

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL MILLIGAN
[REDACTED]
[REDACTED]

and

LOUISE CRANSTON
[REDACTED]
[REDACTED];

BROOKE BROOKS
[REDACTED]
[REDACTED]

and

MERVEILLES ELOHIM DZIKI MBEMBA
[REDACTED];

JENNIFER NAWROCKI
[REDACTED]
[REDACTED]

and

FAHD BENSGHIR
[REDACTED]
[REDACTED];

COURTNEY WATKINS
[REDACTED]
[REDACTED]

and

AMADY BA
[REDACTED]

ANDREW STERRETT ABBOTT
[REDACTED]
[REDACTED]

and

LIZETH CATHERINE CRESPO CASTANO
[REDACTED]
[REDACTED]

Civil Action No.

**Complaint for Declaratory and Injunctive
Relief Under the APA and for a Writ of
Mandamus**

SOHAIL AKBANI

[REDACTED]
[REDACTED]

and

AHMAD KHAN

[REDACTED]

JAMES AKERS

[REDACTED]
[REDACTED]

and

MINGMING WANG

[REDACTED]
[REDACTED];

NADIA AKRAM

[REDACTED]
[REDACTED]

and

YASIR ALI

[REDACTED]
[REDACTED]
[REDACTED];

CHRISTOPHER ALLEN

[REDACTED]
[REDACTED]

and

MILENA MOLTER

[REDACTED]
[REDACTED];

KATHERINE ALLEN

[REDACTED]
[REDACTED]

and

DAVID SUÁREZ MILLÁN

[REDACTED]
[REDACTED];

ASHLEY ALVAREZ

[REDACTED]
[REDACTED]

and
VITERBO FLORENTINO
[REDACTED];

NICHOLAS ANDERSON
[REDACTED]
[REDACTED]

and
LAUREN COCKERILL
[REDACTED]
[REDACTED];

MICHAEL ARMSTRONG
[REDACTED]
[REDACTED]

and
CLAUDIA PALACIOS LEVANO
[REDACTED]
[REDACTED]

MATTHEW BALDWIN
[REDACTED] [REDACTED]
[REDACTED]

and
STEPHANIE RUEEGG
[REDACTED]
[REDACTED]

LISA BARI
[REDACTED]
[REDACTED]

and
JOERG BATTERMANN
[REDACTED]
[REDACTED];

MARYRUTH BARNETT
[REDACTED]
[REDACTED]

and
DORDE GRABEZ
[REDACTED]
[REDACTED];

JEFFREY BEALE

[REDACTED]
[REDACTED]

and

GERLYN GELLADULA

[REDACTED]
[REDACTED]

KENT BECKER

[REDACTED]
[REDACTED]

and

EUNHYE JU

[REDACTED]
[REDACTED];

KERIANN BENNETT

[REDACTED]
[REDACTED]

and

ANDREA O'CALLAGHAN

[REDACTED]
[REDACTED]

MITCHELL BERGER

[REDACTED]
[REDACTED]

and

VALERIE KRISNI

[REDACTED]
[REDACTED];

JONATHAN BERRY

[REDACTED]
[REDACTED]

and

MARLENE MARTINANT

[REDACTED]
[REDACTED]

CHELSEA BOYLE

[REDACTED]

[REDACTED]

and

CHRISTOFFER WALLANDER IANEV

[REDACTED];

DANIEL BURKHARD

[REDACTED]

[REDACTED]

and

KANOKPRON SAISON

[REDACTED]

[REDACTED]

[REDACTED]

MATTHEW CAMERON

[REDACTED]

[REDACTED]

and

TRAN QUYNH LAN LE

[REDACTED]

[REDACTED]

DAVID M. CAMPBELL

[REDACTED]

[REDACTED]

and

KORYN GIRALDO TORRES

[REDACTED]

[REDACTED]

JOSE G CASTILLO, JR.

[REDACTED]

[REDACTED]

and

JUAN MANUEL OLIVARES LOPEZ

[REDACTED]

[REDACTED]

SRIKANTH CHALLA

[REDACTED]
[REDACTED]

and

BHARGAVI VADLAPUDI

[REDACTED]
[REDACTED]
[REDACTED];

DOUGLAS CONNELL

[REDACTED]
[REDACTED]

and

MARY ROSE DE LOS SANTOS

[REDACTED]
[REDACTED];

PATRICK RYAN DAMIAN

[REDACTED]
[REDACTED]

and

JENNIFER VALENCIA CORDERO

[REDACTED]
[REDACTED];

STANLEY DAY

[REDACTED]
[REDACTED]

and

DANUCHIT SAYTHONG

[REDACTED]
[REDACTED];

BRITNEY ANN DILLON

[REDACTED]
[REDACTED]

and

EMILLIE MAY LORRAINE NESBITT

[REDACTED]
[REDACTED]

PAUL ELLSWORTH

[REDACTED]
[REDACTED]

and

MURYEL ACCO

[REDACTED]
[REDACTED]
[REDACTED];

GRAYSON ENGLISH

[REDACTED]
[REDACTED]

and

GIANE MOJICA

[REDACTED]
[REDACTED]

PHILLIP FLETCHER

[REDACTED]
[REDACTED]

and

JASMIN HAASNER

[REDACTED]
[REDACTED];

ALEX FLORES-URIBE

[REDACTED]
[REDACTED]

and

GLORIA JAIMES HERNANDEZ

[REDACTED]
[REDACTED]

ALLISON FRAZIER

[REDACTED]
[REDACTED]

and

PETER ANDERSEN

[REDACTED]
[REDACTED]

LILA ANN GABRIEL

[REDACTED]
[REDACTED]

and

ALEXANDER JONATHON FOSTER
FIRTH

[REDACTED];

GABRIELLE GOLLOMP

[REDACTED]
[REDACTED]

and

TOM BENACIN

[REDACTED]
[REDACTED];

MARISSA GOLUB

[REDACTED]
[REDACTED]

and

TAMAO SETAKA

[REDACTED]
[REDACTED];

CLAUDIA GONZALEZ

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]

and

ABDEL ILAH

[REDACTED]
[REDACTED]

FEDERICO GONZALEZ CANALES

[REDACTED]
[REDACTED]

and

DULCE MARIA JUAREZ RAMIREZ

[REDACTED]
[REDACTED]

NICOLE WARD GUARDIOLA

[REDACTED]
[REDACTED]

and

ROBIN BAILIE

[REDACTED]
[REDACTED]
[REDACTED]

BULENT GUNDAS

[REDACTED]
[REDACTED]

and

ALINA HUDYMA VADIMOVNA

[REDACTED]
[REDACTED]

HAYLEY HARLOW

[REDACTED]
[REDACTED]

and

MICHAEL RANKIN

[REDACTED]
[REDACTED]

WYATT HART

[REDACTED]
[REDACTED]

and

LYDIA FILIOU

[REDACTED]
[REDACTED];

GINGER HATTON

[REDACTED]
[REDACTED]

and

CIREKA PARIS

[REDACTED]
[REDACTED]

MICHAEL HENNY

[REDACTED]
[REDACTED]

and

ALEXANDER BLANCE

[REDACTED]
[REDACTED]

SCOTT HENRY

[REDACTED]
[REDACTED]

and

YANA ROGOVENKO

[REDACTED]
[REDACTED];

AMY HERNSTROM

[REDACTED]
[REDACTED]

and

MARK ANSELL

[REDACTED]
[REDACTED]

ALISON HIATT

[REDACTED]
[REDACTED]

and

JOSÉ ERNESTO ARANDA RUIZ

[REDACTED]
[REDACTED]

EZEKIEL HONEGGER

[REDACTED]
[REDACTED]

and

BARBARA DECKERS

[REDACTED];

BRAD HOWELL

[REDACTED]
[REDACTED]

and

AIMEE BROOKES

[REDACTED]
[REDACTED]

CHUNG HSIEN LIU

[REDACTED]
[REDACTED]

and

RHANNE ROSE BAYLOSIS(K1), [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED];

MATTHEW HUNT

[REDACTED]
[REDACTED]

and

EMELYN OLIVEROS

[REDACTED]
[REDACTED];

BRETT JOHNSON

[REDACTED]
[REDACTED]

and

DANIELLE SWANTON

[REDACTED]
[REDACTED];

BRITTNEY JOHNSON

[REDACTED]
[REDACTED]

and

ANDREW THOMAS

[REDACTED]
[REDACTED];

KYLE KALUTKIEWICZ

[REDACTED]
[REDACTED]

and

ANNE-SOPHIE MARTZLOFF

[REDACTED]
[REDACTED]

JASON RAJESH KAMDAR

[REDACTED]
[REDACTED]

and

MONARIA SRI REZEKI SINAGA

[REDACTED]
[REDACTED];

DEEKSHA KAURA

[REDACTED]
[REDACTED]

and

PURSHOTAM

[REDACTED]

HAYDEN KELLY

[REDACTED]
[REDACTED]

and

MARINE MANCEAU

[REDACTED]
[REDACTED]

BRIAN KELLY

[REDACTED]
[REDACTED]

and

HEDY MELIADO

[REDACTED]

KRISTYN KLEFENZ

[REDACTED]
[REDACTED]

and

MATTHEW BARTON

[REDACTED]
[REDACTED]

JOHN KROEGER

[REDACTED]
[REDACTED]

and

JUNKO MATSUDA

[REDACTED]
[REDACTED]

TRISTAN LAWSON

[REDACTED]
[REDACTED]

and

KRISTIAN ANTROBUS

[REDACTED]
[REDACTED]

LEONARD LAWTON

[REDACTED]
[REDACTED]

and

HUANXING HUANG

[REDACTED]
[REDACTED]
[REDACTED];

JAY LEE

[REDACTED]
[REDACTED]

and

SUSIE HUH

[REDACTED]

MORGAN LEWIS

[REDACTED]
[REDACTED]

and

PAULA FRANCO

[REDACTED]
[REDACTED]

LANCE ANG LI

[REDACTED]
[REDACTED]

and

YU JUAN

[REDACTED]
[REDACTED]

KIRSTEN LITTLE

[REDACTED]
[REDACTED]

and

ROSS WARDEN

[REDACTED]
[REDACTED]

JOHN KEITH LIVINGSTONE

[REDACTED]
[REDACTED]

and

RACHEL FRANCISCO FALCATAN

[REDACTED]
[REDACTED]
[REDACTED]

MICHAEL VINCENZO LONGOBARDO

[REDACTED]
[REDACTED]

and

METTE KARINE SAKKESTAD OLSEN

[REDACTED]
[REDACTED];

LINDSEY MALLEY

[REDACTED]
[REDACTED]

and

CALUM MAIR

[REDACTED]
[REDACTED]

MARISA MARIE MANCINOTTI

[REDACTED]
[REDACTED]

and

LEONARD-FELIX KONSTANTIN JUNGE

[REDACTED];

ERIC MARKSZ

[REDACTED]

[REDACTED]

and

YOUNGSOO JANG

[REDACTED]

[REDACTED]

[REDACTED];

KEN MCCANN

[REDACTED]

[REDACTED]

and

YANA VILCHYNSKA

[REDACTED]

[REDACTED]

ANDREW MCCRAY

[REDACTED]

[REDACTED]

and

JUNHONG LI

[REDACTED]

HANNAH MCCULLEN

[REDACTED]

[REDACTED]

and

ANTHONY KIRKPATRICK

[REDACTED];

KEVIN MCGINNITY

[REDACTED]

[REDACTED]

and

ISABELA EDUARDO CRUZ

[REDACTED]

[REDACTED]

SEAN MCKEAG

[REDACTED]

[REDACTED]

and

EMMA CRAMPTON

[REDACTED]

[REDACTED];

WALTER MENDLER

[REDACTED]

[REDACTED]

and

ANDREA SCHWENK

[REDACTED]

[REDACTED];

STEVEN MEYER

[REDACTED]

[REDACTED]

and

RENITHA TALARI

[REDACTED]

[REDACTED]

[REDACTED]

ALEX MINELLI

[REDACTED]

[REDACTED]

and

AURORA GLANDI

[REDACTED];

ERIC ANTHONY MOGLIA

[REDACTED]

[REDACTED]

and

PAULA MONJO MARTÍNEZ

[REDACTED]

[REDACTED]

JESSICA MORENO

[REDACTED]

[REDACTED]

and

KARL PHILLIPS

[REDACTED]
[REDACTED]

RICHARD MORRILL

[REDACTED]
[REDACTED]

and

LANJUAN CHEN (CHERRY)

[REDACTED]
[REDACTED];

SHANE MORRIS

[REDACTED]
[REDACTED]

and

ELENA KESELMAN

[REDACTED]
[REDACTED]

TARAS MOTSNYY

[REDACTED]
[REDACTED]

and

TJASA REBOLJ

[REDACTED];

VICTORIA NAHLEY

[REDACTED]
[REDACTED]

and

TERRANCE WALKER

[REDACTED]
[REDACTED];

QUARTNESS NAVARRE

[REDACTED]
[REDACTED]

and

KAH HUI KOH

[REDACTED]
[REDACTED];

ALYSSA NELSON

[REDACTED]

[REDACTED]

and

TIM EGLY

[REDACTED]

GABRIEL NICKELL

[REDACTED]

[REDACTED]

and

SUNNIVA VASDAL

[REDACTED]

[REDACTED]

JOSH NOSAN

[REDACTED]

[REDACTED]

and

ANASTASIIA KHRUSHCH

[REDACTED]

[REDACTED];

DIANA PALMA

[REDACTED]

[REDACTED]

and

WIM LAURYSSSEN

[REDACTED]

[REDACTED];

CARRIE PENDLETON

[REDACTED]

[REDACTED]

and

JAMES DEAN

[REDACTED];

WESLEY BARRETT PRATT

[REDACTED]

[REDACTED]

and

SIMONE YARROW

[REDACTED]
[REDACTED]

KAREN ELIZABETH PRESLEY

[REDACTED]
[REDACTED]

and

SYLVIA HOEHFURTNER

[REDACTED];

CHARLETTE PRETZER

[REDACTED]
[REDACTED]

and

OLIVIER DORIATH

[REDACTED]
[REDACTED]

MEGAN PRUNTY

[REDACTED]
[REDACTED]

and

STEPHEN RHODES

[REDACTED]
[REDACTED];

SEAN QUIGLEY

[REDACTED]
[REDACTED]

and

EMANUELA FERRIN

[REDACTED]
[REDACTED];

DEMAR'JON RANSOM

[REDACTED]
[REDACTED]

and

NUR NAJIHAH BINTI SAIFUL ANUAR

[REDACTED]
[REDACTED];

BRITTANY RATCLIFF

[REDACTED]
[REDACTED]

and

YOUSUF THANIYAN MARHOON AL
TOUBI

[REDACTED];

DALLAS RENSEL

[REDACTED]
[REDACTED]

and

SANDRINE PERES

[REDACTED]
[REDACTED];

