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14 **UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

15 CRVQ, OOM and JAPV; SGJ & SJ; SRM;  
16 LRZ; RMG; DMRM, TGR, and MAMR,

17 Plaintiffs,

18 vs.

19 UNITED STATES CITIZENSHIP &  
20 IMMIGRATION SERVICES; UNITED  
21 STATES DEPARTMENT OF HOMELAND  
22 SECURITY; KEVIN McALEENAN, Acting  
23 Secretary of Homeland Security; KENNETH  
24 CUCCINELLI, Acting Director of the  
25 United States Citizenship and Immigration  
26 Services; DONALD NEUFELD, Associate  
27 Director of Service Center Operations for the  
28 United States Citizenship and Immigration  
Services; MICHAEL PAUL, Acting Deputy  
Director of the United States Citizenship and  
Immigration Services Vermont Service  
Center; WILLIAM CONNOR, Field Office  
Director of the United States Citizenship and  
Immigration Services, Nebraska Service  
Center,

Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

**PRELIMINARY STATEMENT**

1  
2 1. This action challenges the United States Citizenship and Immigration  
3 Services’ (“USCIS”) unreasonable delay in adjudicating bona fide U nonimmigrant status  
4 (“U-visa”) applications. Congress promulgated U nonimmigrant status—granting work  
5 authorizations and protection from immediate removal to immigrants who had both been  
6 victims of qualifying crimes and assisted law enforcement in investigating or prosecuting  
7 those crimes—to assist law enforcement and protect vulnerable immigrant victims.  
8 Under Section 214(p)(6) of the Immigration and Nationality Act (“INA”) and its  
9 implementing regulations, USCIS is required to timely adjudicate “bona fide” U-visa  
10 applications and issue Employment Authorization Documents (“EADs”). Presently,  
11 victims of qualifying crimes wait more than four years for adjudication of employment  
12 authorization. By refusing to adjudicate both petitioners’ U-visa applications and  
13 petitioners’ EAD petitions, Defendants subvert Congressional intent to aid law  
14 enforcement and incentivize proper reporting of crimes, as well as 8 U.S.C. §  
15 1184(p)(6)—the very statute they are charged with administering.

16 2. Congress created the U-visa pathway as part of the Victims of Trafficking  
17 and Violence Protection Act in October of 2000. The legislation was intended to  
18 “strengthen the ability of law enforcement agencies to investigate and prosecute cases of  
19 domestic violence, sexual assault, trafficking of aliens and other crimes” while  
20 simultaneously protecting the victims of those crimes. Specifically, a victim qualifies  
21 where he or she can demonstrate: (1) he or she has “suffered substantial physical or  
22 mental abuse as a result of having been a victim of criminal activity”; (2) he or she  
23 “possesses information concerning [the] criminal activity”; (3) he or she “has been, is, or  
24 is likely to be helpful” to government officials regarding the criminal activity; and,  
25 (4) the criminal activity at issue “occurred in the United States.” 8 U.S.C. §  
26 1101(a)(15)(U)(i)(I-IV).

27 3. Federal statutes and regulations require that Plaintiffs’ petitions and  
28 applications for work authorization be timely adjudicated. Because there is a statutory

1 cap that limits granted U-visas to 10,000 per year, USCIS created a formal U-visa waitlist  
2 on which eligible petitioners are placed. Waitlisted petitioners automatically receive  
3 deferred action or parole (i.e., limited protection from deportation) and the opportunity to  
4 apply for an EAD. In 2008, Congress recognized that individuals were still unable to  
5 report severe crimes and meaningfully participate in the investigation or prosecution of  
6 those crimes out of fear of deportation and inability to work. Thus, Congress rendered U-  
7 visa petitioners eligible to apply for an EAD during the pendency of their petitions. 8  
8 U.S.C. § 1184(p)(6). Under this section, EAD applications must be adjudicated while an  
9 individual's petition remains pending. USCIS also has the duty to adjudicate EAD  
10 applications, like Plaintiffs', that were filed before January 17, 2017, within 90 days of  
11 receipt. If the agency does not meet that deadline, USCIS must issue U-visa petitioners  
12 an interim EAD.

