their agent.

b. Documentarily Qualified: Once the beneficiary of an approved petition is considered documentarily qualified, an IV number can be allotted (if necessary) and an appointment scheduled.

- (1) For petitions filed at post, an applicant is considered to be documentarily qualified after completing the two following steps:
 - (a) The alien has returned Form DS-2001, Notification of Applicant Readiness, and declared that he or she has obtained all of the required documents, or has otherwise notified post that he or she is prepared for interview; and
 - (b) The post has completed all required clearance procedures, or has reason to believe that they will be completed before a visa number will be available for the applicant. (See [9 FAM 504.4-5](#) regarding the reporting of documentarily-qualified applicants.)
- (2) For petitions processed through NVC, an applicant is considered to be documentarily qualified after completing the four following steps:
 - (a) Paid all required fees;

- (b) Completed Form DS-260, Online Application for Immigrant Visa and Alien Registration, for each traveling applicant;
- (c) Completed and returned a properly completed Form I-864, Affidavit of Support Under Section 213A of the Act, and supporting documents (see [9 FAM 601.14](#)) for cases in which INA 212(a)(4) applies; and
- (d) Returned all required police certificates for each traveling applicant as required by 22 CFR 42.65(c) or available based on the reciprocity table (see [9 FAM 504.4-4\(B\)](#)).

c. **Immigrant Visa Numbers:** The documentarily qualified figures submitted monthly (see [9 FAM 601.4-5](#)) provide the Department the known total (by priority date, chargeability, classification, and post) of visa applicants who are awaiting only visa numbers to apply formally for a visa. After collation of these data, the Department makes monthly allotments to the extent available visa numbers permit. (See [9 FAM 503.4](#).) If demand exceeds the supply of available numbers, the priority date of the first applicant for whom a number is not available becomes the issuance cutoff date for the categories and foreign states concerned. The documentarily qualified totals are used for setting the cutoff dates. It is therefore essential that the following general guidelines set forth in [9 FAM 504.3-2\(A\)](#) be strictly observed in preparing the monthly reports of documentarily qualified applicants.

d. **Scheduling Appointments:**

- (1) NVC provides the IV (non-DV) scheduling functions for the majority of posts worldwide. Appointments are generally scheduled in the chronological order of the documentarily qualified applicants. Posts provide NVC with their appointment capacity and the percentage of cases/applicants post desires for Immediate Relative and Preference categories. Other considerations, such as possible mailing delays or travel time by applicants to post, may be taken into consideration in scheduling appointments. Once the scheduling is completed by NVC, post will receive visa numbers for the numerically controlled immigrant visa applicants from CA/VO/DO/I. The case files and electronic data will be received from NVC. When visa numbers and the electronic data files are received, posts should ensure that these items are properly recorded in the automated immigrant visa processing system (IVO). NVC will send all appointment letters for cases scheduled through NVC. Post will use IVO to send any appointment letters scheduled at post.
- (2) When an appointment date is scheduled (either by NVC or post) for an alien not subject to numerical limitations, the post should enter the appointment date into IVO. For appointments scheduled through NVC, the case files and electronic data will be received from NVC.

9 FAM 504.1-3 IV APPLICATION PROCESSING

(CT:VISA-937; 09-10-2019)

a. **Definition of "making an immigrant visa application."** For an immigrant visa (IV) applicant, "making a visa application" requires the applicant to:

- (1) Pay the prescribed application fee;
- (2) Appear in person, except an officer may waive the appearance of children under the age of 14, and submit a completed Form DS-260 for formal adjudication by a consular officer;
- (3) Affirm that all information on the DS-260 and all statements made during the interview are true, subject to 18 U.S.C. 1001, which provides a penalty for making a false statement or using a false document in any matter within the jurisdiction of any department or agency of the U.S. government; and
- (4) Biometrically sign their application under oath by providing a fingerprint, if over the age of 14, legally competent, and physically capable.

b. **Prior to Appointment:**

- (1) When appearing at the appointed time for the formal visa appointment, an applicant is entitled to receive prompt attention. The post should pull and review the appointment list and case files prior to the appointment date.
- (2) The consular officer must send unclassified material to the document checker for review. The consular officer must review classified material.

c. **Document Checking:** When the applicant presents the documents, the post must check the documents for completeness and legibility. The document checker should ensure each question on Form DS-260 has been answered. Post should use the "Add Remarks" function associated with a section of the application that needs correction or amplification. If Form DS-260 is incomplete, the document checker must reopen the application via the "Reopen DS-260" button at the top of the online IV application report and direct the applicant to log back onto the Consular Electronic Application Center (CEAC) and complete the missing information. If necessary, the document checker may assist the applicant in completing the application.

d. **Verification of Documents by Consular Officer:**

- (1) When an alien presents a photocopy of any of the required documents listed under 22 CFR 42.65(b), it is important that the original document be inspected by consular section personnel. After inspection, the consular section must endorse the copy with a rubber stamp that imprints the name of the post and the fact that the original has been seen and compared. For copies of these required documents that have been uploaded electronically into a consular

system, the consular section personnel will check the box in the system that indicates original seen and compared. This procedure does not constitute a certification within the meaning of Item 47 of the Tariff of Fees, since neither the full signature of a consular officer nor the official seal of the post is used or required. This service is performed without fee, whether on public documents required under INA 222(b) or on documents submitted in support of Form ETA-750, Application for Alien Employment Certification.