CHARITY REYNOLDS

[REDACTED]
[REDACTED]

and

LAWRENCE CANNON

[REDACTED]
[REDACTED];

JASON RICCIARDI

[REDACTED]
[REDACTED]

and

XUEQING YANG

[REDACTED]
[REDACTED]
[REDACTED]

LOGAN ROBERTSON

[REDACTED]
[REDACTED]

and

QUỲNH NGUYỄN

[REDACTED]
[REDACTED];

MELISSA ROBINSON

[REDACTED]
[REDACTED]

and

SYED YAWAR HUSSAIN

[REDACTED]
[REDACTED];

BRYAN RODGERS

[REDACTED]
[REDACTED]

and

KAREN WATTERS

[REDACTED]
[REDACTED]

ISAAC RODRIGUEZ

[REDACTED]
[REDACTED]

and

JUDITH GURNEY

[REDACTED]
[REDACTED]

HANNES ROOSE

[REDACTED]
[REDACTED]

and

GORAN NACINOVIC

[REDACTED];

ROBERT ROWE

[REDACTED]
[REDACTED]

and

SEONYEONG KIM

[REDACTED]
[REDACTED]
[REDACTED]

MICHAEL RYWALT

[REDACTED]
[REDACTED]

and
GULNAZ MURTAZINA
[REDACTED]
[REDACTED]
[REDACTED];

HARRISON SAGHI
[REDACTED]
[REDACTED]

and
JUDITH METZ
[REDACTED]
[REDACTED];

LAUREN SAMUELS
[REDACTED]
[REDACTED]

and
KRISTIE DEMOS
[REDACTED]
[REDACTED];

DAVID SANKARAN
[REDACTED]
[REDACTED]

and
ANNA PIATKOWSKA
[REDACTED];

ANDREW SCHAFER
[REDACTED]
[REDACTED]

and
STEPHANIE AGNES
[REDACTED]
[REDACTED];

SABRINA SCHERSEI
[REDACTED]
[REDACTED]

and

FARDIN SIDIQI

[REDACTED]
[REDACTED];

MARIAH SCHRACK

[REDACTED]
[REDACTED]

and

ALEXIS KARUMUNA

[REDACTED];

ASHLEY SHERRILL

[REDACTED]
[REDACTED]

and

OLIVER HICKENBOTHAM

[REDACTED]
[REDACTED]

ROBERT KRISTOPHER SPINDEN

[REDACTED]
[REDACTED]

and

NEDA ETEMAD

[REDACTED]
[REDACTED];

HARRY SUO

[REDACTED]
[REDACTED]

and

YU SHENG

[REDACTED]
[REDACTED]
[REDACTED];

DALTON THOMAS

[REDACTED]
[REDACTED]

and

SAMANTHA BERESFORD

[REDACTED]
[REDACTED];

NICHOLAS THOMPSON

[REDACTED]

[REDACTED]

and

ELONA BREGAS

[REDACTED]

[REDACTED];

HANNAH TOOLE

[REDACTED]

[REDACTED]

and

ANDREA PEDANI

[REDACTED]

[REDACTED]

CORY TROTTER

[REDACTED]

[REDACTED]

and

CARMELITA APARECE

[REDACTED];

DAVID TULLIUS

[REDACTED]

[REDACTED]

and

PHILINE BOEGEHOLZ

[REDACTED]

[REDACTED];

ERIK TUOMISTO

[REDACTED]

[REDACTED]

and

TATIANA BUKSHA

[REDACTED]

[REDACTED]

GILLIAN URBANIAK

[REDACTED]

[REDACTED]

and
NATHAN HEATH
[REDACTED]
[REDACTED];

LOHIT VANKINENI
[REDACTED]
[REDACTED]

and
SATYA SRAVANI ADUSUMALLI
[REDACTED]
[REDACTED]
[REDACTED];

SABRINA VITALE
[REDACTED]
[REDACTED]

and
SALVATORE D'ANGELO
[REDACTED]
[REDACTED]

RONALD WAGONER
[REDACTED]
[REDACTED]

and
NGAN MY THANH
[REDACTED]
[REDACTED];

TIMOTHY WALMSLEY
[REDACTED]
[REDACTED]

and
TAMARA D'ANGELO
[REDACTED];

RUSSELL WALTERS
[REDACTED]
[REDACTED]

and

DEBORAH MASSINI

[REDACTED]
[REDACTED]

DEMETRIUS WARD

[REDACTED]
[REDACTED]

and

LISA LINDSTROM

[REDACTED]
[REDACTED]

REUBEN WILLIAMS

[REDACTED]
[REDACTED]

and

RONALYN BECITAS

[REDACTED];

HEATHER DANIELLE WILSON

[REDACTED]
[REDACTED]

and

MARC STEVE COOPER

[REDACTED]
[REDACTED];

LUKASZ WYSZYNSKI

[REDACTED]
[REDACTED]

and

IZABELA MARCZAK

[REDACTED];

KANGYUE XU

[REDACTED]
[REDACTED]

and

GIULIA POZZA

[REDACTED];

CHIAJEN YANG

[REDACTED]
[REDACTED]

and

GYEONGHEE JO

[REDACTED]
[REDACTED];

KEVIN YANG

[REDACTED]
[REDACTED]

and

JING XI GU

[REDACTED]
[REDACTED];

ROY YOUNT

[REDACTED]
[REDACTED]

and

MARTHA REVILLA

[REDACTED]
[REDACTED]
[REDACTED]

SIYI ZHAO

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]

and

MENGJI HAN

[REDACTED]
[REDACTED];

MICHAEL PALMERO

[REDACTED]
[REDACTED]

and

LESLIE ORO

[REDACTED]
[REDACTED]

COLIN SOLIS

[REDACTED]
[REDACTED]

and

NOVIKA LESATRI

[REDACTED]

SABEEN SIDIQI

[REDACTED]
[REDACTED]

and

MATTHEW LEE

[REDACTED]
[REDACTED];

NIKOLA RADOJKOVIC

[REDACTED]
[REDACTED]

and

JEVGENIJA PLOTINA

[REDACTED]
[REDACTED];

AISHA ALI

[REDACTED]
[REDACTED]

and

SALAD ABAGIRA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED];

EMILY DURGHALLI

[REDACTED]
[REDACTED]

and

WISSAM MAIDA

[REDACTED]
[REDACTED];

ZAID HYDARI

[REDACTED]
[REDACTED]

and

ZAHRA AMIRZADA

[REDACTED]
[REDACTED];

JODY MCNABB

[REDACTED]
[REDACTED]

and

IBRAHIM ALI ELBADRI SAID HUSSEIN
FARES

[REDACTED]
[REDACTED];

ANDREW BILLON

[REDACTED]
[REDACTED]

and

ANNINA PREISIG

[REDACTED]
[REDACTED]

TAMMY N TOMMASEO

[REDACTED]
[REDACTED]

and

ANDREA K DJABALI

[REDACTED]
[REDACTED]
[REDACTED]

JERRY SCOTT

[REDACTED]
[REDACTED]

and

YOSHIAKI SUENAGA

[REDACTED];

ANDREW NESS

[REDACTED]
[REDACTED]

and

FRANCISCO ISMAEL SANDOVAL
SANCHEZ

[REDACTED]
[REDACTED];

HERMAN MARTIN

[REDACTED]
[REDACTED]

and

BURANAN FEAUNGNOI

[REDACTED]
[REDACTED];

SAMAH AZEEZ and Fiance

[REDACTED]
[REDACTED]

SEAN O'CONNOR

[REDACTED]
[REDACTED]

and

GEORGIA RICHARDS

[REDACTED]
[REDACTED]

Plaintiffs,

v.

MICHAEL POMPEO, Secretary of the U.S.
Department of State
c/o Executive Office
Office of the Legal Advisor
Suite 5.600
600 19th St. NW

Washington, D.C. 20522;

U.S. DEPARTMENT OF STATE
Executive Office,
Office of the Legal Advisor
Suite 5.600
600 19th St. NW
Washington, D.C. 20522;

WILLIAM P. BARR, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001;

CHAD F. WOLF, Acting Secretary for the
Department of Homeland Security
Department of Homeland Security
1880 2nd Street SW
Washington, DC 20024

U.S. DEPARTMENT OF HOMELAND
SECURITY
Office of the General Counsel
Department of Homeland Security
Mail Stop 3650
Washington, D.C. 20528;

Defendants.

INTRODUCTION

1. The coronavirus (aka COVID-19) pandemic has upended life for hundreds of millions of people around the world. But for one particular group of individuals, U.S. citizens petitioning to bring their foreign-born fianc(é)es to the U.S., the pandemic, and the U.S. government's response to it, have created new challenges – prolonged separation, an inability to enter the U.S. to start their lives together, and numerous financial and emotional hardships.

2. Plaintiffs are U.S. citizens with approved I-129F Fiancé(e) Petitions and their fiancé(e) beneficiaries applying for “K visas” that will allow them to enter the U.S. and marry their petitioning fiancé(e). Although the I-129F petitions have been approved by the United States Citizenship & Immigration Services (“USCIS”), the U.S. Department of State (“DOS”) has refused to adjudicate or issue K visas, or reissue K visas that expired due to beneficiaries’ inability to travel during the pandemic. These cases are languishing at various stages of DOS processing, with no end in sight.
3. Plaintiffs face numerous arbitrary barriers erected by DOS, that have prevented these fiancé(e)s of U.S. citizens from the opportunity to obtain K visas.
4. First, DOS has de-prioritized the processing of K visas for fiancé(e) of U.S. citizens. On March 20, 2020, in the early days of the pandemic, DOS ordered all embassies and consulates worldwide to suspend routine visa services, though “mission-critical” and emergency visa services were still provided. Ex. L-1 at ¶ 1. No definitive explanation was given as to which visas are considered “mission-critical,” but examples listed included H-2 visas for temporary nonimmigrant workers, Ex. L-3 at ¶ 2, and later guidance included spouses of U.S. citizens. Ex. L-4 at ¶ 1. At no time did DOS provide any reasoned explanation as to why fiancé(e)s of U.S. citizens, whom DOS understands to be functionally equivalent to the visa category of spouses of U.S. citizens¹, were not included as mission critical. The process by which DOS has determined which visa services are considered mission-critical remains opaque.

¹ See 9 FAM 502.7-3(C)(4)(b).

5. Furthermore, when DOS announced on July 8, 2020, that routine visa processing would resume to varying degrees at posts starting on July 15, 2020, posts were directed to treat K visa applicants as a low priority, only eligible for processing once a post enters “Phase Three” of DOS’s reopening plan termed “Diplomacy Strong.” Ex. L-6 at ¶ 8. Again, no explanation was given as to why fiancé(e)s of U.S. citizens were given such low priority.
6. Second, not only has DOS unfairly and without explanation de-prioritized visas for fiancé(e)s of U.S. citizens, DOS has intentionally and illegally misconstrued the five Presidential Proclamations restricting the *entry* of noncitizens traveling from certain countries as a restriction on the *adjudication* and *issuance* of K visas to applicants from these countries, even in light of the recent decision finding that such an interpretation is devoid of legal basis and a violation of the Administrative Procedure Act (“APA”).
7. In response to then-rising cases of COVID-19 in certain regions of the world, the President issued five Proclamations (P.P. 9984, 9992, 9993, 9999, and 10041) (“Proclamations”) between January 31, 2020, and May 24, 2020, restricting the entry of all noncitizens to the U.S., with certain exceptions, who had been physically present in certain countries during the 14-day period preceding their entry or attempted entry into the U.S. Exs. B – F.
8. However, DOS has arbitrarily and capriciously interpreted the Proclamations’ suspension on *entry* as a suspension on the *adjudication* and *issuance* of K visas. Specifically, DOS has refused to reissue K visas that have expired due to the inability to travel to the U.S. during the Coronavirus pandemic, cancelled interviews at U.S. embassies and consulates, and suspended adjudication of K visas indefinitely. DOS has taken these actions, based on an erroneous interpretation of the Proclamations, and in so doing have caused many U.S.

citizens and their fiancé(e)s to endure prolonged separations and suffer emotional and economic hardship.

9. Finally, notwithstanding the fact that the Proclamations merely restrict entry, not the adjudication and issuance of visas, DOS has issued guidance providing a “national interest exception” that allows foreign citizens, including business travelers, investors, treaty traders, academics, and students, from many countries subject to the travel restrictions to apply for and obtain visas, and subsequently enter the U.S. Ex. H.
10. In addition, nonimmigrant visa applicants in other categories, such as specialty occupations (H-1B visa), temporary non-agricultural workers (H-2B visa), exchange visitors (J-1 visa), and intracompany transferees (L-1A and L-1B visas) can qualify for a national interest exception, allowing them to apply for and obtain a visa to enter the U.S. Ex. I; Ex. L-7 at ¶ 13.
11. While these national interest exceptions allow foreign citizens to apply for and obtain a wide variety of nonimmigrant visas, fiancé(e)s of U.S. citizens have no such opportunity.
12. Beyond even the national interest exceptions to the proclamation, *visitors* to the U.S. may still be given permission to enter through the Visa Waiver Program or the Electronic System for Travel Authorization, “ESTA,” so long as these visitors have not been within a country subject to a travel restriction within the previous fourteen days. Ex. O. Where nonimmigrant workers are permitted to receive visas and enter the U.S. subject to a national interest exception, and where visitors for pleasure are permitted to receive travel authorization and enter the U.S., this decision to exclude K visa applicants, the legal and practical equivalent of immediate relatives of U.S. citizens, is arbitrary and capricious, and contrary to law.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction). This Court has authority to grant relief under the Mandamus Act (28 U.S.C. § 1361), the Declaratory Judgment Act (28 U.S.C. § 2201), and the Administrative Procedure Act, 5 U.S.C. § 702.
14. This Court can also compel agency action that is unlawfully withheld, or which is contrary to law, an abuse of discretion, or arbitrary and capricious. 5 U.S.C. §§ 555(b), 706.
15. This Court also has jurisdiction to review executive action that is *ultra vires*. See *Chamber of Commerce v. Reich*, 74 F.3d 1322 (D.C. Cir. 1996).
16. Venue in this judicial district is proper under 28 U.S.C. § 1391(e) because this is a civil action in which Defendants are the President and federal officers and agencies of the United States, a substantial part of the events or omissions giving rise to the claims occurred in this District, and Defendants are headquartered in this District.
17. All administrative remedies have been exhausted by Plaintiffs.
18. The doctrine of consular non-reviewability does not apply because Plaintiffs do not challenge a decision by a consular officer denying a visa. See *Nine Iraqi Allies Under Serious Threat Because of Their Faithful Serv. to the United States v. Kerry* ("Nine Iraqi Allies"), 168 F. Supp. 3d 268, 290 (D.D.C. 2016) ("[T]he doctrine of consular nonreviewability is not triggered until a consular officer has made a decision with respect to a particular visa application."). Rather, Plaintiffs challenge the agency's delay and refusal to act based on the *ultra vires* actions of the Department of State and its failure to act. See *Patel v. Reno*, 134 F.3d 929, 931 (9th Cir. 1997).