13 4. Despite the relief envisioned by Congress and promised by USCIS,  
14 Plaintiffs' U-visa petitions have languished unreviewed for a bona fide determination.  
15 Each Plaintiff in this action qualifies for a U-visa. Each Plaintiff is a noncitizen victim of  
16 violent crime who assisted law enforcement in investigating or prosecuting violent  
17 criminals. Each submitted a bona fide U-visa application and an application for work  
18 authorization. Despite Defendants' obligation by law to adjudicate those applications  
19 within 90 days, Plaintiffs' bona fide applications have sat unreviewed for years—each  
20 more than 1,000 days and even 1,400 days, in some instances. Defendants' own  
21 regulations provide that their delay "*will* result in the grant of an employment  
22 authorization document." Yet Defendants have refused to grant Plaintiffs employment  
23 authorization. Plaintiffs held up their end of the bargain: they reported and helped law  
24 enforcement investigate or prosecute violent crime. Defendants have failed to uphold  
25 theirs. Plaintiffs bring this action to enforce the statutes by which Defendants are bound  
26 but have refused to administer. As described below, Plaintiffs are entitled to immediate  
27 employment authorization so they can seek gainful employment and support their  
28 families.

1 5. USCIS’s disregard of the promise to provide means for financial  
 2 independence betrays its Congressionally charged duties and compromises the safety of  
 3 survivors and their families, causing severe and irreparable harm to these Plaintiffs.  
 4 Plaintiffs therefore bring this suit for declaratory, mandamus, and injunctive relief,  
 5 seeking an order compelling USCIS to (a) determine Plaintiffs’ eligibility for placement  
 6 on the formal U-visa waitlist, including placing them in parole or deferred action status;  
 7 (b) adjudicate each Plaintiff’s application for an EAD; and (c) issue each Plaintiff an  
 8 interim EAD until such time as the EAD adjudication is complete.

9 6. Because of their failure to make a bona fide determination on Plaintiffs’ U-  
 10 visa petitions, failure to adjudicate Plaintiffs’ EAD applications, and failure to grant  
 11 interim EADs, Defendants are in violation of the Administrative Procedure Act (“APA”),  
 12 5 U.S.C. §§ 555 and 701-702; 8 C.F.R. § 214.14(d)(2); 8 U.S.C. § 1184(p)(6); and 8  
 13 C.F.R. § 274a.13(d).<sup>1</sup> Plaintiffs are entitled to relief under the APA, 5 U.S.C. §§ 555 and  
 14 701-702, and the Mandamus Act, 28 U.S.C. § 1361.

15 **JURISDICTION AND VENUE**

16 7. This action arises under Section 214(p)(6) of the INA, 8 U.S.C.  
 17 § 1184(p)(6); and sections 6, 10(a) and 10(e) of the APA, 5 U.S.C. §§ 555, 702, and  
 18 706(1)-(2)(A).

19 8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

20 9. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1361,  
 21 which provides that the “district courts shall have original jurisdiction of any action in the  
 22 nature of mandamus.” 28 U.S.C. § 1361.

23 10. Venue is proper in the Central District of California pursuant to 28 U.S.C.  
 24 § 1391(e)(1), which provides, *inter alia*, that a suit against federal officials acting in their  
 25 official capacities can be brought in any judicial district where substantial events or  
 26 omissions giving rise to the claims took place. Plaintiffs reside in the Central District of

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27 <sup>1</sup> All references herein to 8 C.F.R. § 274a.13(d) refer to the regulation prior to its  
 28 amendment in 2017. Plaintiffs submitted their applications for employment authorization  
 prior to the 2017 amendment. The pre-amendment language is therefore operative.

1 California, and have lived within this district since their respective applications were  
2 submitted with the exception of Plaintiff SGJ, who recently moved to South Lake Tahoe,  
3 California. Plaintiffs also submitted their U-visa applications from within the Central  
4 District of California. The crimes—and investigation or prosecution thereof—that gave  
5 rise to Plaintiffs’ U-Visa requests also took place within this district.

6 11. This Court has personal jurisdiction over the Defendants pursuant to 28  
7 U.S.C. § 1391(e)(1), because Defendants are agencies and officers of the United States.

8 **PARTIES**

9 12. Plaintiff CRVQ, a noncitizen and survivor of domestic violence, sexual  
10 assaults, and rape, is a primary applicant.<sup>2</sup> She is also the wife of Plaintiff OOM and the  
11 mother of Plaintiff JAPV. CRVQ is a qualified U-visa applicant. She is relatedly an  
12 applicant for employment authorization. Her bona fide U-visa application and her  
13 application for employment authorization have been pending with Defendants since  
14 August 22, 2016. She currently resides in Los Angeles, California. She has physical  
15 custody of her three children.