- (2) You may accept a certified document that is not identical to a required scanned document in eDP Web Post if the information contained in the certified document is taken from the same legal source as the scanned document (i.e., the appropriate civil registry or other host nation government office responsible for issuing such documents) and there are no fraud concerns for either document. You should enter the case note "certified copy seen and compared" to indicate that a certified copy of the required document has been seen and compared to the scanned document. The scanned document in eDP will be the document of record for the applicant's A-file. You do not need to scan the document physically presented at the window into the system.
 - (a) For example: a beneficiary's true original birth certificate is in the possession of the petitioner in the United States who uploads an electronic copy into eDP through the CEAC portal. In order to prepare for his/her interview, the beneficiary obtains a new certified birth certificate. Even though the document may be different from the original in terms of physical appearance or serial number, the substantive information presented on the document remains the same, and it was issued by the appropriate host nation government office. In this instance, barring any unresolved fraud concerns, post would enter the case note "certified copy seen and compared" to indicate that a certified copy of the required document has been seen and compared to the scanned document, and continue processing the case. Consular officers should not check the "seen and compared" button in MIV, nor is staff required to rescan the document presented at the time of interview, so long as the document in eDP is an accurate and attributable document sufficient for the applicant's A-file.
 - (b) VO acknowledges posts operate in different fraud environments. Posts should use resources as appropriate to establish that the documents submitted electronically or in person are, in fact, non-fraudulent documents issued by the appropriate governmental authority and are attributable to the applicant.
- (3) The DHS procedures differ from those described in the above paragraph in that it does not routinely require the submission of original documents or certified copies with the filing of petitions. As a result, you must ensure that photocopies of documents submitted in support of petitions are compared with original documents at the time of immigrant visa (IV) application. Original documents connected with petition filing, but not required for IV issuance, should not be routinely required unless there is reason to doubt their authenticity. However, the consular officer, at his or her discretion, may require submission of any original document in order to compare it with a photocopy upon which a petition was approved.

e. Collecting Fees:

- (1) A single fee is charged combining the costs of processing and issuance of the immigrant visa. An individual registered for immigrant visa processing at a post designated for this purpose by the Deputy Assistant Secretary for Visa Services must pay the processing fee. The fee must be paid when the individual is notified that a visa is expected to become available in the near future and he or she is requested to obtain the supporting documentation needed to apply formally for a visa.
- (2) **NVC Collection of Immigrant Visa Fees:** Most cases are processed through the NVC and the processing fee will have already been collected in the United States before the case was forwarded to post. The NVC's Post Supplement Report, included in the file of cases scheduled by the NVC, will indicate whether the fee has been paid. If the Post Supplement Report is unavailable, post can determine if the fee has been paid using the IVIS Beneficiary Report in the CCD. If there are any questions about whether a fee was paid while a case was at the NVC, post should email NVCPost@state.gov.
- (3) **Paying Processing Fee at Post:** For cases processed through the NVC, this fee will be collected during initial processing by NVC. Posts will collect the visa processing fee only for those cases in which the petition is filed at post or in which the visa file otherwise indicates that the fee has not yet been collected. In cases where the applicant has submitted Form DS-260, once the medical forms and other documents have been placed in logical order and Form DS-260 is complete, the alien must proceed to the cashier and pay the processing fee. The alien must pay before the interview. In situations described in [9 FAM 504.6-5\(B\)](#), the cashier must not collect a new processing fee. After the fee has been paid, the document checker must give the documents, the medical forms, applicable printouts from the automated system, and any papers from the A-Z file, to the consular officer who will interview the applicant. The document checker should not print out the online IV application report associated with the submitted Form DS-260.

f. **Interview:** Decisions to issue or refuse an immigrant visa application must be based on a personal interview, during which the consular officer must ensure that all required documentation has been provided, that there is a legal basis for the applicant to immigrate, and that there are no ineligibilities that would affect visa issuance.

- (1) Consular officers must make every effort to conduct visa interviews fairly and professionally. Any semblance of aggressive cross-examination, assumption of bad faith, or entrapment must be avoided. Applicants should be given sufficient time to answer questions without interruption. In cases where the consular officer's determinations are difficult to make or which are or may become the subject of controversy, the officer must make a thorough and

- (2) Interviewing visa applicants is one of the consular officer's most demanding jobs, requiring the officer's composure, judgment, and diplomatic skills. Techniques for good interviewing, including the critical skill of how to ask the right questions, deserve careful attention. Training materials on effective interviewing and fraud interviews are available through the Fraud Prevention Program's Consular Affairs Web page.

g. Adjudications: Once an application has been executed, the consular officer must either issue the visa or refuse it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she must inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available. (See [9 FAM 504.11](#) for the refusal procedure and [9 FAM 305.2](#) for waiver relief.)

h. Issuances: The machine-readable immigrant visa (MRIV) is printed on the same adhesive foils used for NIVs and includes the following information:

- (1) Biographic data about the immigrant visa applicant;
- (2) Information about the immigrant visa itself (issuing post, visa type, case number, date of issuance and date of expiration);
- (3) The registration number (A-number) assigned to the immigrant;
- (4) Any annotations entered to reflect waivers or other information useful for the port of entry (POE) upon the applicant's admission to the United States;
- (5) A digitized photo of the visa recipient; and
- (6) Two lines of machine-readable data which will be scanned by the immigration officer at the POE.

i. Refusals:

- (1) There are no exceptions to the rule that once a visa application has been properly completed and executed before a consular officer, a visa must be either issued or refused. For statistical and comparison purposes, all posts should follow the identical refusal procedures and report refusals the same way in their required reports of visas issued and refused. (See [9 FAM 601.4-5](#).) Accordingly, any alien to whom a visa is not issued by the end of the working day on which the application is made, or by the end of the next working day if it is normal post procedure to issue visas to some or all applicants the following day, must be found ineligible under one or more provisions of INA 212(a), 212(e), or 221(g). (INA 221(g) is not to be used when a provision of INA 212(a) is applicable.) This requirement to find an applicant ineligible when a visa is not issued applies even when:
 - (a) A case is medically deferred;
 - (b) The post requests an advisory opinion from the Department;
 - (c) The post decides to make additional local inquiries or conduct a full investigation; or
 - (d) The only deficiency is a clearance from another post.