19. Plaintiffs have standing. Defendants' actions in refusing to adjudicate and issue K visas has caused and continues to cause Plaintiffs a concrete and particularized injury by preventing each Plaintiff petitioner and Plaintiff beneficiary of a K visa petition from obtaining a visa and entering the U.S. The requested relief will redress these injuries by allowing these individuals to obtain the immigration benefits for which they are otherwise eligible.

PARTIES

20. Plaintiffs include petitioners and beneficiaries of approved I-129F Fiancé Visa Petitions whose cases are at various stages of processing with the Department of State.

Plaintiffs Awaiting Revalidation of Previously Issued K Visa

21. Plaintiff [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], [REDACTED] completed her interview at the consulate in [REDACTED], was approved and received her K-1 visa, and was scheduled to fly to the U.S. on [REDACTED]. [REDACTED] was unable to fly that day as a result of travel restrictions and has been attempting to obtain a re-validated K-1 visa ever since.
22. With an approved K-1 visa, [REDACTED] had already arranged to leave her job and had shipped all her belongings to the U.S. The refusal of the U.S. embassy in [REDACTED] to re-validate [REDACTED] approved K-1 visa has caused significant hardship, resulting in [REDACTED] residing in insecure, temporary accommodations and additional expenses. Ex. A-37
23. Plaintiff [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the K-1 visa expired in May 2020. [REDACTED] has not been able to travel due to COVID-

19 and have requested the Embassy to re-validate the visa. The inability to complete the K-1 process has adversely affected the couple. The delay has caused extreme depression on [REDACTED]. [REDACTED]. The depression is affecting their everyday living. Ex. A-124.

24. Plaintiff, [REDACTED], is a citizen of the [REDACTED], and Plaintiff [REDACTED] is a citizen of the [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] had an interview on [REDACTED]. Her application was approved, and she was issued a K1 visa. She made plans to travel to the United States prior to the expiration of her visa on [REDACTED] but was prevented from doing so by the travel ban. Ex. A-14

25. The inability to complete the K-1 process has adversely affected the couple due to the expiration of the visa and their inability to obtain assistance from the consulate regarding reissuance. [REDACTED] has remained employed, but as she has had to inform her employer of her plans to move to the U.S., she is unsure whether she will have employment after October, which will cause financial difficulties. As she had a visa in hand and intended to travel to the United States before her lease expired in August, [REDACTED] did not renew it. The delay in processing her case and has left [REDACTED] unable to make living arrangements due to the uncertainty of her future, and likewise, her employment is uncertain beyond October. [REDACTED] has suffered emotional distress from seeing his fiancée struggle through all of this. *Id.*

26. Plaintiff [REDACTED] is a [REDACTED] who has sponsored Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the embassy, awaiting re-validation of an already approved K-1

visa. Plaintiff [REDACTED] was issued a K-1 visa with plans to travel to the U.S. in the spring of 2020. Despite attempts to travel, due to COVID-19 restrictions all three flights were cancelled, and Plaintiff was unable to travel prior to the expiration of the visa. Due to the U.S. embassy's refusal to re-validate an approved K-1 visa, Plaintiffs have been forced to endure extended separation and try to plan an uncertain future. Ex. A-55.

27. Petitioner, [REDACTED], is a citizen of the [REDACTED], and Petitioner [REDACTED], is a citizen of [REDACTED] sponsored her fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] had her interview on [REDACTED]. The visa was issued on [REDACTED] and was valid to [REDACTED]. [REDACTED] was scheduled to travel to the U.S. on April 13, 2020, and because of the uncertainty caused by the pandemic she was unable to travel. She was informed that if she were unable to use the visa before its expiration, it would be necessary for a new one to be issued. She was ultimately unable to travel on this visa, and has not been able to receive a new visa with which to travel. Ex. A-80.

28. The inability to complete the K-1 process has adversely affected [REDACTED] as she will now be required to wait for a new interview to be scheduled and, as a result, she must complete a new medical examination and obtain new photographs and police certificate. [REDACTED]. [REDACTED] advised the consulate that she would be willing to travel through a non-Schengen country prior to entering the U.S., and [REDACTED] contacted the consulate requesting the reissuance of the visa, but both requests were denied. [REDACTED] is finding the prolonged separation physically and emotionally draining, especially given that the visa

had been issued and her fiancée had a visa in hand and was ready and able to travel to the United States when that opportunity was denied her. *Id.*

29. Plaintiff, [REDACTED], is a citizen of the [REDACTED], and Plaintiff [REDACTED] [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on February 13, 2020. His application was approved, and the visa was issued two weeks later. [REDACTED] planned to enter the United States in May of 2020, but due to the shutdown and travel ban was unable to do so. Ex. A-26.

30. The inability to complete the K-1 process has adversely affected [REDACTED] in several ways. In March she traveled to [REDACTED] to visit [REDACTED] with the intention of returning to the United States in two weeks, but her flight was cancelled. She was then faced with the choice of returning to the United States when she was able, or remaining in [REDACTED] with her fiancé, not knowing when he would finally receive a new visa and how long the separation would last if she left. She opted to remain with [REDACTED], which required that she give up her teaching position and be unable to visit her family and take care of her grandparents for the duration. She has had to use the funds she saved for graduate school to support herself during her stay in [REDACTED]. In addition to the financial difficulties, [REDACTED] has been overwhelmed with anxiety and helplessness so intense that it has affected her physically with trembling and heart palpitations. *Id.*

Plaintiffs with Completed Consular Interview Awaiting Issuance of K Visa

31. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting administrative processing. The inability to complete the K-1 process has adversely affected the couple emotionally. The couple has been subjected to an emotional rollercoaster that has impacted their lives, and the lives of their loved ones. Ex. A-149.
32. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] is a citizen of the [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED] where [REDACTED] was interviewed on November 12, 2019. Additional evidence was requested, which [REDACTED] provided on November 19, 2019, yet no visa has been issued. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED]. It has been ten months since [REDACTED] interview, and he has been unable to obtain any information regarding the status of his visa. During this time, [REDACTED] has lost her brother and her daughter's biological father has also passed away, causing extreme sadness, stress, and deep despair. The couple has not been able to comfort on another except by electronic means, further complicating their lives due to the time difference and resulting lack of sleep caused by their determination to stay in touch despite the time difference. Ex. A-24.
33. Plaintiff [REDACTED] is a [REDACTED] who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED], waiting for the K-1 visa to be

issued after [REDACTED] interview. Because of a simple error in providing a copy of a birth certificate instead of the original, the issuance of [REDACTED] K-1 visa was delayed. Although [REDACTED] quickly provided the original birth certificate, the U.S. consulate has refused to issue [REDACTED] the K-1 visa. This delay has caused significant harm to Plaintiffs. The separation has been emotionally difficult, and the uncertainty has created financial challenges as well. Ex. A-53.

34. Plaintiff [REDACTED] citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED]. Both Plaintiffs are considered essential workers during the pandemic, and the emotional trauma of prolonged separation and the inability to move forward with dreams of starting a family have caused serious hardship. Ex. A-41

Plaintiffs Awaiting Rescheduled Consular Interview

35. Plaintiff [REDACTED] citizen who has sponsored her fiancé(e), Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned a case number, and [REDACTED] had his consular interview scheduled in [REDACTED] on August 5, 2020. However, on July 8, 2020, that interview had been canceled and it has not been rescheduled. The inability to complete the K-1 process has adversely affected the couple financially and emotionally. [REDACTED]. [REDACTED] is attempting to balance her full-time job, family obligations and maintain her long-distance relationship all while navigating the COVID-19 pandemic. The continued delays in [REDACTED] progress have heightened the stress and anxiety for [REDACTED]. [REDACTED]. Additionally, the couple is facing the loss of thousands of dollars, which they began

to invest in their wedding once the interview for August 5 was scheduled, if they are unable to proceed with the wedding in the near future. Ex. A-63.

36. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED] [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED] and the case is currently at the consulate in [REDACTED]. The couple is awaiting a rescheduled interview date following an initial interview cancellation on December 2, 2019 due to COVID-19. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering emotional pain and trauma as a result of the continued separation and not being able to continue their lives together. They had plans to start a family, which has been put on hold. [REDACTED] also continues to suffer financial hardships from additional expenses related to the visa delay. Ex. A-68.

37. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED] [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate in [REDACTED]. The couple is awaiting a rescheduled interview date following an initial interview cancellation on January 8, 2020 due to COVID-19. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering emotional and financial hardships due to the separation. [REDACTED] is stressed and emotionally drained without the support of Ms. [REDACTED]. Ex. A-65.

38. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED] [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The delay on the case has caused extreme financial

and emotional hardship in the form of losing money on their airline tickets and enduring prolonged separation. Ex. A-133.

39. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancé(e), Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting the interview to be rescheduled. The inability to complete the K-1 process has adversely affected the couple. The delay on their case has caused extreme financial hardship due to renting an Air B&B in [REDACTED] waiting for the interview to be rescheduled. It has also affected [REDACTED]' Crohn's disease because of the stress he has suffered. Ex. A-123.

40. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of the [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on March 27, 2020. The interview was subsequently cancelled and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected the couple due to the unanswered questions concerning when the interview might be rescheduled for them to make plans to be together and schedule their wedding. During the extended separation from his fiancé, [REDACTED] father fell ill, and [REDACTED] has had to face the sorrow of losing his parent without her support. Ex. A-83.

41. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED], is a citizen of [REDACTED] sponsored his fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED]

██████████ was scheduled for an interview on April 11, 2020. The interview was subsequently cancelled, as was a subsequent interview scheduled for June 30, 2020. To date, ██████████ ██████████ interview has not been rescheduled. The inability to complete the K-1 process has adversely affected the couple due to the extreme frustration and emotional distress caused by the situation. They have been unable to make plans for their future, nor were they together to comfort one another upon the deaths of friends and family members. Ex. A-77.

42. Plaintiff, ██████████, is a citizen of ██████████, and Plaintiff ██████████ ██████████ is a citizen of ██████████. ██████████ sponsored his fiancée, ██████████, for a K-1 nonimmigrant visa, and the NVC has assigned the case number [need]. The case was transferred from the NVC to the U.S. Consulate in ██████████, where ██████████ was scheduled for an interview on April 1, 2020. The interview was subsequently cancelled, as were subsequently scheduled interviews on June 3, July 15, and September 2, 2020. To date her interview has not been rescheduled. The inability to complete the K-1 process has adversely affected ██████████ financially, as he has been helping support ██████████ as she waits for the ability to obtain a visa and enter the United States. Although she is willing and able to work, it is difficult for her to find a good job because she will be in the position a limited time. The couple is enduring emotional stress and worry as the process and uncertainty drag on. Ex. A-76.

43. Plaintiff ██████████ is a ██████████ who has sponsored her fiancé, Plaintiff ██████████ ██████████, for a K-1 nonimmigrant visa. The case is currently awaiting interview at the U.S. Consulate in ██████████. after its initial cancellation on August 12, 2020. The inability to complete the K-1 process has adversely affected the couple, placing their lives in a veritable limbo. Plaintiff ██████████ is unable to continue working at her

business as she normally did due to the separation from her partner, she and her fiancé are both facing issues renting apartments, as neither knows when they will be reunited. Ex. A-93.

44. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently before the U.S. Consulate in [REDACTED]. An interview was scheduled on March 30, 2020, but was subsequently cancelled, as were subsequently scheduled interviews on April 21, 2020, July 6, 2020, and August 4, 2020. The inability of the couple to complete the K-1 process has affected them greatly. Plaintiff [REDACTED] reports that his career has stalled due to his plans to leave the U.K. to enter the United States. He additionally reports immense emotional and mental pain from being separated from his fiancée since February of 2020. Plaintiff [REDACTED] has depression and anxiety, and the separation from her fiancé has increased the severity of her symptoms to the point where she must see a therapist once a week. Ex. A-88.

45. Plaintiff [REDACTED] is a [REDACTED] citizen who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate in [REDACTED]. The couple is awaiting a rescheduled interview date following an initial interview cancellation on March 17, 2020 due to COVID-19. The inability to complete the K-1 process has adversely affected the couple. [REDACTED] is a Registered Nurse who has been employed during the COVID-19 pandemic, without the physical and emotional support of [REDACTED]. This has caused him emotional hardship and he is seeking psychological counseling as a result. The couple is also suffering financial loss due to the continued separation. Ex. A-108.

46. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number

██████████, and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple emotionally. With each step in the wrong direction, the couple has become more depressed. Lately, they cannot speak without crying because of the emotional stress they are suffering. Ex. A-151.

47. Plaintiff ██████████ is a U.S. citizen who has sponsored his fiancée, Plaintiff ██████████ ██████████, for a K-1 nonimmigrant visa. The NVC assigned the case number ██████████, and the case is currently at the consulate awaiting to be rescheduled for an interview. The inability to complete the K-1 process has adversely affected the couple as Plaintiff ██████████ is a physician and was working in a COVID-19 hot zone and had no one to care for him if he became ill. He was also experiencing anxiety from working during a pandemic and not having the support from his partner. They just want to start their lives together. Ex. A-144.

48. Plaintiff ██████████ is a U.S. citizen who has sponsored his fiancée, Plaintiff ██████████ ██████████, for a K-1 nonimmigrant visa. The NVC has assigned the case number ██████████ and the case is currently at the consulate awaiting to be rescheduled for an interview. The inability to complete the K-1 process has adversely affected the couple, leaving them both feeling hopeless and has taken a toll on their respective mental health. Ex. A-136.

49. Plaintiff, ██████████, is a citizen of the United States, and Plaintiff ██████████ is a citizen of the ██████████. ██████████ sponsored his fiancée, ██████████, for a K-1 nonimmigrant visa, and the NVC has assigned the case number ██████████. The case was transferred from the NVC to the U.S. Consulate in ██████████, and ██████████ was scheduled for an interview on May 7, 2020. Due to the shutdowns, the interview was

cancelled and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected the couple causing stress and worry over their uncertain future and the unpredictability of the circumstances that is denying them the ability to plan their wedding and their future together. Although [REDACTED] tries to remain positive and optimistic, his heart is breaking, and he is losing sleep. Seeing families together when he cannot be with his fiancée is taking a toll. Ex. A-27.

50. Plaintiff, [REDACTED], is a citizen of [REDACTED], and has sponsored Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on September 20, 2020. The interview was subsequently cancelled and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected [REDACTED].
51. The couple's child was born in December of 2019, and having her first baby alone caused her tremendous stress and anxiety. Shortly after the birth of her child, [REDACTED] had complications that required that she receive blood transfusions. She called her fiancé to say goodbye, believing she would not survive. Since January 2020, [REDACTED] has been undergoing treatment for depression, anxiety and insomnia brought on by caring for her daughter on her own without [REDACTED] emotional and physical support. During this time Mr. [REDACTED] worked diligently to have his interview rescheduled due to the medical emergency, and he received an interview date of February 3, 2020. As he was on a flight to [REDACTED] to keep the appointment, he received word that it had been cancelled. The distance, prolonged separation, and [REDACTED]' declining mental state have put a severe strain on their relationship. Ex. A-20.

52. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for interviews on June 17, 2020; July 15, 2020; and August 5, 2020. Each interview was subsequently cancelled and to date a new one has not been scheduled. The inability to complete the K-1 process has adversely affected the couple due to the uncertainty of when they will finally be together. In the meantime, they have put their lives on hold, being unable to plan a wedding, or purchase a home or vehicle. Although she has not made arrangements yet to give up her home in [REDACTED], per Department of State instructions. as a freelance copywriter, [REDACTED] has been unable to pursue clients, not knowing whether she would be able to complete the work before her departure. Further, her medical examination, completed prior to her first scheduled interview, will expire in November, thus necessitating that she undergo – and pay for – a second examination when her interview is rescheduled. The couple is suffering from stress and sleeplessness as a result of the ongoing uncertainty and delays. Ex. A-10.

53. Plaintiff [REDACTED] is a [REDACTED] who has sponsored her fiancé, Plaintiff [REDACTED] [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. embassy in [REDACTED], waiting for an interview to be rescheduled. [REDACTED] has worked tirelessly with congressional aids to move the case forward and obtain a new interview date, but to no avail. The refusal of the DOS to process K-1 visas has harmed Plaintiffs, causing severe emotional difficulty due to the prolonged separation. Ex. A-54.

54. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED], [REDACTED] where Plaintiffs are waiting for an interview. The refusal to process the K-1 visa has caused both Plaintiffs to suffer anxiety and depression, as well as logistical challenges and financial hardship related to housing and employment. Ex. A-38.

55. Plaintiff [REDACTED] is a [REDACTED] and has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED]. The case was scheduled for an interview on May 14, 2020, but was ultimately cancelled. Plaintiffs are waiting for a new interview date. The prolonged separation from his fiancée has caused [REDACTED] significant emotional distress, and financially supporting his fiancée during this extended delay has caused financial challenges. Ex. A-36.

56. Plaintiff [REDACTED] is a U.S. citizen and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has his sponsored fiancée, [REDACTED], for a K-1 nonimmigrant visa and the NVC assigned the case number [REDACTED]. The case is currently pending at the U.S. embassy in [REDACTED]. [REDACTED] interview, originally scheduled for April 7, 2020, was cancelled and she is waiting for a new interview date. The delay means that [REDACTED] is unsure if his fiancé will ever have the opportunity to meet his elderly grandfather, who is like a father to him. Further, the delay has caused serious emotional strain on their relationship. Ex. A-31.

57. Plaintiff, [REDACTED], is a citizen [REDACTED], and Plaintiff [REDACTED] is a citizen of the [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED].

The case is currently pending at U.S. Consulate in [REDACTED] where [REDACTED] was scheduled for an interview on February 25, 2020. This interview was cancelled due to the need for additional testing for her medical examination, and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] due to the stress related to the passage of time with only generic responses to inquiries as to the status of the case and when an interview might be scheduled. Further, due to the distance from [REDACTED]'s place of employment and [REDACTED], and the frequent travel required by her position, she found it necessary to leave her position to dedicate her time to the application process. Ex. A-105.

58. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on April 14, 2020. The interview was subsequently cancelled and to date has not been rescheduled. Ex. A-21.

59. The inability to complete the K-1 process has adversely affected [REDACTED] financially. She completed her medical examination, required for the K-1 visa, in February 2020 at the cost of 395 Euros. As a result of the delay in her case, the results have expired, and she will be required to have a second examination when her interview is rescheduled. [REDACTED] has been unable to turn to his family for emotional support due to the fact that they are currently dealing with their own problems. As a result, [REDACTED] is dealing with depression and anxiety on his own, which is getting worse as time goes on. *Id.*

60. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] is a citizen of the United Kingdom. [REDACTED] sponsored her fiancé, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on March 30, 2020. The interview was subsequently cancelled, as were three further interviews scheduled for May 7, 2020, July 9, 2020, and July 29, 2020. Ex. A-116.
61. To date, [REDACTED] interview has not been rescheduled. The inability to complete the K-1 process has adversely affected [REDACTED] to the point where she has sought psychiatric help due to thoughts of taking her own life to make the suffering stop. As a result, she incurring the cost of weekly co-pays for her therapy. [REDACTED] has also incurred the cost of cancelled flights to [REDACTED] for interviews that were not held. *Id.*
62. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] [REDACTED], is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on June 9, 2020. That interview was cancelled, but [REDACTED] was able to schedule a new interview for July 14, 2020. That interview, too, was cancelled, and to date it has not been rescheduled.
63. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] due to the extended separation, missing important dates, including the date originally set aside for their wedding, and the emotional upheaval caused by the lack of information in their case. [REDACTED] is a Registered Nurse who has cared for COVID since

- the start of the pandemic. It is taking an emotional toll on her, exacerbated by the fact that she is enduring the stress without the support of her fiancé. Ex. A-13.
64. Plaintiff, [REDACTED], is a citizen of the United States, and has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on March 18, 2020. The interview was subsequently cancelled and to date has not been rescheduled. Ex. A-129.
65. The inability to complete the K-1 process has adversely affected [REDACTED] as he has suffered extreme mood swings, depressed eating followed by not eating at all for a day or more. The depression caused by the current situation, and the feeling of never knowing when he will break down, has caused [REDACTED] to miss shifts at his job as a patient care technician as a result has necessitated using his savings to make ends meet resulting in a dramatic reduction in the balance. *Id.*
66. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED], [REDACTED], is a citizen of the [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on March 17, 2020. The interview was subsequently cancelled and to date has not been rescheduled. Ex. A-56.
67. The inability to complete the K-1 process has adversely affected both [REDACTED] and [REDACTED]. [REDACTED] lives with her family in [REDACTED] while awaiting her visa interview and the ability to join her fiancé in the United States. There she is subjected to emotional and physical abuse by her mother and siblings, but she is unable to escape it as she cannot afford

to move to another residence while awaiting her interview and the issuance of her visa. [REDACTED]. [REDACTED] paid for her to stay in a hotel for four nights following a particular harrowing experience but was unable to do more due to the ending of his long-term substitute teaching position. [REDACTED] is suffering emotionally from the extended separation and the stress of her inability to escape her abusive situation, and as a result, she has been harming herself, which is causing [REDACTED] grave concerns for her well-being. *Id.*

68. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on May 7, 2020. The interview was subsequently cancelled, as were two subsequent interviews scheduled for July 1 and August 3, 2020. To date has not been rescheduled. Ex. A-17.
69. The inability to complete the K-1 process has adversely affected [REDACTED] as plans have had to be cancelled and the couple's wedding rescheduled more than once, making her feel angry, anxious, and lonely. The uncertainty of when they will be able finally to marry is taking a toll on [REDACTED] as well, adding to the stresses of everyday life. *Id.*
70. Plaintiff, [REDACTED], is a citizen of [REDACTED], and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on March 20, 2020. The interview was subsequently cancelled and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected [REDACTED].

██████████ and ██████████ as ██████████ will be required to have a second medical examination, and will be required to obtain an updated police certificate when he is finally scheduled for a second interview. Further, he is suffering the extreme stress of keeping his sexual orientation and his relationship with ██████████ a secret from his family during his stay with them while awaiting his interview and the issuance of his visa. As an oncologist, ██████████ does not have sufficient time to travel to ██████████ to visit his fiancé and maintain the relationship. Ex. A-138.

71. Plaintiff ██████████, is a citizen of ██████████, and Plaintiff ██████████ ██████████ is a citizen of ██████████. ██████████ sponsored his fiancée, ██████████, for a K-1 nonimmigrant visa, and the NVC has assigned the case number ██████████. The case was transferred from the NVC to the U.S. Consulate in ██████████ where ██████████ was initially scheduled for an interview on March 24, 2020. She rescheduled her appointment for March 18, 2020 in hopes of obtaining a visa and traveling to the U.S. prior to the shutdown. They ultimately rescheduled for March 25, 2020 due to quarantine requirements in ██████████. This interview was subsequently cancelled and to date has not been rescheduled. Ex. A-3.
72. The inability to complete the K-1 process has adversely affected the couple as they have received no information on when she might be scheduled for a new interview, leaving them with uncertainty about their future. They have had to cancel their wedding, scheduled for October 2, 2020, and have not been able to reschedule it. ██████████ and ██████████ are suffering financial, mental, and emotional hardship because of the extended delays in their case. *Id.*

Plaintiffs Awaiting Consular Interview

73. Plaintiff [REDACTED] is a [REDACTED] who has sponsored her fiancé(e), Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple financially and emotionally. The continued delays in [REDACTED] progress have heightened the stress and anxiety for both [REDACTED] and [REDACTED], as they attempt to navigate the already difficult situations created for individuals in long-distance relationships during the COVID-19 pandemic. Additionally, the couple is facing the loss of at least \$5,000, which they put towards their planned wedding at the end of September. Ex. A-64.

74. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancé(e), Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple financially and emotionally. After months of stress and fighting for answers regarding [REDACTED] immigration process, and with no resolution in sight, [REDACTED] took advantage of special travel exemptions provided by the [REDACTED] government for couples in long distances relationships who have been separated by the COVID-19 pandemic. While [REDACTED] and [REDACTED] are able to be together in the [REDACTED] for the time being this is not a permanent solution. [REDACTED] had to abandon his life and family in the United States in order to be with [REDACTED]. The couple can spend the immediate future in [REDACTED], but an extended stay, caused by the delays in [REDACTED] immigration process, will only intensify the couple's financial stress and the emotional toll that the abrupt move has had on [REDACTED]. Ex. A-60.

75. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa, with a case number [REDACTED]. The case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple emotionally and physically. Plaintiff [REDACTED] was diagnosed with stage 2 Thyroid Cancer in 2018. The physical and mental anguish has caused his mental health to decline. They have followed every rule and have done everything that was asked from them, they just want to be together. Ex. A-154.
76. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case currently awaits the scheduling of an interview at the U.S. consulate in [REDACTED]. [REDACTED] is an active duty Captain in the U.S. [REDACTED] who could be ordered to deploy on short notice. He reports feelings of despair, depression, and anxiety. In addition, he recently needed medical attention for heart palpitations that the doctor indicated could be stress-induced. [REDACTED] and [REDACTED] have not seen each other for over nine months and [REDACTED] resigned from her job shortly after the visa petition was approved in March to be able to prepare for her visa interview and move to the United States. Ex. A-113.
77. Plaintiff [REDACTED] is a [REDACTED] who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case currently awaits the scheduling of an interview at the U.S. consulate in [REDACTED]. [REDACTED] and [REDACTED] have had to put their wedding plans on hold indefinitely. [REDACTED] reports that her fear is that this delay could mean that her father, who is suffering from Parkinson's, may not be around long enough to be present at her wedding. [REDACTED] has delayed her efforts to purchase a home for the couple and is

instead signing costly short-term leases due to the uncertainty surrounding [REDACTED] delayed arrival in the United States. Ex. A-114.

78. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case currently awaits the scheduling of an interview at the U.S. consulate in [REDACTED]. [REDACTED] reports feelings of tension and extreme anxiety due to the stress from the extended delay in the processing of [REDACTED] visa application. The tension has manifested itself in physical symptoms including stomach pains and spasms which have affected his performance at work. [REDACTED] has suffered anxiety and stress resulting in trouble sleeping, concentrating, and in hair loss. Ex. A-115.

79. Plaintiff [REDACTED] is a [REDACTED] who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case currently awaits the scheduling of an interview at the U.S. consulate in [REDACTED]. [REDACTED] and [REDACTED] have not been able to see each other in eight months and because they are in their late 30s and early 40s, they report that they are distressed that the extended delay in the processing of their case may prevent them from achieving their dream of having children together. Ex. A-112.

80. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The delay has caused suffering and stress. This delay has affecting the family moral because [REDACTED] has not been able to be a part of her stepchildren's lives. Ex. A-126.

81. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The Plaintiffs are suffering emotionally and mentally due to the delay, the Embassy has caused. [REDACTED] suffered a miscarriage in February 2020 and was forced to suffer the loss of their child on her own. Ex. A-122.

82. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The delay has caused extreme frustration and harm. The plaintiffs are exhausted mentally, emotionally, and physically due to the stress endured. The couple is being forced to be separated from each other. The Veteran Affairs diagnosed [REDACTED] with anxiety and depression. The added stress the consulate is causing is not helping [REDACTED] health. The delay is causing financial stress because [REDACTED] employment ended in November 2019 because the couple expecting this case to be move forward sooner. Ex. A-121.

83. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the case was transferred from the NVC to the U.S. Consulate in [REDACTED] on February 25, 2020, and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected the couple's lives and plans for the future. They have not seen one another since September 2019, and the separation and inability to plan for their

future together as a couple and eventually a family is causing them emotional pain. Further, [REDACTED] is stressed by the inability to plan to transfer her university credits to a U.S. university because of the uncertainty of when she will be granted a visa to enter the United States. Ex. A-79.

84. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently pending before the U.S. consulate in [REDACTED]. The inability to complete the K-1 process has affected the couple in numerous ways. They have been physically separated since January of 2020, causing immense emotional harm. Plaintiff [REDACTED] is a physician, who is meant to begin her residency in the U.S. in September of 2021. To so do, numerous steps must be completed, including exams, licensure, and “Match Day” in March. Delays in the K-1 process equal delays in Plaintiff [REDACTED] being able to begin her career as a physician in the United States. At the same time, she may not begin her career in [REDACTED], as the residency process in [REDACTED] begins in October, and the uncertainty of when she will be able to leave [REDACTED] to be with her fiancée renders her unable to begin this process. Ex. A-101.

85. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently awaiting interview at the U.S. Consulate in [REDACTED]. The inability to complete the K-1 process has adversely affected the couple in numerous ways. The physical distance has taken a toll on the couple’s mental health, plans for the future, including starting a family and wedding plans, have been either put on hold or cancelled, and the couple has missed important life events where they needed the support of the other – including a death in the family, failed family businesses, and one of the couple’s parents filing for divorce. Ex. A-94.

86. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently awaiting interview at the U.S. consulate in [REDACTED]. The inability to complete the K-1 process has adversely affected the couple severely. Plaintiff [REDACTED] suffers from depression, and the long and indefinite separation from his fiancée has only worsened his condition. Plaintiff [REDACTED] has missed the opportunity to begin an MBA program she was planning on attending, forcing her to take classes remotely from Europe, which has severely impacted her education. Anticipating that she would be leaving [REDACTED] to travel to the U.S., Plaintiff [REDACTED] also quit her job, which has placed her residency in [REDACTED] at risk, with her lawful status in [REDACTED] only valid to January of 2021. Ex. A-90.

87. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently awaiting interview at the U.S. Consulate in [REDACTED]. Because of the inability of the couple to complete the K-1 process, their plans for starting a family have been completely disrupted, and Plaintiff [REDACTED] is been forced to work only temporary jobs due to the uncertainty of when the process will be completed. Ex. A-89.

88. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently awaiting interview at the U.S. Consulate in [REDACTED]. Plaintiff [REDACTED] experienced the loss of his mother due to cancer in March of 2020, whom his fiancée was never able to meet. Plaintiff [REDACTED] has experienced extreme emotional hardship being separated from his fiancée during the loss of such a close member of his family. Further, the couple reports an estimated \$20,000 have been lost as a direct result of their separation. Ex. A-86.

89. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED] [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate in [REDACTED] awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering significant emotional pain due to the continued separation. [REDACTED] is a physician who has been working during the COVID-19 pandemic and has not been able to rely on the emotional support of her partner. She is suffering continued stress and anxiety from the visa delay. Ex. A-106.

90. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED] [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate in [REDACTED] awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering physical, emotional, and financial hardships. [REDACTED] suffers from six compression fractures in her spine, as well as cholangitis with painful gastrointestinal symptoms; and the stress-induced muscle tension from the separation makes her back pain unbearable. The couple continues to suffer significantly as a result of the visa delay. Ex. A-107.

91. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff Stephanie [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate in [REDACTED] awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The couple has put their lives on hold due to the visa delay and they are both facing emotional pain from the separation, which is impacting their daily functioning and ability to

focus on their work. They continue to suffer financial losses due to the separation. Ex. A-103.

92. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. In 2018 Plaintiff [REDACTED] was diagnosed with leukemia. Due to COVID-19 and his weakened immune system, he is still unable to work. The compounded stress of being separated alongside everything else that has happened to them, is almost unquantifiable. Ex. A-150.

93. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple emotionally and financially. Plaintiff [REDACTED] has trouble sleeping and concentrating at work. He also feels like he cannot make any job or location changes because it might hinder the visa process. As a combat veteran, he just wants to be able to have a hug from his love after a long day. Ex. A-143.

94. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently at the consulate awaiting an interview. The inability to complete the K-1 process has adversely affected the couple as they have suffered mentally, emotionally, physically, and financially as a result of being away from each other. Ex. A-141.

95. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] sponsored her fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and [REDACTED]. [REDACTED] is still waiting for an interview to be scheduled. The inability to complete the K-1 process has adversely affected the couple as they have been unable to go forward with their plans for a life together. The frustration and uncertainty of the situation, with no answers forthcoming concerning when they can take the next steps is causing them to suffer a great deal of harm. Ex. A-30.

96. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected [REDACTED]. [REDACTED] as the extended separation from [REDACTED], with whom she has been in a relationship for five years, is causing her severe stress resulting in sleepless nights, tearful days, and anxiety-induced chest pains. [REDACTED] has also deferred accepting a better paying position in another state until she is able to make the move and resulting decisions with [REDACTED]. Ex. A-18.

97. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview.

The inability to complete the K-1 process has adversely affected the couple as the uncertainty of when they will see one another again, and when they can schedule their wedding has caused them much stress and anxiety. [REDACTED] finds himself responding to friends' inquiries saying he has no idea when the wedding will be. He is trying to hold things together emotionally for himself and [REDACTED], but both are ensuring sadness and anxiety due to their extended separation and the uncertainty of when they will finally be together for good. Ex. A-16.

98. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED] where [REDACTED] is currently residing, and she is still awaiting an interview. The inability to complete the K-1 process has adversely affected both parties, causing mental stress and anxiety as well as financial problems. [REDACTED] has been unable to work in her chosen field due to the pandemic, and the financial strain has affected her and [REDACTED] as the situation drags on. Financially, they have been forced to use the funds set aside for their wedding and [REDACTED] move to the United States. Further, the couple wishes to start a family, and are fearful that this will not be possible if their separation extends too long due to their ages and the ability for a safe pregnancy. Ex. A-11.

99. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from

the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected the couple as [REDACTED] is a registered nurse working with patients in critical care. She is experiencing a great deal of stress in her job, which [REDACTED] presence would help alleviate. They are also concerned about his health and the possibility of his contracting COVID-19 due to the lack of availability of good healthcare in [REDACTED]. Ex. A-1.

100. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED] who is living and working in [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected the couple as they were finally going to take the next step and end their long-distance relationship to be together. [REDACTED] has been making every effort to find alternative ways for the couple to complete the process and be together, but without success. As a result, she has been stressed and emotionally distressed by the separation and uncertainty about when they might finally be together. Ex. A-4.

101. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED], awaiting an interview. The delay in processing has caused Plaintiffs to suffer substantial economic and emotional hardship. [REDACTED] family will no longer be able to attend the planned wedding, Plaintiffs have lost money on a wedding venue deposit, and it has been difficult to be forced to live apart for such a long period of time. Ex. A-52.

102. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED]. The prolonged separation and isolation has taken its toll. Hopes of starting a life and family together have been put on hold indefinitely, and the financial hardship caused by this prolonged process has been a challenge. Ex. A-50.

103. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED], [REDACTED] awaiting an interview. Sadly, [REDACTED] miscarried their first child, a heartbreak she was forced to endure alone as DOS has refused to process [REDACTED] K-1 visa. The uncertainty of when they will be together again and able to start their life as a married couple in the U.S. has forced them to cancel wedding plans, and experience considerable disquietude. Ex. A-44

104. Plaintiff [REDACTED] is a U.S. citizen and member of the U.S. Air Force who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED] awaiting an interview. The DOS's refusal to process Plaintiffs' case, with no end in sight, has taken a considerable toll on their mental health. As a member of the U.S. Air Force, [REDACTED] is required to move regularly and be separated from family and friends. Doing this without his fiancée has led to extreme sadness and frustration. Ex. A-43

105. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to continue with the visa process has caused significant hardship on both parties, caused by prolonged separation and the challenges of planning for employment and enrolling in school when it is unknown when the embassies will process the visa. Ex A-34

106. Plaintiff [REDACTED] is a U.S. citizen and Plaintiff [REDACTED] is a citizen of [REDACTED]. Plaintiff has sponsored [REDACTED] for a K-1 nonimmigrant visa and the NVC assigned the case number [REDACTED]. The case is currently pending at the NVC. The delay has caused Plaintiffs to suffer severe economic and emotional hardship, even causing Plaintiff [REDACTED] to experience a reoccurrence of PTSD symptoms. Ex. A-33.

107. Plaintiff [REDACTED] is a U.S. citizen and Plaintiff [REDACTED] is a citizen of the [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa and the NVC assigned the case number [REDACTED]. The case is currently pending at the NVC. The long delay has caused [REDACTED] to suffer from depression, as he is very concerned about the health, safety, and well-being of his fiancée. Ex. A-32

108. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected the couple. The I-129F was approved in December 2019, and the NVC forwarded the file to the

consulate in February 2020. However, the consulate did not contact [REDACTED] until April, by which time it was too late for him to complete the visa process and enter the United States. As [REDACTED] is thirty years old, she is worried about the ability to have children, as the time of the couple's separation is prolonged, making pregnancy more risky with the passage of time. Ex. A-6.

109. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of the United Kingdom. [REDACTED] sponsored his fiancée, [REDACTED] [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED] where [REDACTED] is waiting for an interview to be scheduled. Ex. A-35.
110. The inability to complete the K-1 process has adversely affected the couple, causing severe stress, affecting their well-being, and, at times, straining their relationship. [REDACTED]. [REDACTED] has become lonely and emotional, and [REDACTED] is powerless to help her from a distance of 4,500 miles. The couple has been apart for a year, the longest in the time they have been together, and they are unable to take the next steps in the relationship, including marriage and starting a family. *Id.*
111. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the U.S. Consulate in [REDACTED] [REDACTED]. The inability to complete the K-1 process has adversely affected the couple due to delays in receiving information from the consulate and the emotional stress of the

prolonged separation and the lack of information on when interviews will become available.

Ex. A-139.

112. Plaintiff [REDACTED] is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancé, [REDACTED] [REDACTED] for a K-1 nonimmigrant visa. The receipt number for the approved I-129F is [REDACTED]. The case is currently pending at the U.S. Consulate in [REDACTED]. The inability to complete the K-1 process has adversely affected [REDACTED] emotionally and financially. She is stressed as a result of the prolonged separation from her fiancé and the concern of wishing to have a child with her fiancé and the fear of a high-risk pregnancy due to her age. Further, she will be furloughed from her job effective October 1 and will be faced with supporting herself and her two children without the emotional support of her fiancé. Ex. A-19.

113. Plaintiff [REDACTED] is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], where [REDACTED] was scheduled for an interview on April 3, 2020. The interview was cancelled on March 16, 2020, and to date has not been rescheduled. [REDACTED] contacted the consulate on September 4, 2020 to request a new interview for her fiancé as his medical examination was due to expire soon. Ex. A-12.

114. The inability to complete the K-1 process has adversely affected the couple due to financial losses caused by the necessity to cancel flight and residence reservations upon the

cancellation of the interview. Further, [REDACTED] has been laid off from his job due to the pandemic, putting a further financial strain on [REDACTED]. *Id.*

115. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED] on March 31, 2020 and delivered on April 12, 2020. However, the consulate denied having possession of the file for months, finally acknowledging on August 31, 2020 that they had received the physical file. At present, the couple is still waiting for an interview to be scheduled. Ex. A-82.

116. The inability to complete the K-1 process has adversely affected [REDACTED] mental health and, as a result, his job performance, which in turn has negatively affected his financial well-being. The delays have cost [REDACTED] the ability to attend her future brother-in-law's wedding and to be there for the birth of his child. The delays in the case have strained the couple's relationship, and continued prolonged delays will further negatively affect them, their health, and their general well-being. *Id.*

117. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple gathered the required evidence in preparation for the interview. On March 19, 2020, they received word from the Consulate that scheduling of interviews had been suspended due to the pandemic. To date, they are still waiting for an interview. Ex. A-140.

118. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED]. While [REDACTED] works as a nurse and is able to go to work and be around people, [REDACTED] works from home and is feeling isolated and alone as the time separated from his fiancé drags on. Further, as [REDACTED] is considerably years older than his fiancé, he worries about the time the couple will have together as their separation continues to drag on.

Id.

119. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], [REDACTED], is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is still awaiting an interview. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED]. They have a twenty-one-month-old United States citizen child together, [REDACTED], who is living with his mother in [REDACTED]. Ex. A-22.

120. In addition to the depression and sadness caused by the extended separation from his fiancée and child, [REDACTED] is afraid for their safety, as they are living in a toxic environment with [REDACTED] alcoholic parents. He is so concerned, that he has requested a work transfer to [REDACTED] to be with his fiancée and son, but his employer denied the request. *Id.*

121. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff, [REDACTED], [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case was transferred from the NVC to the U.S. Consulate in [REDACTED], and the couple is awaiting an interview. The inability to complete the K-1 process has adversely affected [REDACTED].

██████████, a disabled combat veteran living alone in the United States, who needs ██████████ support, physically and emotionally for everyday living. Ex. A-135.

122. Plaintiff, ██████████, is a citizen of the United States, and Plaintiff ██████████ ██████████, is a citizen of the ██████████. ██████████ sponsored his fiancée, ██████████, for a K-1 nonimmigrant visa, and the NVC has assigned the case number ██████████. The case was transferred from the NVC to the U.S. Consulate in ██████████, and the couple is still awaiting an interview. Ex. A-92.

123. The inability to complete the K-1 process has adversely affected ██████████, who lives alone and is at increased risk due of health complications. Because he lives more than 2,000 miles from his family and 1,000 from his closest friends, he has no one nearby to rely on for help. As such, he must take the risk of leaving his home to take care of errands for which he might otherwise rely on ██████████. As the separation from his fiancée becomes increasingly longer, ██████████ emotional pain becomes stronger. *Id.*

124. Plaintiff, ██████████ ██████████, is a citizen of the United States and Plaintiff ██████████ is a citizen of ██████████. ██████████ sponsored her fiancé, ██████████, for a K-1 nonimmigrant visa, and the NVC has assigned the case number ██████████. The case was transferred from the NVC to the U.S. Consulate in ██████████ ██████████, where Plaintiff ██████████ was scheduled for an interview on June 11, 2020. The interview was subsequently cancelled and to date has not been rescheduled. The inability to complete the K-1 process has adversely affected their ability to plan for the future, and the lack of clear information as well as the difficulty scheduling vacation for ██████████ ██████████ is causing much stress for the couple. Further, Plaintiff ██████████ has had to accept employment in the meantime that is severely harming their health, but due to the

difficulty in finding work during the pandemic, they have no choice but to stay in that position until they are able to join ██████ in the United States.

A Plaintiffs with Case Pending at the National Visa Center

125. Plaintiff ██████ is a U.S. citizen who has sponsored his fiancée, Plaintiff ██████, for a K-1 nonimmigrant visa. The application is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple financially and emotionally. The couple have been separated for the funerals and a wedding due to the delays in ██████ immigration process. They have been unable to share their moments of joy together and have been forced to grieve the loss of beloved family members alone. In order to stay afloat financially both ██████ and ██████ are living with their parents. ██████ is working 50-hour weeks in order to financially support ██████ who is unemployed and unable to find work, in part due the instability of her immigration situation. Ex. A-62.

126. Plaintiff ██████ is a U.S. citizen who has sponsored the fiancé(e), Plaintiff ██████, for a K-1 nonimmigrant visa. The NVC assigned the case number ██████, and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple financially, physically and emotionally. Plaintiff ██████ has suffered a series of severe anxiety and panic attacks, brought on by the prolonged separation from Plaintiff ██████ and the stress and uncertainty of Plaintiff ██████ immigration process. At least one such panic attack required medical attention as Plaintiff ██████ was showing symptoms of a heart attack. The delated process has also caused financial stress for both Plaintiffs ██████ and ██████. Plaintiff ██████ owns his

own business and has suffered significant financial loss because he is unable to accept and plan for future projects due the uncertainty surrounding his immigration process. Ex. A-59.

127. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé(e), Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The application is pending at the NVC. The inability to complete the K-1 process has adversely affected the couple financially and emotionally. [REDACTED] has been working at home with a young daughter since March and the stress of childcare, remote learning and working as a single mother during the pandemic have been stressful, difficult to manage, and have created a significant financial burden for both [REDACTED] and [REDACTED]. [REDACTED] helps as much as possible, but the distance significantly limits his ability to provide assistance, which often requires his physical presence. The couple also plan on having a child together, but the continued delay of [REDACTED] process will make conceiving in the future more difficult and a pregnancy higher risk. Ex. A-57.

128. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé(e), Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple financially, physically and emotionally. [REDACTED] has an autoimmune disorder, symptoms of Rheumatoid Arthritis, and takes medicine to control her anxiety and depression. The stress from her extended separation from [REDACTED] has caused [REDACTED] to suffer through frequent and debilitating migraines, hair loss, and weight loss. Despite her various medical vulnerabilities [REDACTED] [REDACTED] has been forced to work through the COVID-19 pandemic in order to support her two middle-school-age daughters and help pay for [REDACTED] immigration process. The

couple had carefully planned their expenses around the pre-pandemic estimates for adjudication, but are now struggling to keep up with their expenses as [REDACTED] immigration process drags on with no end in sight. Additionally, the couple wants to try to have a child together, but [REDACTED] age (41) and comorbidities means that the continued delay of [REDACTED] process will make conceiving in the future more difficult and a pregnancy higher risk. Ex. A-23.

129. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. [REDACTED] is suffering financial loss as a result of the continued separation, and [REDACTED] is suffering extreme anxiety and depression, including sleeplessness and visible weight loss. The continued visa delay is causing the couple extreme financial and emotional hardships. Ex. A-67.

130. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. They are suffering emotional hardships as a result of the separation. Specifically, [REDACTED] is suffering significant feelings of anxiety, depression, and insomnia. They are unable to move forward with their lives together as a result of the visa delay, which is causing them psychological hardships. Ex. A-66.

131. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case currently remains pending at NVC. Due to the time difference between the [REDACTED] and Atlanta, the couple has

found it difficult to carve our time for meaningful conversation. [REDACTED] has been able to travel to see [REDACTED] on a few occasions—but only at significant personal expense. [REDACTED] and [REDACTED] both indicate that the extended delay has put significant strain on their relationship and mental states. Ex. A-109.

132. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé for a K-1 nonimmigrant visa. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. [REDACTED] has lost her opportunity to start graduate school due to the uncertainty of the case. [REDACTED] fiancé has lost several job offers in the United States because the day of him arriving to the US is unknown. Ex. A-132.

133. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. The couples' lives are being placed on hold due to the delay. [REDACTED] education has been placed on sabbatical because she had to move back to Las Vegas, NV, since her new life with [REDACTED] could not begin due to the pandemic and delay at the NVC. Their wedding has been postponed until further notice. A financial burden has grown in the couples' lives since [REDACTED] has lost many job opportunities due to her move to Las Vegas. Ex. A-131.

134. Plaintiff [REDACTED] a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. The delay has caused the couple to put a halt to their lives. [REDACTED] is a Doctorate of Nurse Anesthesia student and the

courses require her full attention, but do to the stress and anxiety [REDACTED] is risking her career. The mental distress does not allow her to concentrate, as it is needed. The delay has also caused extreme financial hardship. Ex. A-130.

135. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number, [REDACTED] and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering financially because [REDACTED] employment contract was not extended in Spain. She then returned to [REDACTED] where she has been unemployed. This is causing an extreme financial loss and loss in her career. This delay is causing stress and anxiety for both [REDACTED] and [REDACTED]. Ex. A-125.

136. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number, [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering from financial hardship due to the travel expenses accrued during the times [REDACTED] has had to travel to see his fiancée. Both Plaintiffs are suffering from extreme anxiety and are feeling the emotional strain in the relationship because of the separation. Ex. A-119.

137. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple due to the emotional pain of continued separation and the uncertainty of when they will be together again. Because of the

circumstances, [REDACTED] and her children are living with her mother, a situation that is becoming more and more stressful as time goes on. In addition, her employer has learned of her intention to travel to the United States and has threatened to replace her, which would cause financial difficulties for her. Ex. A-78.

138. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC, and [REDACTED] has been informed that the file will remain there until it was requested by the consulate. The inability to complete the K-1 process has adversely affected the couple emotionally due to their inability to be together and start a family. They further desire to serve as foster parents for children in need, and as the case is delayed they are unable to begin this process. Both [REDACTED] and [REDACTED] have lost family members during this process whom they had hoped to have at their wedding. Both parties have also been affected emotionally by the prolonged separation. Ex. A-75.

139. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and he has been informed that the file was transferred to the NVC. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] as he has been unable to learn anything further regarding the case, including confirmation that the file has arrived at the NVC and, if so, what the case number is. [REDACTED] is a disabled veteran, having served in the Coast Guard for twenty-nine years before his retirement. He had been treated for stressor disorder prior to this situation and recently has had to request that the dosage of

his anxiety medication be increased. Adding to [REDACTED] stress is the knowledge that [REDACTED] lives in an area of [REDACTED] that is under martial law due to threats from a terror group. Ex. A-74.

140. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancé, [REDACTED] for a K-1 nonimmigrant visa. The was approved on April 1, 2020 and transferred to the NVC where it was assigned the case number [REDACTED]. The case is still pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as they have had to postpone their wedding, and with no information as to when the case will go forward, the couple is faced with uncertainty about when they can begin their lives together. Because of [REDACTED] health concerns, she has been advised to start having children as soon as possible if she wishes to have them, but until [REDACTED] is granted a visa and is able to travel, this will not be a possibility. [REDACTED] has been unable to accept employment contracts as he is unsure as to whether he will be able to complete the work, thus causing financial adversity. Ex. A-73

141. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancée, [REDACTED] for a K-1 nonimmigrant visa. The petition was approved, and the file was transferred to the NVC, where it is currently pending. To date, [REDACTED] and [REDACTED] have received no further information concerning the case, including a case number. The inability to complete the K-1 process has adversely affected the couple. After a difficult and risky pregnancy, [REDACTED] gave birth to the couple's daughter four months ago. She is now caring for their infant daughter without his support while also working full time. She is

exhausted, and he is depressed and feeling hopeless not knowing when he will see [REDACTED].

[REDACTED] again and help her care for their child. Ex. A-71.

142. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is still pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] due to the ongoing delays in processing the case and the uncertainty as to when the file will be transferred to [REDACTED] so [REDACTED] may proceed with her visa application. In the meantime, plans for a wedding and life together have had to be put on hold until there are answers. The situation is causing emotional strain as well as financial difficulties. Ex. A-69.

143. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The case remains pending before the NVC. The inability to complete the K-1 process has adversely affected the couple in numerous ways. The couple has been forced to postpone wedding plans, incurring thousands of dollars in costs. They are forced to maintain two households, further increasing the financial strain they are under. Mentally and emotionally the couple has been suffering as well. Plaintiff [REDACTED] has been suffering from and receiving treatment for a brain tumor, and has not had the support of her partner to help her through the treatments. She has also had two deaths in her family which she again had to undergo without her partner's support. She reports that this, combined with the stress and uncertainty of the K-1 process has led to her suffering from depression and panic attacks, for which she now must take medication. Ex. A-100.

144. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number, and the case is currently pending at the NVC. The couple has suffered an immense emotional toll through this prolonged separation in not being able to complete the K-1 process, compounded by the fact that both Plaintiffs work in essential services and have been on the front lines of the COVID-19 crisis. Their lives have been put on hold, and indeed the couple had planned on being married September 11 of this year, but were instead forced to just pay \$1,500 for the unused space. Ex. A-98.
145. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC has assigned the case number, and the case is currently pending before the NVC. The inability to complete the K-1 process has adversely affected the couple. Beyond the emotional pain that their prolonged separation has caused, Plaintiff [REDACTED] has been forced to postpone her plans for education in the U.S., nor has she been able to find a job in India, as it is unclear when she will be able to leave to join her fiancé in the U.S. Any plans to visit each other during this indefinite separation include the massive costs associated with traveling across the world, as well as taking a significant amount of time off of from Plaintiff [REDACTED] career. Ex. A-97.
146. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assign the case number, and the case currently remains pending at the NVC. The inability to complete the K-1 process has adversely affected the couple tremendously. They have currently been separated for over five months, and have been forced to put their lives on hold entirely. Due to the stress of the

separation, Plaintiff [REDACTED] has been experiencing health problems, including near constant migraines, which has impacted her ability to work. Plaintiff [REDACTED] has also been struggling financially as she sold her possessions anticipating a move to the U.S., and has been struggling with work due to the health issues caused by her family separation. Ex. A-84.

147. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently pending at the NVC. Through multiple contacts with the consulate and the NVC, Plaintiffs have been informed that their case will not be sent from the NVC to the consulate until normal visa operations resume. The delay and resulting separation has impacted Plaintiffs severely, including reported depression and anxiety, and financial hardship related to maintaining separate households. Ex. A-85.

148. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED] and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. The couple is suffering emotional pain and hardship, including depression and anxiety, due to the separation and inability to continue their lives together. Ex. A-104.

149. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancée, Plaintiff [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple. [REDACTED] has suffered major financial setbacks due to the COVID-19 pandemic and the inability to be with Plaintiff [REDACTED] is

affecting his mental health. She is exhausted and finds it to be mentally taxing to focus on a daily basis; and he also continues to suffer financial losses from the delay. Ex. A-102.

150. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple emotionally. They are both experiencing ongoing emotional distress and pain from the physical separation. Ex. A-153.

151. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple financially, emotionally, and physically. The delay has caused familial harm as they cannot start a family. The delay has also caused financial harm, as their careers are on hold. The separation has been sad for both of them in these trying times. Ex. A-152.

152. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as they are not able to move forward with their lives and make life decisions together. Being torn apart from each other has created a powerful harm and mix of negative emotions. They just want to be together and support each other mentally and emotionally. Ex. A-147.

153. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete

the K-1 process has adversely affected the couple. Plaintiff [REDACTED] has been supporting her fiancé and has not been able to save any money. Most nights she struggles to sleep because she feels so much stress and anxiety due to fear of running out of money. They just want to be together to support each other emotionally and financially. Ex. A-145.

154. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple emotionally. This emotional pain and endless delay of the K-1 visa issuance have been more harmful to the couple than any physical or monetary pains. Ex. A-137.

155. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED] and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple emotionally as they have not been able to see each other since a brief January 2020 trip to [REDACTED]. They try to remain optimistic, but they have found it hard to not become depressed when this process seems to have no end date. Ex. A-134.

156. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED], as he urgently requires surgery, but living alone has no one to assist him during his recovery. Further, [REDACTED], too, is a health care worker. He is tired and

scared at the end of the day, fearing he may have contracted COVID from a patient. In addition to being his fiancée, [REDACTED] is a healthcare provider, and as such would be the best person to be with him at this time. Until she is able to join him in the United States, [REDACTED] has been delaying the surgery he needs and living with daily stress and uncertainty. Ex. A-29.

157. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa. The petition was approved on August 13, 2020 and the file was forwarded to the NVC. A present, the NVC has not yet assigned a case number. The inability to complete the K-1 process has adversely affected the couple in several ways. [REDACTED] is active duty military and has recently been transferred to a new base, where he was required to find housing and make arrangements for electric and other requirements on his own, as [REDACTED] has been unable to joint him. Ex. A-15.

158. Further, from his new post, he is frequently sent on Temporary Duty (TDY), leaving his home unoccupied for weeks at a time. This, too, could have been avoided had the couple's case not been delayed. [REDACTED] is a recent graduate as a Doctor of Osteopathy, but has opted to delay entering that career field due to the uncertainty of her future and the timing when she might join her fiancé in the United States. Further the couple has been unable to visit one another due to the pandemic and [REDACTED] deployment in 2019, causing emotional stress to them both. *Id.*

159. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancé, [REDACTED] for a K-1 nonimmigrant visa. The case is currently pending at the NVC and has

been assigned the case number [REDACTED]. The inability to complete the K-1 process has adversely affected [REDACTED] as it is affecting his emotional and financial well-being and putting a stress on his relationship with [REDACTED]. The ongoing separation also has exacerbated [REDACTED] depression and anxiety, for which he has been being treated for several years. Ex. A-9.

160. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa. The receipt number for [REDACTED] I-129F petition is [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as they have dealt with the ongoing separation and the frustration of not knowing when it will end. [REDACTED] is living alone in [REDACTED] with no family or friends nearby, and both parties are concerned about their elderly parents' ability to celebrate their marriage with them when [REDACTED] is able to enter the United States. Ex. A-8.

161. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is pending at the NVC, and the couple have been informed that the file will not be forwarded to the U.S. Consulate in [REDACTED] until routine visa services are resumed. The inability to complete the K-1 process has adversely affected [REDACTED] as [REDACTED] has not been able to be there for her after long days working as a registered nurse in a highly stressful environment. It has been nearly three months since the file was

transferred to the NVC, and the ongoing separation has been frustrating and emotionally draining for the couple. Ex. A-5.

162. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], [REDACTED] for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. The prolonged separation has caused [REDACTED] to experience grief and depression, making it difficult to even get out of bed in the morning. The uncertainty of the future has resulted in fear that they may never be reunited. This delay, causing [REDACTED] to suffer from depression, has led to physical symptoms as well, including hair loss and nausea. Ex. A-58.

163. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. Plaintiffs have reached out to multiple Congressional liaisons in hopes of moving the case forward, but the NVC has refused to send the case to [REDACTED] for continued processing. This process has left both feeling hopeless and frustrated. Further, Plaintiff [REDACTED] has suffers from hyperthyroidism, resulting in a large ovarian cyst, and raising doubts about their ability to start a family in the future as time continues to pass while waiting for the K-1 visa processing to resume. Ex. A-48

164. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED], [REDACTED], for a K-1 nonimmigrant visa. The I-129F receipt number is [REDACTED], and the case is currently pending at the NVC. The uncertainty about when DOS will being to process K visas has caused substantial emotional hardship and uncertainty. Further, [REDACTED] is a teacher, and without knowing when her K visa will be processed, she has been

unable to apply for a job as a teacher and continue in her career, all of which has caused financial strain. Ex. A-47

165. Plaintiff [REDACTED] is a U.S. citizen who has sponsored her fiancé, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the U.S. consulate in [REDACTED] awaiting an interview. The refusal of the embassy to process their case has caused [REDACTED] to experience hardship, including sleepless nights and anxiety. Ex. A-46

166. Plaintiff [REDACTED] is a U.S. citizen on activity duty in the U.S. military who has sponsored his fiancée, Plaintiff [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. As an active-duty member of the U.S. military, the U.S. embassy in [REDACTED] initially told [REDACTED] she qualified for a national interest exception, but later rescinded that guidance. The refusal of the DOS to process Plaintiffs visa has caused major economic hardship to [REDACTED] as they attempt plan for an uncertain future. Ex. A-40

167. Plaintiff [REDACTED] is a U.S. citizen who has sponsored his fiancée, Plaintiff [REDACTED]. [REDACTED], for a K-1 nonimmigrant visa. The NVC assigned the case number [REDACTED], and the case is currently pending at the NVC. [REDACTED] and [REDACTED] have been in a relationship since 2013 and have visited each other regularly over that time. The refusal of the NVC to process their case has caused both parties emotional distress and attendant physical deterioration. [REDACTED] is a physician in [REDACTED], and the continued delay in processing their case has made it less likely she will be able to enter a residency program in the U.S. in the near future. Ex. A-39

168. Plaintiff, [REDACTED], is a citizen of the United States, and Petitioner [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case has been pending at the NVC since 3, 2020. [REDACTED] completed the DS-160, Nonimmigrant Visa Application on March 19, 2020 and contacted the consulate regarding scheduling her visa interview. She was informed that they could not schedule it due to the suspension of all routine interviews. The inability to complete the K-1 process has adversely affected the couple emotionally and financially as their separation continues to be prolonged for an unknown period. The couple has been in frequent contact with the consulate, and [REDACTED] has sought assistance from his Senator, but all without satisfactory results. Ex. A-110.

169. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] emotionally because it has resulted in the couple being separated for an extended period. Prior to filing the K-1 petition, [REDACTED] and [REDACTED] [REDACTED] visited one another often, and they hoped by obtaining a visa for [REDACTED], they could finally be together permanently. Instead, the delays in processing the case have resulted in a prolonged separation from his fiancée. Ex. A-142.

170. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the case is currently pending at the NVC, which assigned it the case

number [REDACTED]. The inability to complete the K-1 process has adversely affected [REDACTED] emotionally as he has suffered overwhelming losses this year that might have been easier to bear had [REDACTED] been in the United States with him. When his brother unexpectedly died, it was [REDACTED] that brought him joy, happiness, and hope. [REDACTED] mother was looking forward to meeting [REDACTED], but she died in a house fire before the visa process was completed. [REDACTED] has suffered devastating loss and sadness in the past year, and he needs [REDACTED] by his side to help ease his heartbreak. Ex. A-111.

171. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. At present, the case is still pending at the NVC. [REDACTED] is an active duty member of the U.S. military, currently deployed in the Middle East. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED]. Further, [REDACTED] current position will end in November, and she will be faced with financial difficulties if she is unable to move to the United States with [REDACTED] when he returns from his deployment. Ex. A-28.

172. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC as visa interviews are not being scheduled. The inability to complete the K-1 process has adversely affected the couple. To maintain their relationship, [REDACTED] has traveled to [REDACTED] to visit [REDACTED], resulting in financial losses both personally and in her business. They are emotionally and mentally exhausted from the

uncertainty and the efforts to learn the status of the case and when it will go forward.

Moving companies require reservations months of advance, and [REDACTED] is unable to make arrangements for transporting his possessions to the United States without information on when he might receive his visa. Ex. A-95.

173. Plaintiff [REDACTED] is a citizen of the United States and has sponsored her fiancé [REDACTED] for K-1 visa. The case is currently pending at the NVC with case number [REDACTED]. The long delay has been difficult for [REDACTED], an essential health care worker, as it has put significant stress on their relationship. The lack of family support that [REDACTED] must endure without her fiancé is a hardship.

174. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The petition was approved on April 30, 2020, and the case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED]. Due to the pandemic, she has felt isolated and alone, as her family does not live in the same town she does. The separation from [REDACTED] for an undetermined period of time, combined with these factors, has increased her depression and anxiety causing tremendous emotional pain. The couple has experienced adverse financial effects of the extended separation, deciding finally that [REDACTED] would travel to [REDACTED] to visit [REDACTED]. Ex. A-87.

175. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is pending at the NVC as visa interviews are currently not being scheduled. The inability to

complete the K-1 process has adversely affected the couple as they have put their lives on hold while they wait to find out when they can finally be together as a family. Due to the emotional toll the situation is taking, [REDACTED] returned to her family where she could have the support she needs. Both [REDACTED] and [REDACTED] have been in a continuous state of emotional despair as the situation has dragged on with no end in sight. Ex. A-49.

176. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC, and as of September 8, the consulate was not scheduling interviews. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] due to the couple's extended physical separation and the inability to make definite plans for their future together. Ex. A-42.

177. Plaintiff, [REDACTED], is a citizen of the United States, and has sponsored [REDACTED] for a K-1 nonimmigrant visa. The NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected in the five months since the petition was approved. [REDACTED] had to advise her employer of her eventual resignation as she did not know when she would be able to travel to the United States. She was required to help find her replacement, and her salary was cut in half so her employer could pay both her and her replacement. As a result of the cut in pay, she was forced to leave [REDACTED] and return her father's home in [REDACTED]. The couple wishes to start a family, and due to their ages, prolonged delays are making this less and less possible. Ex. A-117.

178. Plaintiff, [REDACTED], is a citizen of the United States, and has sponsored her fiancée, [REDACTED] for a K-1 nonimmigrant visa. The NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected this couple as they are unable to plan their wedding and for their future together. [REDACTED] five-year-old son has become attached to [REDACTED], and it hurts his mother to see his sadness and confusion when he must go back to [REDACTED]. As a single mother, [REDACTED] has been very stressed by the prolonged separation and the uncertainty of the situation. Ex. A-99.

179. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] financially and emotionally. With asthma and a history of bronchitis, [REDACTED] has had to stop working due to the pandemic and was not able to be at her mother's side when she had emergency surgery. As a result of the delays, [REDACTED] [REDACTED] has been alone for months, with no income and no emotional support that her fiancée could have provided were she able to join her in the United States. Ex. A-91.

180. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] medically and financially, as [REDACTED] has been hospitalized in the [REDACTED] with

an unknown diagnosis, and the medical costs have had to be paid out of pocket. Had she been granted a visa and admitted to the United States, [REDACTED] and [REDACTED] could have been married, allowing her to benefit from his health insurance and receive care and emotional support in the United States. Ex. A-45.

181. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] as the stress and anxiety of the separation and lack of information have been overwhelming her, resulting in inability to sleep, lack of appetite, and weight loss. Further, [REDACTED] is required to give the college where he is a lecturer two months' notice before leaving, which he is unable to do due to the uncertainty of the situation. Ex. A-7.

182. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED], causing financial and emotional strain, frustration, despair and worry as they wait to learn when she will join him in the United States. Ex. A-146.

183. Plaintiff, [REDACTED] is a citizen of the United States, and Plaintiff, [REDACTED], is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The

case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] financially and emotionally. [REDACTED] is unable to find work due to the anticipation of leaving the position after only a short while, and for the same reason cannot sign a lease. The stress of the situation has affected [REDACTED] ability to find work since his graduation, and he has had to move in with his parents, causing both himself and them financial and mental harm. Ex. A-61.

184. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED], is a citizen of [REDACTED]. [REDACTED] sponsored her fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple due to the severe emotional harm caused by their prolonged separation. Further, [REDACTED] left his job in October 2019 to visit [REDACTED], and as a result of the pandemic and the uncertainty of his future, he has been unable to find work and has thus been adversely affected financially. [REDACTED] is suffering from depression and isolation due to her prolonged separation from her fiancé and the shutdowns caused by the pandemic. Ex. A-25.

185. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] financially he must provide her with necessities due to significantly increased prices in Philippines resulting from

lockdowns in that country. Both are suffering from depression, anxiety, and stress due to the extended uncertainty of their situation. Ex. A-70.

186. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] as increased stress due to the prolonged separation has exacerbated his health problems, including severe and debilitating vertigo. Ex. A-127.

187. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as, in anticipation for their planned wedding in October, [REDACTED] left her job and has been unable to find new employment. Thus, she is 100% dependent upon [REDACTED] for financial support until she is able to join him in the United States. Ex. A-51.

188. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as [REDACTED] lost her job due to COVID in March and has been unable to secure new employment. As a result, she has been financially dependent on [REDACTED] since that time. Further, [REDACTED] has been suffering from severe depression which has

been worsened by the prolonged separation from his fiancée and the financial struggle to support himself and her. Ex. A-128.

189. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED] [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] financially and put a strain on the couple's relationship due to their inability to move forward with their new life together. Ex. A-2.

190. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED], is a citizen of [REDACTED] currently residing in [REDACTED]. [REDACTED] sponsored his fiancée, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] as the inability to attend an interview in [REDACTED] prior to the expiration of her lawful stay in [REDACTED] would result in the necessity of her return to [REDACTED] to restart the process to schedule her interview there. Ex. A-96.

191. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as they are suffering sorrow because of their separation, they are also worried that their dream of having children together will have to be

set aside due to their ages and the uncertainty as to how much longer it will take before [REDACTED] is able to join [REDACTED] in the United States and for the couple to marry. Ex. A-118

192. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancée, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected the couple as they have endured much emotional pain at being separated for so long. [REDACTED] lives alone and feels the loneliness of the separation intensely as he lives alone away from family. Further, although she wishes to work, the unemployment rate in [REDACTED] is high, and [REDACTED] has been unable to contribute to the couple's finances. [REDACTED] has contacted the consulate and the NVC multiple times seeking information on the status of the case but has received no satisfactory answers to his inquiries. Ex. A-148.

193. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored her fiancé, [REDACTED] for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending. The inability to complete the K-1 process has adversely affected Petitioners emotionally and financially. Both parties have lost grandparents during the pendency of the case, and they have not been able to be together to offer comfort. [REDACTED] is suffering from a high level of anxiety caused by the extended separation from her fiancé. [REDACTED] has been financially affected, as he has been laid off from his job in the hospitality industry due to the ongoing pandemic. Rather than

being able to come to the U.S. to join his fiancée, he has been forced to move in with his parents while he awaits his visa. Ex. A-81.

194. Plaintiff, [REDACTED], is a citizen of the United States, and Plaintiff [REDACTED] [REDACTED] is a citizen of [REDACTED]. [REDACTED] has sponsored his fiancé, [REDACTED], for a K-1 nonimmigrant visa, and the NVC has assigned the case number [REDACTED]. The case is currently pending at the NVC. The inability to complete the K-1 process has adversely affected [REDACTED] and [REDACTED] economically, mentally, and emotionally. Further, the emotional stress the situation has put on them is also affecting their physical well-being, causing them restless and sleepless nights. The lack of clear information concerning when the process will continue so they can be together is causing anxiety as well as making finding employment for [REDACTED] difficult as he does not know how long he will be in the position. Ex. A-72.

195. Plaintiff [REDACTED] is a U.S. citizen and has sponsored his fiancée, [REDACTED] [REDACTED], for a K-1 visa. The case number is [REDACTED]. [REDACTED] was scheduled for an interview on March 10, 2020, but was unable to attend. She is currently waiting for a new interview to be scheduled. This prolonged delay has been difficult for both to endure, and the refusal of the U.S. embassy to grant [REDACTED] another interview date has only added to the stress both parties feel during this challenging time of COVID-19.

196. Defendant William Barr is the Attorney General of the United States and has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103. He is sued in his official capacity.

197. Defendant Department of State (DOS) is a cabinet-level department of the U.S. federal government. DOS is responsible for the issuance of nonimmigrant visas abroad. The

Proclamations assign DOS a variety of responsibilities regarding their implementation and enforcement.

198. Defendant Michael Pompeo is the Secretary of State and has responsibility for overseeing enforcement and implementation of the Proclamations by all DOS staff. He is sued in his official capacity.
199. Defendant Department of Homeland Security (DHS) is a cabinet-level department of the U.S. federal government. The Proclamations assign DHS a variety of responsibilities regarding their implementation and enforcement, including which visa categories qualify for a national interest exception.
200. Defendant Chad Wolf is serving as the Acting Secretary of Homeland Security² and has responsibility for overseeing enforcement and implementation of the Proclamations by all Department of Homeland Security staff. He is sued in his official capacity.

STATUTORY BACKGROUND

K Visas

201. The K visa is a nonimmigrant visa that allows a foreign citizen to travel to the U.S. to marry his or her U.S. citizen fiancé(e), and then apply to adjust status to that of a lawful permanent resident with USCIS.³

² The DHS Office of Inspector General, and at least one federal district court, *see Casa de Maryland, Inc. et. al. v. Chad F. Wolf, et. al.*, Civil Action No. 8:20-cv-02118-PX (D. Maryland September 11, 2020), have found that Wolf's appointment was illegal.

³ *See Nonimmigrant Visa for Fiancé(e) (K-1)*, U.S. Department of State, available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/nonimmigrant-visa-for-a-fiance-k-1.html#1>

202. To obtain a K visa, the U.S. citizen sponsor must first file Form I-129F, Petition for Alien Fiancé(e) with the U.S. Citizenship and Immigration Services (“USCIS”), a sub-agency of the Department of Homeland Security. Once approved, USCIS will send the petition to the National Visa Center (“NVC”), a component of the Department of State, for further processing. The NVC will then forward the petition to the appropriate U.S. embassy or consulate, where the foreign fiancé(e) will then apply for the K visa.⁴
203. Congress created this new category of nonimmigrant visas for fiancé(e)s of U.S. citizens when it added section 101(a)(15)(K) to the INA in 1970. *See* Act of Apr. 7, 1970, Pub. L. No. 91-225, § 1(b), 84 Stat. 116, 116. This was done “to resolve the problem presented by fiancées of American citizens who seek to enter the United States to be married. Since they intend to remain permanently in the United States, they cannot qualify as bona fide nonimmigrants and, until married, immigrant visas may not be available to them.” H.R. Rep. No. 91-851 (1970), *reprinted in* 1970 U.S.C.C.A.N. 2750, 2752, 1970 WL 5815 at **2.
204. Thus, while the K visa is technically a nonimmigrant visa, Congress always intended that a fiancé(e) who entered the U.S. and married the U.S. citizen “would be classifiable as an ‘immediate relative,’” because the fiancé(e) adjusts status as the spouse of a United States citizen. *Matter of Sesay*, 25 I&N Dec. 431, 436 (BIA 2011) (citing H.R. Rep. No. 91-851, at 8, 1970 U.S.C.C.A.N. at 2758, 1970 WL 5815 at **8).

⁴ *Id.*

205. The Foreign Affairs Manual (“FAM”)⁵ of the Department of State recognizes that applicants for K visas are the functional equivalent of immediate relatives⁶, directing consular officers to “direct the interview to determine eligibility as if the alien were applying for an immigrant visa in the immediate relative category.” 9 FAM 502.7-3(C)(4)(b).

8 U.S.C. § 1182(f)

206. 8 U.S.C. § 1182(f) (Section 212(f) of the Immigration and Nationality Act) allows the President to temporarily suspend *entry* of any class of immigrants or nonimmigrants if he finds that their entry would be detrimental to the interests of the United States. If a detrimental interest is identified warranting suspension of entry by a class of immigrants, the President must state the period for which he intends to suspend immigration of these classes. *Id.* There is no provision stating the President may do so indefinitely.

FACTUAL ALLEGATIONS

K Visa Processing & Exclusion from Mission-Critical Designation

207. Because K visa applicants are the functional equivalent of immediate relatives (a category that includes spouses of U.S. citizens), there is a strong emphasis on adjudicating these cases quickly. *See* 9 FAM 502.7-3(e)(4)(b).

208. Indeed, the FAM notes that “Section 237 of Public Law 106-113 requires that the Department establish a policy under which fiancé(e) visas be processed within 30 days of receipt of the necessary information from the applicant and the Department of Homeland

⁵ The FAM is the authoritative source for the Department of State’s organization structures, policies, and procedures that govern the operations of the Department.