16 13. Plaintiff OOM, a noncitizen, is the husband of CRVQ. He is a qualified U-  
17 visa applicant under his wife CRVQ. His bona fide U-visa application and application  
18 for employment authorization have been pending with Defendants since August 22, 2016.  
19 He currently resides in Los Angeles, California with CRVQ and their United States  
20 citizen child, as well as his stepchild JAPV. He works as a painter in construction jobs  
21 and is the sole source of income other than public assistance for the family of five.

22 14. Plaintiff JAPV, a noncitizen, is the son of CRVQ. He is a qualified U-visa  
23 applicant under his mother CRVQ. His bona fide U-visa application and application for  
24 employment authorization have been pending with Defendants since August 22, 2016.

25 \_\_\_\_\_  
26 <sup>2</sup> As Plaintiffs explain in a motion filed with this Complaint, they filed this action under  
27 pseudonyms as they reasonably believe they or their families will face threats of  
28 retaliation, physical violence, and/or abuse and ridicule if their true identities are  
disclosed.

1 He currently resides in Los Angeles, California with his mother, stepfather, and two  
2 United States citizen siblings.

3 15. Plaintiff SGJ is a noncitizen and survivor of multiple sexual assaults and  
4 rape. She is a qualified U-visa applicant. She is the daughter of derivative applicant  
5 Plaintiff SJ. Her bona fide U-visa application and application for employment  
6 authorization have been pending with Defendants since May 16, 2016. She currently  
7 resides in South Lake Tahoe, California.

8 16. Plaintiff SJ is a noncitizen and the mother of Plaintiff SGJ. She is a  
9 qualified U-visa applicant under SGJ's primary application. SJ and SGJ's bona fide U-  
10 visa applications and applications for employment authorization have been pending with  
11 Defendants since May 16, 2016. She currently resides in South Lake Tahoe, California.

12 17. Plaintiff SRM is a noncitizen and survivor of domestic abuse and criminal  
13 threats. She is a qualified U-visa applicant and mother of four. Her bona fide U-visa  
14 application and application for employment authorization have been pending with  
15 Defendants since May 23, 2016. She currently resides in San Fernando, California.

16 18. Plaintiff LRZ is a noncitizen and survivor of domestic violence and sexual  
17 assault. She is a qualified U-Visa applicant and mother of one son, a United States  
18 citizen that has been diagnosed with autism. Her bona fide U-visa application and  
19 application for employment authorization have been pending with Defendants since  
20 October 24, 2016. She currently resides in Maywood, California.

21 19. Plaintiff RMG is a noncitizen and survivor of domestic violence. She is a  
22 qualified U-Visa applicant and mother of four. Her bona fide U-visa application and  
23 application for employment authorization have been pending with Defendants since  
24 August 23, 2016. She currently resides in Huntington Park, California.

25 20. Plaintiff DMRM is a noncitizen and mother of five children, including KDM  
26 and Plaintiffs TGR and MAMR, who are derivative applicants of DMRM. KDM is a  
27 U.S. citizen and survivor of multiple abusive sexual contacts and sexual assaults. As  
28 KDM's mother, DMRM is a qualified U-visa applicant. Her bona fide U-visa application

1 and application for employment authorization have been pending with Defendants since  
2 October 30, 2015. She currently resides in Los Angeles, California.

3 21. Plaintiffs TGR and MAMR are noncitizen derivative applicants of their  
4 mother, Plaintiff DMRM. Their bona fide U-visa applications and applications for  
5 employment authorization have been pending with Defendants since October 30, 2015.  
6 They currently reside in Los Angeles, California.

7 DEFENDANTS

8 22. Defendant USCIS is a bureau within the United States Department of  
9 Homeland Security (“DHS”), established under the Homeland Security Act of 2002. Its  
10 statutory duties include adjudicating certain visa petitions and applications for other  
11 immigration benefits, including U Nonimmigrant Status petitions and applications for  
12 employment authorization. *See* 6 U.S.C. § 271(a), (b).

13 23. Defendant DHS is an executive department of the United States, established  
14 under the Homeland Security Act of 2002. Its statutory duties include implementing the  
15 immigration laws of the United States. *See* 6 U.S.C. § 111.

16 24. Defendant Kevin McAleenan is the acting United States Secretary of  
17 Homeland Security. Defendant McAleenan is charged with implementing the  
18 immigration laws of the United States. He is sued solely in his official capacity.

19 25. Defendant Kenneth Cuccinelli is the Acting Director of USCIS, a  
20 component agency of the DHS. Defendant Cuccinelli is charged with administering the  
21 service and benefits functions of the immigration laws of the United States. He is sued  
22 solely in his official capacity.