There is no such thing as an informal refusal or a pending case once a formal application has been made.

(2) **Manner in Refusing Applicants:**

- (a) You should convey visa refusals in a sympathetic but firm manner. The manner in which visa applications are refused can be very important in relations between the post and the population of the host country. You must be careful not to appear insensitive.
- (b) You should aim for a measured, sympathetic but firm style which will convince the ineligible applicant that the treatment accorded was fair. You should refer to pertinent statements of the applicant, written or oral, or to a conviction, medical report, false document, previous refusal, or the like, as the basis of the refusal. You should then explain the law simply and clearly.

9 FAM 504.1-4 SPECIAL PROCEDURES

9 FAM 504.1-4(A) Revocations

9 FAM 504.1-4(A)(1) When May a Visa be Revoked?

(CT:VISA-1; 11-18-2015)

You are authorized to revoke an immigrant visa (IV) under the following rare circumstances:

- (1) You know, or after investigation are satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means;
- (2) You obtain information establishing that the alien was otherwise ineligible to receive the particular visa at the time it was issued; or

- (3) You obtain information establishing that, subsequent to the issuance of the visa, a ground of ineligibility has arisen in the alien's case. Note that some ineligibilities require an advisory opinion (AO) or security advisory opinion (SAO) before a finding is made.

9 FAM 504.1-4(A)(2) Reconsideration of Revocation

(CT:VISA-1; 11-18-2015)

- a. The alien may ask that you reconsider the revocation of his/her immigrant visa (IV). You should consider any evidence submitted by the alien or the alien's attorney or representative in connection with any request for reconsideration.
- b. If you find that the evidence is sufficient to overcome the basis for revocation, you should issue the alien a new IV.
 - (1) Be certain to make the appropriate notations of the action taken and the reasons therefore in the case files.
 - (2) If you have already sent notice to carriers, the Department, and/or the issuing office per the above guidance, send the appropriate notifications that you have issued a new IV.
- c. Per [9 FAM 504.6-4](#), you may not collect a fee in connection with the application for, or issuance of, a reinstated visa.

9 FAM 504.1-4(B) Termination of Registration

(CT:VISA-917; 08-08-2019)

- a. **When a Case is Considered "Inactive":** An application becomes subject to possible termination of registration under INA 203(g) if the applicant:
 - (1) Has not made an application within one year of receiving the Immigrant Visa appointment letter. The beneficiary has one year to make a timely application for a visa, beginning on the date you mail the Immigrant Visa appointment letter to the beneficiary.
 - (2) Does not respond to the appointment notice included with the Immigrant Visa Appointment Package, meaning that the applicant fails to appear for final visa application interview on the scheduled appointment date and fails to take further action on the case within one year of the scheduled interview;
 - (3) Is refused at the interview under INA 221(g), and fails to provide you with evidence to overcome the refusal within one year. The one year period is extended each time an applicant presents evidence reasonably purporting to overcome the INA 221(g) ineligibility; or
 - (4) Fails to comply with the Follow-up Instruction Package for Immigrant Visa Applicants within one year.
- b. **Applicants Whose Cases are Subject to Termination Under 203(g):** INA 203(g) procedures apply to applicants who are immediate relatives, family-sponsored immigrants, and employment-based immigrants who have received notification of the availability of a visa (i.e., who have been sent Packet 4 or Packet 4(a)). (See [9 FAM 504.4-5\(C\)\(1\)](#).)

UNCLASSIFIED (U)

FOIA Request F-2020-05671

EXHIBIT 34

Robinson, Kellie N <RobinsonKN@state.gov>

Tue 6/30/2020 6:44 AM

To: Curtis Morrison <curtis@curtismorrisonlaw.com>

Cc: FOIA Program <foia@state.gov>; FOIArequest <FOIArequest@state.gov>; FOIA Status <FOIAstatus@state.gov>

📎 1 attachments (39 KB)

F-2020-05671_Acknowledgement.pdf;

Dear Mr. Morrison:

Our records indicate that your request was received and the attached acknowledgement was sent to you on June 1, 2020. The FOIA Control Number assigned to your request is F-2020-05671. Please reference the control number on future correspondence. If you have any questions regarding the status of your request, you may contact our FOIA Requester Service Center or our FOIA Public Liaison via email at FOIAstatus@state.gov or by telephone at (202) 261-8484.

Due to the COVID-19 pandemic and pursuant to guidance received from the Office of Management and Budget, the Office of Information Programs and Services has implemented maximum telework flexibilities to protect its employees and their communities. The Department's ability to acknowledge receipt, and process documents in response to requests or appeals has been greatly diminished. The grave impact of the COVID-19 pandemic has limited the Executive Branch work in the office workplace to mission-critical functions. The Department's paramount concern for the safety of its employees and the necessity to access Department worksites of the systems the Department uses to process FOIA off-site, further delays may be incurred.