⁶ The “immediate relative” category includes the parents, spouses, and unmarried minor children of U.S. citizens. 8 U.S.C. § 1151(b).

Security. The Department expects all posts to strive to meet the 30-day *requirement*.” 9
FAM 502.7-3€(2)(a)(1) (emphasis in the original).

209. On March 20, 2020, DOS instructed all posts to immediately suspend routine visa services worldwide due to the coronavirus pandemic. Ex. I; Ex. L-1 at ¶ 1.
210. Even though routine visa services were suspended, emergency visa services and those deemed “mission-critical” were still provided. Ex. L-1 at ¶ 1.
211. DOS has never explained which visas are considered “mission-critical,” but over the course of multiple cables to posts provided examples of mission-critical visas. These include: H-2 visas for temporary nonimmigrant workers, Ex. L-3 at ¶ 2, adoptions, *Id.* ¶ 3, and spouses of U.S. citizens. Ex. L-4 at ¶ 1. DOS also gave discretionary authority to posts to determine when a visa is mission critical, authorized posts to process visas for “mission critical purposes of travel as determined on a case-by-case basis by post management.” Ex. L-3 at ¶ 2.
212. At no time did DOS provide any explanation as to why fiancé(e)s of U.S. citizens applying for K visas were not included as mission critical where other immediate family members of U.S. citizens were. The total lack of explanation for the exclusion of K visa applicants from mission-critical services reflects an arbitrary and capricious decision to deprioritize K visa applicants.

National Visa Center Refusal to Process K Visas

213. When DOS announced the suspension of routine visa services worldwide in March 2020, the NVC suspended the transfer to embassies and consulates of most visa cases that it processes (which includes K visas). Ex. L-2 ¶ 10. Mission-critical cases, however, would

continue to be processed. *Id.* DOS announced that scheduling of appointments by the NVC would only resume when a post is authorized to resume routine services. *Id.*

214. On July 14, 2020, DOS publicly announced the resumption of routine visa services on a post-by-post basis beginning July 15, 2020. *Id.* With the resumption of routine visa services, over 4,000 immigrant visas and nearly 58,000 non-immigrant visas were issued in July 2020 alone at embassies and consulates worldwide. Ex. M; Ex. N.

215. On August 31, 2020, DOS announced that effective August 28, “posts are authorized to give K visa cases high priority.” Ex. K.

216. Despite the fact that DOS announced the resumption of routine visa services at many posts, and that posts have been explicitly authorized to give K visas high priority, the National Visa Center refuses to process K visa applications and transfer petitions to embassies and consulates for continued processing. In recent communications, the NVC has informed Plaintiffs that “due to COVID-19 concerns, *all* U.S. Embassies and Consulate Generals have suspended routine visa services . . . [and] the NVC will not forward K-1 petitions to the appropriate U.S. Embassy or Consulate General until they resume routine visa services.” Ex. A-58. (emphasis added).

217. This statement is simply untrue. Plaintiff [REDACTED], a U.S. citizen, and Plaintiff [REDACTED], inquired at the NVC and the U.S. embassy in [REDACTED] about the status of their case. On September 2, 2020, the U.S. embassy in [REDACTED] stated that as of September 1, the embassy had resumed processing of K-1 visa applications but noted that the embassy had yet to receive their case. On September 8, 2020, the NVC responded to Plaintiffs’ inquiry, stating that “[d]ue to COVID-19 concerns, the U.S. Embassy or Consulate General in [REDACTED] suspended routine visa services . . . and [t]he National Visa Center

will not forward K-1 . . . visa petitions . . . until they resume routine visa services.” Ex. A-42.

Presidential Proclamations Barring Entry

218. Since January 2020, the President has issued five COVID-related geographical proclamations to limit travel to the U.S. from certain countries.
219. On January 31, 2020, the President issued Proclamation 9984, restricting the *entry* of all immigrants or nonimmigrants who were physically present within China during the 14-day period preceding their entry or attempted entry into the U.S.
220. On February 29, 2020, the President issued Proclamation 9992, restricting the *entry* of all immigrants or nonimmigrants who were physically present within Iran during the 14-day period preceding their entry or attempted entry into the U.S.
221. On March 11, 2020, the President issued Proclamation 9993, restricting the *entry* of all immigrants or nonimmigrants who were physically present within Schengen Area during the 14-day period preceding their entry or attempted entry into the U.S. The Schengen Area includes Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.
222. On March 14, 2020, the President issued Proclamation 9996, restricting the *entry* of all immigrants or nonimmigrants who were physically present within the United Kingdom and the Republic of Ireland during the 14-day period preceding their entry or attempted entry into the U.S.

223. On May 24, 2020, the President issued Proclamation 10041, restricting the *entry* of all immigrants or nonimmigrants who were physically present within Brazil during the 14-day period preceding their entry or attempted entry into the U.S.

224. U.S. embassies and consulates around the world cite to the Proclamations' restriction on *entry* to the U.S. for those who have been present in designated countries during the 14 days prior as a categorical bar to visa issuance. See Ex. A-3 "U.S. Consulate General Naples, Italy is still prohibited from issuing K visas to persons physically present in Italy . . . under Presidential Proclamation 9993, which has suspended routine travel from the Schengen Area to the United States due to COVID-19."; Ex. A-52 "Unfortunately, K-1 applicants in consular district (Schengen are) is still subject to the geographical travel restriction which renders us from processing K-1 applications."; Ex. A- 61 "The US Consulate General Guangzhou is unable to process fiancé(e) cases at this time as a result of Presidential Proclamation 9984 issued on January 31, 2020."

National Interest Exceptions Exclude Immediate Relatives of U.S. Citizens

225. The five Proclamations restricting entry to the U.S. for foreign citizens traveling from certain countries contain a long list of exceptions to whom the Proclamations do not apply.

226. Specifically, the Proclamations do not apply to U.S. citizens, or to any alien who is:

- i. a lawful permanent resident of the United States
- ii. the **spouse of a U.S. citizen** or lawful permanent resident

- iii. **the parent or legal guardian of a U.S. citizen** or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;
- iv. **a sibling of a U.S. citizen** or lawful permanent resident, provided that both are unmarried and under the age of 21;
- v. **a child, foster child, or ward of a U.S. citizen** or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- vi. an alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;
- vii. C (transit) or D (air or sea crewmember) nonimmigrants
- viii. seeking entry into or transiting the United States pursuant to an A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 visa;
- ix. a member of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces;
- x. an alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the CDC Director, or his designee;
- xi. an alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees based on a recommendation of the Attorney General or his designee;

xii. an alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

Exs. B-F.

227. Notably, the Proclamations do not specify the standards for determining when an alien's entry would be in the national interest, stating it would be "as determined by the Secretary of State, the Secretary of Homeland Security, or their designees."

228. On May 22, 2020, the Department of Homeland Security exercised this discretionary authority to determine what qualifies as entry in the "national interest" when it announced certain foreign professional athletes will qualify for the national interest exemption from Presidential Proclamations 9984 (China), 9992 (Iran), 9993 (Schengen Area), and 9996 (U.K. and Ireland). Ex. G. DHS reasoned this national interest exception was warranted because "[p]rofessional live sporting events . . . provide intangible benefits to the national interest, including civic pride and national unity." *Id.*

229. In addition, DOS announced another national interest exception on July 22, 2020, stating that students traveling from the Schengen Area, the U.K., and Ireland with a valid F-1 or M-1 visa, or those seeking to obtain a new F-1 or M-1 visa, will be automatically considered for a national interest exception to travel. Ex. H. In addition, DOS announced that certain business travelers, investors, treaty traders, and academics traveling from these regions could also qualify for a national interest exception. *Id.*

230. Unlike professional athletes, students, business travelers, and even visitors for pleasure from many of the countries covered by the Proclamations who are permitted to apply for and obtain visas and enter the U.S., fiancé(e)s of U.S. citizens have been indefinitely barred from the visa process. *See* Exs. G – I; O.

**FIRST CAUSE OF ACTION
(Unreasonable Delay)**

231. District courts have original 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 them. 28 U.S.C. § 1361. In this case, Defendants have failed or refused to adjudicate Plaintiffs' applications for K visas in a timely and reasonable manner even though they have a clear, non-discretionary duty to do so, and there is no other adequate remedy available to Plaintiffs.
232. Defendants have willfully and unreasonably delayed, and have refused to adjudicate, Plaintiffs' K visa applications, thereby depriving Plaintiffs of the opportunity to obtain an immigration benefit and be reunited with family in the U.S.
233. Defendants owe Plaintiffs a duty to adjudicate the K visas and have unreasonably failed to perform that duty.

**SECOND CAUSE OF ACTION
(Arbitrary and Capricious Actions and Abuse of Discretion in Violation of the
Administrative Procedures Act (5 U.S.C. § 706(2)(A)))**

234. Plaintiffs repeat and reallege the averments in all preceding paragraphs of this complaint.
235. Pursuant to 5 U.S.C. § 701(b)(1), the Department of State is subject to the Administrative Procedure Act ("APA").
236. This Court may review and set aside all relevant questions of law regarding agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. This Court may further review and set aside actions in excess of statutory jurisdiction, authority, or limitations, or without observance of procedure required by law. 5 U.S.C. § 706(2)(A), (C), (D).

237. The INA distinguishes between entry, admission, and visa issuance. Section 1182(f) authorizes the President only to suspend the *entry* of certain aliens into the United States. It does not authorize the President to suspend the *issuance* of visas.
238. DOS has implemented the Proclamations in a manner that suspends the issuance of K visas while the Proclamations are in effect.
239. The implementation by the Department of State of the President's five Proclamations suspending the entry of aliens from certain countries and preventing K visa applicants from pursuing a visa constitutes final agency action, which is reviewable by this Court pursuant to the APA.
240. The agency actions of de-prioritizing K visas, and suspending the adjudication of K visas is arbitrary and capricious and abuses agency discretion because the Department of State lacked authority to suspend adjudications of K visas.
241. The agency actions of suspending issuance of K visas or reissuance of the same for K visa applicants is arbitrary and capricious and abuses agency discretion because the Department of State lacked the authority to suspend issuance or reissuance of K visas.
242. The Department of State's implementation of the Proclamations is in excess of authority in violation of § 706(2)(C) of the APA, as 8 U.S.C. § 1182(f) does not permit Defendants to suspend the issuance of visas or deprive consular officers of the authority to issue K visas to individuals "who ha[ve] made proper application therefore." 8 U.S.C. § 1201(a)(1).
243. As such, this Court should order the Department of State to resume issuing and reissuing visas to Plaintiffs and resume adjudication of all K visa applicants in an expedited manner to ensure applicants are prioritized.

THIRD CAUSE OF ACTION

(Agency Failure to Observe Procedure Required by Law in Violation of the Administrative Procedures Act (5 U.S.C. § 706(2))

244. Plaintiffs repeat and reallege the averments in all preceding paragraphs of this complaint.
245. The APA requires the Department of State to follow notice-and-comment rulemaking procedures to promulgate substantive rules. 5 U.S.C. § 553.
246. The Department of State was not allowed to suspend issuance or adjudication of K visas without giving notice and providing opportunity to comment. 5 U.S.C. § 558(c).
247. The Department of State did not follow notice-and-comment rulemaking procedures.
248. In suspending issuance or reissuance of K visas, and failing to adjudicate cases, the Department of State violated the APA's requirement to follow notice-and-comment rulemaking procedures, and this court has authority to compel this unlawfully withheld action. 5 U.S.C. § 706(1).

**FOURTH CAUSE OF ACTION
(Non-Statutory Action for *Ultra Vires* Conduct)**

249. Plaintiffs repeat and reallege the averments in all preceding paragraphs of this complaint.
250. The Department of State's expansion of the Proclamations' suspension on the entry of Plaintiffs to the issuance and reissuance of K visas and the adjudication of applications constitutes an *ultra vires* action and is contrary to the INA.
251. As such, this Court should order the Department of State to resume issuing and reissuing visas to Plaintiffs and resume adjudication of all K visas.

**FIFTH CAUSE OF ACTION
(Agency Action Unlawfully Withheld in Violation of the Administrative Procedures Act (5 U.S.C. § 555(b); 5 U.S.C. § 706(1))**

252. Plaintiffs repeat and reallege the averments in all preceding paragraphs of this complaint.

253. The Department of State has withheld from acting on Plaintiffs' cases without authority to do so. Actions which are *ultra vires* to the INA.
254. Because the State Department's application of the proclamations are *ultra vires*, their suspension of adjudication and issuance of visas constitutes unlawfully withheld action, which can be compelled by this Court under 5 U.S.C. § 706(1).
255. The Department of State has a nondiscretionary duty to "conclude a matter presented to it . . . within a reasonable time." 5 U.S.C. § 555(b).
256. Even while resuming processing for students and business visitors, the Department of State has failed to adjudicate and issue K visas for the Plaintiffs and their derivative beneficiaries within a reasonable time, even in light of the Coronavirus pandemic.
257. As such, this Court should order the Department of State to resume issuing and reissuing K visas to Plaintiffs and resume adjudication of all K visas.

RESERVATION OF RIGHTS

Plaintiffs reserve the right to add additional allegations of agency error and related causes of action upon receiving the certified administrative record.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Enjoin the Department of State from suspending issuance and reissuance of K nonimmigrant visas and from otherwise suspending the adjudication of K nonimmigrant cases.

- (3) Order the validity period of an approved I-129F be extended until the adjudication of the K visa
- (4) Order that applicants for K visas be categorically granted a national interest exception.
- (5) Order the immediate reissuance of visas to Plaintiffs whose visas have expired due to their inability to previously enter the United States during the coronavirus pandemic;
- (6) Order the immediate issuance of visas to Plaintiffs who have been approved but who have not received their visas;
- (7) Order the immediate rescheduling of interviews for Plaintiffs who have submitted the required documentation and who either had their interviews cancelled or who are waiting on new interviews, and that if approved visas for these Plaintiffs will be expeditiously issued;
- (8) Order any other relief that may be necessary, such as the extension of the validity dates for the medical exam and police clearance certificates, such that issuance of K visas will not be further delayed;
- (9) Order that all of the above shall be done expeditiously;
- (10) Award Plaintiffs costs of suit and reasonable attorney's fees under the Equal Access to Justice Act, 42 U.S.C. §1988, and any other applicable law;
- (11) Enter all necessary writs, injunctions, and orders as justice and equity require.
- (12) Grant such further relief as this Court deems just and proper.

Respectfully Submitted this the 16th day of September, 2020,

/s/ Jeff Joseph

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CERTIFICATE OF SERVICE

I, Jeff Joseph, hereby certify that on September 17, 2020, I filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I have mailed a hard copy of the document to the above individual pursuant to Fed.R.Civ.P. 4 via first-class mail to:

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Respectfully submitted,

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