23 26. Defendant Donald Neufeld is the associate Director of Service Center  
24 Operations for the USCIS. Defendant Neufeld is in charge of overseeing all activities at  
25 the four USCIS service centers located in Texas, California, Nebraska, and Vermont. He  
26 is sued solely in his official capacity.

27 27. Defendant Michael Paul is the Director of the Vermont Service Center  
28 (“VSC”), a component agency of USCIS. Defendant Paul is in charge of the filing, data

1 entry, and adjudication of certain applications for immigration services and benefits,  
2 including petitions for U nonimmigrant status and EAD applications. Beginning in July  
3 2016, the USCIS's processing of applications for U nonimmigrant status has taken place  
4 at the VSC and the Nebraska Service Center ("NSC"), a component agency of USCIS.  
5 Defendant Paul is sued solely in his official capacity.

6 28. Defendant William Connor is the Field Office Director of the NSC.  
7 Defendant Connor is in charge of the filing, data entry, and adjudication of certain  
8 applications for immigration services and benefits, including petitions for U  
9 nonimmigrant status and EAD applications. He is sued solely in his official capacity.

## 10 **BACKGROUND**

### 11 Employment Authorization and the U Nonimmigrant Status Regime

12 29. Congress created U nonimmigrant status in the Battered Immigrant Women  
13 Protection Act of the Violence Against Women Act of 2000, a part of the Victims of  
14 Trafficking and Violence Protection Act of 2000.<sup>3</sup> The purpose of the U-visa was to  
15 "strengthen the ability of law enforcement agencies to detect, investigate and prosecute  
16 cases" by encouraging undocumented victims of crimes to step forward and cooperate  
17 with law enforcement, and thereby improve public safety.<sup>4</sup>

18 30. The U-visa provides legal status to remain in the United States for  
19 petitioners and their qualifying family members. 8 U.S.C. § 1101(a)(15)(U). Individuals  
20 are eligible for U nonimmigrant status if they are the victim of qualifying criminal  
21 activity, have suffered substantial physical or mental abuse as a result, and have been  
22 helpful to law enforcement in the investigation or prosecution of such criminal activity.

23 31. Once Plaintiffs receive U nonimmigrant status, Defendants are required to  
24  
25

26 <sup>3</sup> See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386,  
27 114 Stat. 1464, § 1513(b) (2000) (codified in 8 U.S.C. § 1101(a)(15)(U)).

28 <sup>4</sup> See Victims of Trafficking and Violence Protection Act of 2000, H.R. 3244, 106th  
Cong. § 1513(a)(2) (2000).



1 automatically grant them employment authorization.<sup>5</sup>

2 32. There is a statutory cap of 10,000 grants of primary U nonimmigrant status  
3 per fiscal year. When the statutory cap for the fiscal year is reached, Defendants continue  
4 to review applications, but instead of granting U nonimmigrant status, they waitlist  
5 applicants who would have been granted status but for the cap. *See* 8 C.F.R. §  
6 214.14(d)(2). Applicants who are waitlisted are granted deferred action or parole and can  
7 seek employment authorization under 8 C.F.R. § 274a.12(c)(14). According to USCIS  
8 statistics, it has taken between 50.5 and 51 months to adjudicate an application for U  
9 nonimmigrant status over the last year.<sup>6</sup>

10 33. 5 U.S.C. § 555(b) requires Defendants to determine Plaintiffs' eligibility for  
11 U-visas within a reasonable period of time after they file their petitions. Under this  
12 statute and 8 C.F.R. § 214.14(d)(2), USCIS has a non-discretionary duty to place on the  
13 formal U-visa waitlist petitioners whose petitions would be approved but for the statutory  
14 cap within a reasonable period of time.

15 34. During the pendency of their U-visa petitions, there are no administrative  
16 remedies available for Plaintiffs to exhaust. No other remedy exists for Plaintiffs to  
17 compel Defendants to comply with the APA, the INA, and the regulations discussed  
18 herein.

19 35. Under 8 U.S.C. § 1184(p)(6), USCIS must "grant work authorization to any  
20 alien who has a pending, bona fide application for nonimmigrant status."

21 36. In violation of the requirements of 8 U.S.C. § 1184(p)(6), instead of  
22 adjudicating EAD applications for applicants with pending, bona fide petitions for U  
23 nonimmigrant status, USCIS does not grant or even adjudicate EAD applications for such  
24 applicants until those individuals receive U nonimmigrant status or are placed on the U-  
25 visa waitlist by USCIS.