Sincerely,

Kellie N. Robinson
U.S. Department of State
FOIA Program Manager/FOIA Public Liaison
Office of Information Programs and Services
Office: (202) 485-2199
Mobile: (202) 705-6786
RobinsonKN@state.gov

From: Curtis Morrison <curtis@curtismorrisonlaw.com>

Sent: Friday, June 26, 2020 3:09 AM

To: Robinson, Kellie N <RobinsonKN@state.gov>

Subject: Fw: FOIA Request Letter

Ms. Robinson,

Hello. Can you check the status of this FOIA request for me?

Sincerely,

Curtis Lee Morrison 714-661-3446 ([whatsapp](#) / [telegram](#) / [twitter](#))

[Law Office of Curtis Morrison](#), PO Box 7140, Huntington Beach, CA 92615

[Law Office of Rafael Ureña](#) (Of counsel) 925 N. La Brea Ave., 4th Floor, Los Angeles, CA 90038

سلام مورد توجه ایرانیان عزیز که فارسی صحبت میکنند شایان مشرقی محمدی پارالیگال برای کمک به شما آماده هستند

Hola, estimados clientes de habla hispana, el asistente legal Rodolfo está listo para ayudarlos...

From: State Department FOIA <noreply@mail.foia.state.gov>

Sent: Wednesday, May 27, 2020 3:48 PM

To: Curtis Morrison <curtis@curtismorrisonlaw.com>

Subject: FOIA Request Letter

Thank you for filing your FOIA request online on 5/27/2020. Here is a review of your request.

The records I request can be described as follows:

I hereby request the following records: (1) Any internal guidance, orders, memos, emails, or flowcharts regarding how Covid-19 could impact the administration of the 2020 Diversity Visa Lottery, labor contractors who are involved with administering the 2020 Diversity Visa Lottery, or the 2020 Diversity Visa Lottery Winners. (2) Any internal guidance, orders, memos, emails, or flowcharts that deal with the stopping of second notification letters (often called "2NL" letters) to 2020 Diversity Lottery Winners. (3) Any internal guidance, orders, memos, emails, or flowcharts that include a reference to White House advisor "Stephen Miller". (4) Emails, letters, or written correspondence by KCC to any other U.S. government agency or member of U.S. Congress on how KCC's operations for the 2020 Diversity Lottery program are impacted by Covid-19 All the records above could either be held at (1) the Kentucky Consular Center (KCC) in Williamsburg, Kentucky, and include emails sent and received by the KCC Director, KCC's Contracting Officer's Representatives (CORs), and Government Technical Monitors (GTMs) that include the search terms "Covid" and ("DV" or "Diversity") or "coronavirus" and ("DV" or "Diversity"); or (2) the Department of State in D.C., and would include a search of records of the State Department employees in D.C. who deal with the Diversity Visa Program.

The time period of my request is from 11/01/2019 to 05/27/2020

I am Affiliated with a private corporation and seeking information for use in the company's business.

I am willing to pay \$25 for my request.

I request a waiver of all fees for this request.

Reason: The requester, an immigration attorney, intends to disseminate the information to the DV Lottery winners who need the information to make choices about their safety and livelihood in uncertain times. This is analogous to how a news media outlet would request the information if a news media outlet existed that communicated with the audience of DV Lottery winners. However, that news media outlet does not exist, and thus, they are being left in the dark, without hope, as to the future of their visas. They deserve to have good information as to make their best decisions.

With the closures of embassies, Presidential Proclamation 10014, and other factors beyond their control, 2020 Diversity Visa Lottery winners are at higher risk of not being able to procure visas before the September 30 deadline at which time the opportunity for them expires. Many are currently physically located close to embassies, away from their home cities or countries, awaiting the opportunity to interview. Whether they should remain where they are, or risk travel back to their homes far away from the U.S. embassies, impacts their physical safety. They deserve to have information to make these decisions. However, all 2020 DV Lottery Winners are without any information as to what will or not will

be done by the State Department to accommodate the continued processing of their visa applications, and some fear the applications will be abandoned with no accommodations. For those reasons, this request warrants expeditious handling so the 2020 Diversity Visa Lottery winners will not be left in the dark all the way up until their September 30 deadline. Upon production of this request, the requester, who works closely with this community, intends to disseminate the information via his blog and social networks, and the blogs and social networks of his colleagues.

My additional comments are as follows:

N/A

Contact Information

Mr. Curtis L Morrison

Law Office of Curtis Morrison

PO Box 7140

Huntington Beach, California 92615

P: N/A

F: N/A

curtis@curtismorrisonlaw.com



RE: 2020EU00020237

To: Lian van der Weel, Amsterdam, Immigrant Visa Unit

EXHIBIT 35

Dear Ms. Van der Weel,

Thank you for your email.

Unfortunately, Diversity Visa applications are only valid until midnight of the last day of the fiscal year for which the petition was submitted. There is no carry-over of benefit into another year for persons who were not issued a visa during the fiscal year for which they registered. You may of course apply again in future, should you choose to.

See 9 FAM 502.6-4 (b)(3) Diversity Visa Application Validity

Kind regards,

Immigrant Visa Unit (HG)

Consulate General of the United States of America | Museumplein 19 | 1071 DJ Amsterdam | The Netherlands

<https://nl.usembassy.gov/visas/nonimmigrant-visas/>

Official - Privacy/PII

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

From: Lian van der Weel <lianvanderweel@hotmail.com>**Sent:** Tuesday, June 23, 2020 9:09 AM**To:** Amsterdam, Immigrant Visa Unit <AmsterdamIV@state.gov>**Subject:** 2020EU00020237

Dear Sir/Madam,

Last night unfortunately, but understandably, the continuation of proclamation 10014 has been announced.