26 <sup>5</sup> INA § 214(p)(3)(B); 8 U.S.C. § 1184(p)(3)(B); 8 C.F.R. § 214.14(c)(7); 8 C.F.R. §  
27 274a.12(a)(19) and (a)(20).

28 <sup>6</sup> Processing times obtained directly from the USCIS website,  
<https://egov.uscis.gov/processing-times/>.

1           37. 8 C.F.R. § 274a.13(d) requires USCIS to adjudicate EAD applications  
2 within 90 days of receipt. Otherwise, USCIS must issue to the applicant a temporary,  
3 interim EAD for no more than 240 days or until such time as the EAD application is  
4 adjudicated.

5           38. In violation of 8 C.F.R. § 274a.13(d), USCIS does not issue interim EADs to  
6 non-waitlisted petitions for U nonimmigrant status if their applications for EADs are not  
7 adjudicated within 90 days. Defendants' failure to adjudicate these requests within 90  
8 days has left countless U-visa applicants unable to secure legitimate work and provide for  
9 themselves and their families.

10           39. Defendants, through their agents in policy memoranda and other public  
11 statements, have indicated a clear understanding of their duties. Over the past decade,  
12 Defendants have nevertheless, in a common scheme, failed to act, citing the supposed  
13 difficulty in interpreting "bona fide" as the primary reason for the delay. *See, e.g.*, Office  
14 of the Citizenship and Immigration Services Ombudsman, "Improving the Process for  
15 Victims of Human Trafficking and Certain Criminal Activity: The T and U Visa" (Jan.  
16 29, 2009) (recommending that "USCIS expeditiously implement procedures and provide  
17 public guidance for U non-immigrant visa applicants to apply for work authorization as  
18 outlined in the [2008 TVPRA]"); USCIS, "Questions and Answers: Filing T, U, and  
19 VAWA Petitions with USCIS" (July 8, 2009) ("... [W]e are engaged in internal  
20 discussions, particularly with respect to how the bona fide standard may differ from the  
21 standard currently used in prima facie determinations, and intend to have guidance in  
22 place by the end of August to give the VSC time before the end of the fiscal year to  
23 prepare to implement the standard after October 1."); USCIS, "William Wilberforce  
24 Trafficking Victims Protection Reauthorization Act of 2008: Changes to T and U  
25 Nonimmigrant Status and Adjustment of Status Provisions: Revisions to Adjudicator's  
26 Field Manual (AFM) Chapters 23.5 and 39 (AFM Update AD10-38)," 2010 WL 2984267  
27 (published July 21, 2010) ("USCIS may grant employment authorization to any alien  
28 who has a pending, bona fide application for U nonimmigrant status . . . This authority

1 will be addressed in a separate memorandum.”); USCIS, “Questions and Answers:  
 2 USCIS Stakeholder Meeting on VAWA, T and U Visas” (published Mar. 23, 2011)  
 3 (“Guidance to implement the [bona fide determination] process for U petitioners is in the  
 4 clearance process.”); *see also* Office of the Citizenship and Immigration Services  
 5 Ombudsman, Annual Report 2013 (June 27, 2013) (noting that “processing times . . .  
 6 creat[e] a situation where applicants are unable to support themselves”).

7 40. As described below, Plaintiffs are eligible for U nonimmigrant status as  
 8 victims of qualifying criminal activity (or as derivative applicants thereof) and have  
 9 suffered substantial mental and emotional harm as a result of the crimes committed  
 10 against them. Certifying agencies have certified that Plaintiffs have been helpful in the  
 11 investigation or prosecution of the criminal activity. Plaintiffs filed bona fide petitions  
 12 for U nonimmigrant status and applications for employment authorization.

13 41. Each of Plaintiffs’ bona fide petitions for U nonimmigrant status were  
 14 received by USCIS as discussed below, but Defendants have refused to consider  
 15 Plaintiffs for an EAD until their Forms I-918 have been waitlisted or approved.

16 42. Plaintiffs have pending, bona fide petitions for U nonimmigrant status and  
 17 are eligible for EADs under 8 U.S.C. § 1184(p)(6).

18 43. Defendants have taken vastly more than 90 days to adjudicate Plaintiffs’  
 19 applications for EADs. Plaintiffs are entitled to interim EADs under 8 C.F.R. §  
 20 274a.13(d).

## 21 **PLAINTIFFS CRVQ, OOM AND JAPV**

### 22 **CRVQ’S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

23 44. CRVQ and her ex-partner have two children together, JAPV and ARP.

24 45. CRVQ moved in with her ex-partner six months after they started dating.  
 25 The domestic violence started at the beginning of their relationship. In the beginning,  
 26 CRVQ’s ex-partner was quick to get angry. Frequently, if CRVQ did not eat with him he  
 27 would become enraged and throw the plate with food on the floor. The physical and  
 28 emotional abuse escalated once they came to the United States and were no longer living

1 in her ex-partner's family home.

2 46. Throughout the course of their relationship, CRVQ's ex-partner was  
3 emotionally abusive to CRVQ. For example, if CRVQ did not do as he instructed, he  
4 would insult her by saying that she was worthless or "worth shit."

5 47. CRVQ's ex-partner also raped CRVQ on multiple occasions. He would  
6 keep her down by force and remove her clothes. This would happen about two times  
7 each month.

8 48. One specific incident of domestic violence occurred in December 2013,  
9 when CRVQ and her ex-partner were living together with their two children. While  
10 CRVQ's ex-partner was outside the apartment with his friends, one of her children was  
11 crying to go outside. When CRVQ's ex-partner heard the child crying, he became angry  
12 and came inside, where CRVQ and the child were in bed. He pushed CRVQ and the  
13 child, causing them both to fall on the floor. After grabbing CRVQ's throat, he struck her  
14 in the face with his forehead, causing her nose to bleed so profusely she struggled to  
15 breathe. When CRVQ attempted to call the police, her ex-partner wrenched the phone  
16 from her hands.

17 49. On January 29, 2014, after enduring years of physical and emotional abuse,  
18 CRVQ decided to leave her ex-partner. She wanted to take the children with her, but her  
19 ex-partner told her that if she took them, he would find and kill her. Despite these  
20 threats, CRVQ attempted to remove her children from the home and threats of harm. Her  
21 ex-partner, determined to prevent her escape, grabbed her and tried to strangle her. He  
22 then took her phone and wallet and pushed her out of the apartment. He obtained full  
23 custody of the children after he claimed in court that CRVQ had abandoned the kids.

24 50. CRVQ's ex-boyfriend was not only violent with her. He also committed an  
25 act of violence against their son, JAPV. In August 2014, JAPV stated that his father had  
26 hit him with a belt across his back and pushed him against a wall, hitting his head.

27 CRVQ'S ASSISTANCE TO LAW ENFORCEMENT

28 51. After learning of the violence against JAPV, CRVQ immediately resolved to

1 tell the police. The police directed her to the Los Angeles County Department of  
2 Children and Family Services (DCFS). CRVQ reported the domestic violence to DCFS  
3 and DCFS opened an investigation. CRVQ cooperated with DCFS's investigation by  
4 providing social workers with detailed statements regarding her ex-partner's verbal,  
5 emotional, and physical abuse towards her and her children.

6 52. A supervising social worker at DCFS has certified that CRVQ cooperated  
7 with DCFS in its investigation of domestic violence "by providing the DCFS social  
8 workers with detailed statements regarding Father's verbal, emotional, and physical  
9 abuse towards her and her children."

10 PLAINTIFFS' APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT  
11 AUTHORIZATION

12 53. CRVQ is eligible for U nonimmigrant status as the victim of qualifying  
13 criminal activity (domestic violence), who has suffered substantial physical and mental  
14 abuse and been helpful to law enforcement in the investigation and prosecution of the  
15 criminal activity. INA § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

16 54. OOM and JAPV are eligible for U nonimmigrant status as the derivative  
17 applicants of CRVQ. INA § 101(a)(15)(S)(ii)(IV); 8 U.S.C. § 1101(a)(15)(U)(ii)(II).

18 55. On March 31, 2016 the VSC received Plaintiffs' U-visa applications.