Therefore, it is to my understanding that immigrant visa services will still not be rescheduled until the enddate of December 31, 2020, unless the White House makes changes in 30 or 60 days. My interview for the DV2020 lottery green card was scheduled on April 7th, 2020 and got canceled only the day before, due to Covid-19. As it was already scheduled, and I had all my paperwork and medical arranged, I assume that my interview is just on 'hold' and will be able to be rescheduled once immigration services start again even if that is only after December 31st, 2020.

I like to ask you if I have to wait until this renewed travel suspension is lifted to make a new appointment, or a new interview date and time automatically be set when services resume?

I am looking forward to hear from you and appreciate your time and answer in this uncertain and hectic time.

Kind regards,

Ms. Lian van der Weel

Case Number: 2020EU00020237

Principal Applicant Name: VAN DER WEEL, LIAN IVETTE AIMEE NATALIE

Preference Category: DV DIVERSITY



Philip Rufus Knauf <philip.rufus.k@gmail.com>

RE: Status on DV Case 2020EU00042071

KCC DV

SENSITIVE BUT UNCLASSIFIED

RE: 2020AS00029919

KCC DV <KCCDV@state.gov>

Thu 5/14/2020 2:23 PM

To: 'Motasem Attyeh' <motasem_at91@hotmail.com>

Thank you for your inquiry.

The information you provided will be forwarded to the appropriate department. In the future, please send your required documents to KCCDVIDocuments@state.gov.

Your DS-260 has been processed. You should have received, or will soon receive, an email from the Kentucky Consular Center giving you instructions to complete in order for your case to continue processing. Please follow the instructions in the email. Interviews are scheduled numerically based on case numbers that have completed processing. Interviews for the DV 2020 program will begin in October 2019 and conclude on September 30, 2020. Please refer to the visa bulletin at <https://www.travel.state.gov> to locate the current numbers being processed. This bulletin is updated after the 15th day of each month. Once an interview date has been scheduled, you will receive notification via email to check <https://www.dvlottery.state.gov>.

Due to the novel COVID-19 outbreak all interviews for the DV program have been suspended, it is undetermined when scheduling will resume.

Please monitor www.travel.state.gov for any updates and contact your DV embassy/consulate if you have additional questions.

In order for the Kentucky Consular Center to assist with inquiries regarding a specific Diversity Visa (DV) case, you must provide the Principal Applicant's full name, complete case number, and date of birth in the following format (MMDDYYYY) as entered on the original entry. Please remember that the Kentucky Consular Center does not have the authority to tell you whether or not your specific case will be disqualified. Only a consular officer can do that at the time of your visa interview. Do not send any paper documents to the Kentucky Consular Center.

For additional information, please refer to the following websites:

Diversity Visa Website: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html>

Diversity Visa Instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>

DS-260 instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-if-you-are-selected/diversity-visa-submit-your-iv-and-alien-registration-application.html>

To enter the Diversity Visa lottery or to check for a selection notice: <https://www.dvlottery.state.gov/>

Mary
Diversity Visa Unit
Support Contractor - LDRM/Lockwood Hills

CA/VO/DO/KCC

Phone: (606)-526-7500

Email: KCCDV@STATE.GOV <<mailto:KCCDV@STATE.GOV>>

*Any information in this transmission pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential under Section 222 (f) of the Immigration and Nationality Act (INA) [8 U.S.C. Section 1202]. Access to and use of such information must be solely for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States under INA 222(f) and as specified in FAM guidance. If you have received such information in error, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information, and contact the sender as soon as possible.

*This email is Sensitive but Unclassified based on the definitions provided in 12 FAM 540.

From: Motasem Attyeh <motasem_at91@hotmail.com>

Sent: Wednesday, May 13, 2020 5:45 PM

To: KCC DV <KCCDV@state.gov>

Subject: 2020AS00029919

Case Number:

2020AS00029919

Principal Applicant Name:

ATTIEH, MOTASEM HANI

Date Of Birth : 25/August/1991

Dear KCC office;

Please find the attached files for my documents.

I want to know that if my documents that I sent on Monday 21/October/2019; have been processed.

Is there anything missing or are you satisfied with my document

My case number is current, please provide me with the information needed

SENSITIVE BUT UNCLASSIFIED

RE: 2020AS00029919

KCC DV <KCCDV@state.gov>

Mon 6/1/2020 3:47 PM

To: 'Motasem Attyeh' <motasem_at91@hotmail.com>

Thank you for your inquiry.

The information you provided will be forwarded to the appropriate department. In the future, please send your required documents to KCCDVIDocuments@state.gov.

Your DS-260 has been processed. You should have received, or will soon receive, an email from the Kentucky Consular Center giving you instructions to complete in order for your case to continue processing. Please follow the instructions in the email. Interviews are scheduled numerically based on case numbers that have completed processing. Interviews for the DV 2020 program will begin in October 2019 and conclude on September 30, 2020. Please refer to the visa bulletin at <https://www.travel.state.gov> to locate the current numbers being processed. This bulletin is updated after the 15th day of each month. Once an interview date has been scheduled, you will receive notification via email to check <https://www.dvlottery.state.gov>.

Due to the novel COVID-19 outbreak all interviews for the DV program have been suspended, it is undetermined when scheduling will resume.