19 56. Plaintiff CRVQ's application included the following:

- 20 a. DHS Form I-918 (Petition for U Nonimmigrant Status);
- 21 b. DHS Form I-918 Supplement B (U Nonimmigrant Status  
22 Certification);
- 23 c. DHS Form I-912 (Fee Waiver Request and supporting  
24 documentation);
- 25 d. DHS Form I-765 (Application for Employment Authorization based  
26 on code section (c)(14));
- 27 e. DHS Form I-192 (Application for Advance Permission to Enter as  
28 Nonimmigrant) and a declaration of the hardship CRVQ will suffer if  
not granted advance permission;

- f. A declaration of CRVQ in support of her I-918 Petition for U nonimmigrant status, detailing the facts of victimization, including substantial harm suffered and cooperation with law enforcement;
- g. A declaration of OOM stating he witnessed various incidents of abuse perpetrated against CRVQ; and
- h. A certified Letter of No Record from the Los Angeles Superior Court;

57. OOM's application included the following:

- a. DHS Form I-918A (Petition for Qualifying Family Member of U-1 recipient & addendum);
- b. DHS Form I-912 (Fee Waiver Request and supporting documentation);
- c. DHS Form I-192 (Application for Advance Permission to Enter as Nonimmigrant) and a declaration of the hardship OOM will suffer if not granted advance permission;
- d. DHS Form I-765 (Application for Employment Authorization based on code section (a)(20));
- e. DHS Form I-765 (Application for Employment Authorization based on code section (c)(14));

58. JAPV's application included the following:

- a. DHS Form I-918A (Petition for Qualifying Family Member of U-1 recipient & addendum);
- b. DHS Form I-912 (Fee Waiver Request and supporting documentation);
- c. DHS Form I-192 (Application for Advance Permission to Enter as Nonimmigrant);
- d. A declaration of CRVQ in support of her child JAPV's Form I-192 Application for Advance Permission to Enter as Nonimmigrant;

1 e. DHS Form I-765 (Application for Employment Authorization based  
2 on code section (a)(20));

3 f. DHS Form I-765 (Application for Employment Authorization based  
4 on code section (c)(14));

5 59. CRVQ received a notice confirming that her I-765 application was received  
6 by Defendants on August 22, 2016. That same day, she received notice that her I-918  
7 and I-192 applications were received.

8 60. OOM received a notice confirming that his I-765 application was received  
9 by Defendants on August 22, 2016. That same day, he received notice that his I-192 and  
10 I-918A applications.

11 61. JAPV received notice that his I-765 application was received by Defendants  
12 on August 22, 2016. That same day, he received notice that his I-192 and I-918A  
13 applications were received.

14 **PLAINTIFFS SGJ AND SJ**

15 **SGJ'S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

16 62. While living with her mother, SJ, and her mother's partner, AG, AG began  
17 to abuse SGJ. When SGJ was just nine years old, AG began to touch her chest. The  
18 abusive contact quickly escalated to rape. Once SGJ's mother would leave for work, AG  
19 would rape SGJ. This happened repeatedly.

20 63. SGJ did not tell anyone due to AG's intimidation. AG threatened that SGJ  
21 would be kicked out of the house if she told anyone.

22 64. In October 2010, AG drove SGJ on an errand. When they returned home to  
23 their apartment, AG parked his van in an underground parking garage.

24 65. While all three were in the van, AG told SGJ to sit in the rear seat of the van,  
25 while her sister was asleep in the second row. SGJ moved to the back seat, as instructed.  
26 AG then joined SGJ in the rear seat and proceeded to pull down her pants and underwear.  
27 AG removed his pants and underwear down and prepared to assault SGJ.

28 66. SGJ's mother, SJ, entered the parking garage and observed AG in the back

1 seat of the van with SGJ. AG, seeing SGJ's mother, backed away from SGJ, pulled up  
2 his pants, and instructed SGJ to get dressed. AG then moved back to the front of the van.

3 67. Days later, SJ asked SGJ about the incident. SGJ told SJ that AG had been  
4 raping her since she was nine years old.

5 SGJ AND SJ'S ASSISTANCE TO LAW ENFORCEMENT

6 68. Soon after, SJ reported the crimes to the police.

7 69. Following the report to the police, SGJ underwent a medical examination.  
8 SGJ and SJ assisted police throughout the entirety of the police investigation.

9 70. SGJ and SJ also assisted prosecutors in their case against AG. For example,  
10 SGJ and SJ testified against AG.

11 71. Due largely to the testimony from SGJ and SJ, AG was sentenced to fifteen  
12 years in prison.

13 SGJ AND SJ'S APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT

14 AUTHORIZATION

15 72. Plaintiff SGJ is eligible for U nonimmigrant status as the victim of  
16 qualifying criminal activity (sexual assault and rape), who has suffered substantial  
17 physical and mental abuse as a result and who has been helpful to law enforcement in the  
18 investigation and prosecution of the criminal activity. INA § 101(a)(15)(U); 8 U.S.C.  
19 § 1101(a)(15)(U).