Please monitor www.travel.state.gov for any updates and contact your DV embassy/consulate if you have additional questions.

In order for the Kentucky Consular Center to assist with inquiries regarding a specific Diversity Visa (DV) case, you must provide the Principal Applicant's full name, complete case number, and date of birth in the following format (MMDDYYYY) as entered on the original entry. Please remember that the Kentucky Consular Center does not have the authority to tell you whether or not your specific case will be disqualified. Only a consular officer can do that at the time of your visa interview. Do not send any paper documents to the Kentucky Consular Center.

For additional information, please refer to the following websites:

Diversity Visa Website: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html>

Diversity Visa Instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>

DS-260 instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-if-you-are-selected/diversity-visa-submit-your-iv-and-alien-registration-application.html>

To enter the Diversity Visa lottery or to check for a selection notice: <https://www.dvlottery.state.gov/>

Mary
Diversity Visa Unit
Support Contractor - LDRM/Lockwood Hills

CA/VO/DO/KCC

Phone: (606)-526-7500

Email: KCCDV@STATE.GOV <<mailto:KCCDV@STATE.GOV>>

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*This email is Sensitive but Unclassified based on the definitions provided in 12 FAM 540.

From: Motasem Attyeh <motasem_at91@hotmail.com>

Sent: Sunday, May 31, 2020 11:51 PM

To: KCC DV <KCCDV@state.gov>

Subject: 2020AS00029919

Case Number:

2020AS00029919

Principal Applicant Name:

ATTIEH, MOTASEM HANI

Date Of Birth : 25/August/1991

Dear KCC office;

Please find the attached files for my documents.

I want to know that if my documents that I sent on Monday 21/October/2019; have been processed.

Is there anything missing or are you satisfied with my document

My case number is current, please provide me with the information needed

SENSITIVE BUT UNCLASSIFIED

RE: 2020AS00029919

KCC DV <KCCDV@state.gov>

Thu 6/25/2020 11:19 AM

To: 'Motasem Attyeh' <motasem_at91@hotmail.com>

Thank you for your inquiry.

The information you provided will be forwarded to the appropriate department. In the future, please send your required documents to KCCDVDocuments@state.gov.

Your DS-260 has been processed. You should have received, or will soon receive, an email from the Kentucky Consular Center giving you instructions to complete in order for your case to continue processing. Please follow the instructions in the email. Interviews are scheduled numerically based on case numbers that have completed processing. Interviews for the DV 2020 program will begin in October 2019 and conclude on September 30, 2020. Please refer to the visa bulletin at <https://www.travel.state.gov> to locate the current numbers being processed. This bulletin is updated after the 15th day of each month. Once an interview date has been scheduled, you will receive notification via email to check <https://www.dvlottery.state.gov>.

Due to the novel COVID-19 outbreak all interviews for the DV program have been suspended, it is undetermined when scheduling will resume.

Please monitor www.travel.state.gov for any updates and contact your DV embassy/consulate if you have additional questions.

In order for the Kentucky Consular Center to assist with inquiries regarding a specific Diversity Visa (DV) case, you must provide the Principal Applicant's full name, complete case number, and date of birth in the following format (MMDDYYYY) as entered on the original entry. Please remember that the Kentucky Consular Center does not have the authority to tell you whether or not your specific case will be disqualified. Only a consular officer can do that at the time of your visa interview. Do not send any paper documents to the Kentucky Consular Center.

For additional information, please refer to the following websites:

Diversity Visa Website: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html>

Diversity Visa Instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>

DS-260 instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-if-you-are-selected/diversity-visa-submit-your-iv-and-alien-registration-application.html>

To enter the Diversity Visa lottery or to check for a selection notice: <https://www.dvlottery.state.gov/>

Lorrie

Diversity Visa Unit

Support Contractor – LDRM/Lockwood Hills

CA/VO/DO/KCC
Phone: (606) 526-7500
Email: kccdvdv@state.gov

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*This email is Sensitive but Unclassified based on the definitions provided in 12 FAM 540.

From: Motasem Attyeh <motasem_at91@hotmail.com>
Sent: Tuesday, June 23, 2020 11:28 AM
To: KCC DV <KCCDV@state.gov>
Subject: 2020AS00029919

Case Number: 2020AS00029919
Principal Applicant Name: ATTIEH, MOTASEM HANI
Date Of Birth: 25/August/1991

Dear KCC office;
Please find the attached files for my documents. (documents inquiry)
I want to know that if my documents that I have sent before; have been processed.
Is there anything missing or are you satisfied with my document

My case number is current, please provide me with the information needed

Thank you in advance

SENSITIVE BUT UNCLASSIFIED

RE: 2020AS00029919

KCC DV <KCCDV@state.gov>

Mon 7/13/2020 11:54 AM

To: 'Motasem Attyeh' <motasem_at91@hotmail.com>

Thank you for your inquiry.

On Wednesday, April 22, President Trump signed a proclamation suspending entry into the United States of certain immigrants who present risk to the U.S. labor market during the economic recovery following the COVID-19 outbreak. The proclamation was effective at 11:59 p.m. EDT on Thursday, April 23. It was continued by President Trump on June 22, and will expire on December 31, 2020, unless continued. Applicants for immigrant visas covered by the proclamation, including Diversity Visa 2020 (DV-2020) applicants, who have not been issued an immigrant visa as of April 23 are subject to the proclamation's restrictions unless eligible for an exception. No valid visas will be revoked under this proclamation.

If you were previously issued a visa for the DV-2020 program that was valid on April 23 and that visa expired before you were able to travel to the United States, please contact the Embassy or Consulate where your visa was issued for further information.

All DV-2020 entrants who were selected must be found eligible for, and obtain, their visa or adjust status by September 30, 2020. This deadline cannot be extended. This same strict deadline also applies to spouses and children of principal applicants.

All DV-2021 diversity visa program applicants must be found eligible for, and obtain, their visa or adjust status by the end of fiscal year 2021 (September 30, 2021).

Without exception, all selected and eligible Diversity Visa Program applicants must obtain their visa or adjust status by the end of the fiscal year. There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas by September 30, 2020 (the end of the fiscal year). Also, spouses and children who derive status from a DV-2020 registration can only obtain visas in the DV category between October 1, 2019, and September 30, 2020.

Due to the novel COVID-19 outbreak all interviews for the DV program have been suspended, it is undetermined when scheduling will resume.

Please monitor www.travel.state.gov for any updates and contact your DV embassy/consulate if you have additional questions.

The information you provided will be forwarded to the appropriate department. In the future, please send your required documents to KCCDVDocuments@state.gov.

In order for the Kentucky Consular Center to assist with inquiries regarding a specific Diversity Visa (DV) case, you must provide the Principal Applicant's full name, complete case number, and date of birth in the following format (MMDDYYYY) as entered on the original entry. Please remember that the

Kentucky Consular Center does not have the authority to tell you whether or not your specific case will be disqualified. Only a consular officer can do that at the time of your visa interview. Do not send any paper documents to the Kentucky Consular Center.

For additional information, please refer to the following websites:

Diversity Visa Website: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html>

Diversity Visa Instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>

DS-260 instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-if-you-are-selected/diversity-visa-submit-your-iv-and-alien-registration-application.html>

To enter the Diversity Visa lottery or to check for a selection notice: <https://www.dvlottery.state.gov/>

Cheryl
Data Entry Operator II
Support Contractor – LDRM/DTSV
CA/VO/DO/KCC
Kentucky Consular Center
3505 N Highway 25W
Williamsburg, KY 40769
KCCDV@STATE.GOV

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*This email is Sensitive but Unclassified based on the definitions provided in 12 FAM 540.

From: Motasem Attyeh <motasem_at91@hotmail.com>
Sent: Friday, July 10, 2020 3:39 AM
To: KCC DV <KCCDV@state.gov>
Subject: 2020AS00029919

Case Number: 2020AS00029919
Principal Applicant Name: ATTIEH, MOTASEM HANI
Date Of Birth: 25/August/1991

Dear KCC office;
Please find the attached files for my documents. (documents inquiry)

I want to know that if my documents that I have sent before; have been processed.
Is there anything missing or are you satisfied with my document

My case number is current, please provide me with the information needed

Thank you in advance

SENSITIVE BUT UNCLASSIFIED

RE: Documents

KCC DV <KCCDV@state.gov>

Thu 14 May 2020 17:48

To: 'Francesca Marzano' <frack_marzi@hotmail.com>

Thank you for your inquiry.

After sending documents to KCCDVDocuments@state.gov, you will receive an automatic reply to your email. If there are no attachments, the auto reply explains there are no documents attached to the email. If there are attachments, the auto reply explains we received your email and are currently processing your documents. Please allow time for processing of your documents. Documents are processed in numerical order, based on lottery rank number. Once KCC has processed your documents, we will let you know if anything is missing or if we have received everything needed.

Due to the novel COVID-19 outbreak all interviews for the DV program have been suspended, it is undetermined when scheduling will resume.

Please monitor www.travel.state.gov for any updates and contact your DV embassy/consulate if you have additional questions.

In order for the Kentucky Consular Center to assist with inquiries regarding a specific Diversity Visa (DV) case, you must provide the Principal Applicant's full name, complete case number, and date of birth in the following format (MMDDYYYY) as entered on the original entry. Please remember that the Kentucky Consular Center does not have the authority to tell you whether or not your specific case will be disqualified. Only a consular officer can do that at the time of your visa interview. Do not send any paper documents to the Kentucky Consular Center.

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Diversity Visa Instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>

DS-260 instructions: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-if-you-are-selected/diversity-visa-submit-your-iv-and-alien-registration-application.html>

To enter the Diversity Visa lottery or to check for a selection notice: <https://www.dvlottery.state.gov/>

Tami

Diversity Visa Unit

Support Contractor –LDRM/Lockwood Hills

CA/VO/DO/KCC

Phone: (606) 526-7500

Email: HYPERLINK "<mailto:KCCDV@STATE.GOV>" <<mailto:KCCDV@STATE.GOV>> "KCCDV@STATE.GOV"

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This email is Sensitive but Unclassified based on the definitions provided in 12 FAM 540.

From: Francesca Marzano <frack_marzi@hotmail.com>

Sent: Thursday, May 14, 2020 4:26 AM

To: KCC DV <KCCDV@state.gov>

Subject: Documents

Dear Diversity Visa Unit,

I hope this email finds you well at this difficult time.

I am reaching out to you in order to check if the supporting documents I have sent on 02/16/2020 have been successfully received and processed.

Here below my details:

Case number: 2020EU00039258

Complete name: Francesca (first name) Marzano (last name)

Date of birth: May 06, 1987

Documents sent:

- * Passport
- * Birth certificate in Italian
- * Birth certificate translated in English

- * Italian Police certificate in Italian
- * Italian Police certificate translated in English
- * UK Police certificate in English
- * Certified translation statement

If you could let me know if documents have successfully been received and/or processed, it would be highly appreciated.
I remain at your complete disposal, should you require any further information from me.

Looking forward to hearing back from you,

Best wishes,
Francesca Marzano

SENSITIVE BUT UNCLASSIFIED

Re: KHAKZAD, Armaghan, visa case number: 2020AS00003916

Abu Dhabi, IV <AbuDhabiIV@state.gov>

Tue 5/19/2020 5:41 AM

To: Curtis Morrison <curtis@curtismorrisonlaw.com>

Hello,

Unfortunately, we are currently not processing Diversity Visas and recent president proclamations pertaining to immigration of from Iran and generally prevent the circumstances of this case to be considered an exception to current restrictions. We take nothing away from the applicant's merits and qualifications, but current policies do not allow us to be able to meet your request.

Immigrant Visa Unit

From: Curtis Morrison <curtis@curtismorrisonlaw.com>

Sent: Monday, May 18, 2020 2:13 PM

To: Abu Dhabi, IV <AbuDhabiIV@state.gov>

Subject: KHAKZAD, Armaghan, visa case number: 2020AS00003916

Dear Consular Officer,

I am providing pro-bono legal representation of Armaghan KHAKZAD with respect to her DV Lottery visa application #2020AS00003916.

I am writing to request that her eligibility for a waiver of PP 9645 be reconsidered in light of her profession, as anesthesia technicians are extremely essential in controlling the ongoing Covid-19 pandemic in the United States. I have attached her translated Bachelor's Degree in Anesthesiology and evidence of her employment as an anesthesia technician.

As I'm sure you are aware, this pandemic is hitting medical professionals especially hard in the U.S., where 20% of infected persons are medical professionals. Worldwide, 1,000 medical professionals have already died of Covid-19. (<https://www.medscape.com/viewarticle/927976>)

While the applicant may not fit within any of the examples covered in 9 FAM 302.14-10(C)(2)(a), I hope you'll consider her obvious value, as a frontline medical professional in short supply, to the U.S. national interests, and consider emailing countries-of-concern-inquiries@state.gov to make that case.

Thank you, and stay safe.

Sincerely,

Curtis Lee Morrison, Esq. 714-661-3446 (cell/whatsapp)/ @curtisatlaw ([telegram](#)/[twitter](#))
[Law Office of Curtis Morrison](#), PO Box 7140, Huntington Beach, CA 92615

سلام مورد توجه ایرانیان عزیز که فارسی صحبت میکنند شایان مشرقی محمدی پارالیگال برای کمک به شما آماده هستند

Fw: Case Number: 2020EU00019163

Curtis Morrison <curtis@curtismorrisonlaw.com>

Sun 7/26/2020 12:18 PM

To: Evidence Manager <evidence@curtismorrisonlaw.com>

From: Polina Stetsyuk <polina.design@gmail.com>

Sent: Sunday, July 26, 2020 12:10 PM

To: Curtis Morrison <curtis@curtismorrisonlaw.com>

Subject: Fw: Case Number: 2020EU00019163

----- Original Message -----

Subject: Re: Case Number: 2020EU00019163

From: "Consular0, Moscow"

To: Полина Стецюк

CC:

Dear Ms. Stentsyuk,

Routine immigrant and nonimmigrant visa operations remain suspended. We will resume routine visa services as soon as possible but are unable to provide a specific date at this time. We do not have an update on the DV program at this time.

Sincerely,

Visa Services Unit

From: Полина Стецюк <polina.design@gmail.com>

Sent: Wednesday, July 8, 2020 9:49 AM

To: Consular0, Moscow <ConsulMo@state.gov>

Subject: Case Number: 2020EU00019163

Name of Principal Applicant: STETCIUK POLINA

Date of Birth: 04/19/1981

Case Number: 2020EU00019163

Dear Sir or Madam!

I am writing to enquire about our interview, which was scheduled for April 23 and canceled due to the coronavirus epidemic.

Do I understand correctly that the DV2020 program is already effectively closed? Me and my family already passed the medical examination and were ready for an interview, and then it happened... We have nothing to hope for?

Thank you!

Sincerely,
Polina Stetsyuk

Moб. Тел. +7 (964) 333 59 55

E-mail: polina.design@gmail.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FONJONG, ET AL.

PLAINTIFFS,

V.

TRUMP, ET AL.

DEFENDANTS.

Case No. 20-cv-2128-APM

Proposed Order

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF**

Upon consideration of Plaintiffs' Motion for Preliminary Injunction dated August 6, 2020, the memoranda of law, and exhibits submitted in support and in opposition thereto, and the entire record herein, it is hereby ORDERED that Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction is GRANTED; it is further ORDERED that

- (1) an order requiring Defendants to reserve visa numbers for the Plaintiffs through the pendency of litigation;
- (2) declaring Defendants' policies, procedures, and practices suspending the adjudication of immigrant visa applications for the fiscal year 2020 Diversity Visa Program unlawful;
- (3) an order setting aside Defendants' implementation of policies, procedures, and practices precluding issuance of visas for DV-2020 selectees and their derivative beneficiaries based on the entry suspension promulgated in PP 10014 and PP 10052; and
- (4) an order mandating Defendants to fulfill their mandatory, non-discretionary duty to process Plaintiffs' immigrant visa applications, schedule Plaintiffs' for immigrant visa interviews, and issue visas to eligible Plaintiffs.

Dated:

United States District Judge Amit P. Mehta