20 73. Plaintiff SJ is eligible for U nonimmigrant status as the derivative applicant  
21 of Plaintiff SGJ. 8 U.S.C. § 1101(a)(15)(U)(ii)(I).

22 74. On May 16, 2016 the VSC received Plaintiffs' U applications.

23 75. Plaintiff SGJ's application included the following:

- 24 a. DHS Form I-918 (Petition for U Nonimmigrant Status);
- 25 b. DHS Form I-918 Supplement B (U Nonimmigrant Status  
26 Certification);
- 27 c. DHS Form I-912 (Fee Waiver Request and supporting  
28 documentation);



- 1 d. DHS Form I-765 (Application for Employment Authorization based
- 2 on code section (c)(14));
- 3 e. DHS Form I-192 (Application for Advance Permission to Enter as
- 4 Nonimmigrant) and a declaration of the hardship Plaintiff will suffer
- 5 if not granted advance permission;
- 6 f. The Los Angeles Police Department Investigative Report indicating
- 7 SGJ as victim and AG as the suspect of Rape, dated Oct. 18, 2010;
- 8 g. The Los Angeles Police Department Arrest Report against AG,
- 9 arrested on October 22, 2010; and
- 10 h. A declaration of Plaintiff in support of her I-918 Petition for
- 11 U nonimmigrant status and I-192 Application for Advance Permission
- 12 to Enter as Nonimmigrant, detailing the facts of victimization,
- 13 including substantial harm suffered and cooperation with law
- 14 enforcement.

15 76. Plaintiff SJ's application included the following:

- 16 a. DHS Form I-918A (Petition for Qualifying Family Member of U-1
- 17 recipient & addendum);
- 18 b. DHS Form I-912 (Fee Waiver Request and supporting
- 19 documentation);
- 20 c. DHS Form I-192 (Application for Advance Permission to Enter as
- 21 Nonimmigrant);
- 22 d. DHS Form I-765 (Application for Employment Authorization based
- 23 on code section (c)(14) as well as (a)(20);
- 24 e. A declaration of Plaintiff in support of her I-918A Petition for
- 25 Qualifying Family Member of U-1 recipient.

26 77. Plaintiffs SGJ and SJ both submitted separate EAD requests on Form I-765.

27 78. Plaintiff SGJ received a receipt notice for her I-765 application, dated May  
28 16, 2016, confirming that Defendants had received her application. She also received a

1 receipt notice for her I-918 and I-192 applications, both dated May 16, 2016.

2 79. Plaintiff SJ received a receipt notice for her I-765 applications, dated May  
3 16, 2016, confirming that Defendants had received her applications. She concurrently  
4 received notices of receipt for her I-192 and I-918A applications.

5 **PLAINTIFF SRM**

6 **SRM'S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

7 80. SRM began dating her ex-boyfriend in May of 2014.

8 81. Four months into the relationship, SRM's relationship became mentally and  
9 physically abusive. Her ex-boyfriend physically abused her and threatened the safety of  
10 her family. SRM suffered at least three egregious incidents of domestic abuse at the  
11 hands of her ex-boyfriend, along with ongoing verbal threats and mental and emotional  
12 abuse.

13 82. The first incident occurred in or around September of 2014. Plaintiff SRM  
14 received several calls and messages from her ex-boyfriend while she was at work. When  
15 SRM returned home, her ex-boyfriend, enraged that she did not return the calls and  
16 messages, physically abused her. He grabbed SRM by the throat with both hands and  
17 began strangling her. Just before SRM lost consciousness, he let her go and brandished a  
18 knife. He then pointed the knife at SRM's stomach and told her that if she tried to leave  
19 him, he would kill her brother, her children, and then himself. He then told her that if she  
20 tried to report him to the police, he would send someone to kill her brother and children.

21 83. After the incident, SRM was constantly terrified of her ex-boyfriend. She  
22 felt she could not leave her ex-boyfriend or seek help from police without threatening the  
23 well-being of her family. Her fear took over her life and she felt afraid to even leave the  
24 house.

25 84. A separate incident of domestic abuse occurred in October of 2014. SRM's  
26 ex-boyfriend again grabbed her throat and threatened to kill her, her brother, her children,  
27 and himself. She felt helpless out of fear for herself and her family.

28 85. SRM's ex-boyfriend would routinely torment her by reminding her of his

1 threats.

2 86. In January of 2015, SRM's ex-boyfriend became angry and grabbed her  
3 throat. He then released her throat, grabbed a knife and pointed it at her stomach. While  
4 doing so, he threatened SRM and her family. He repeated his warning that if she tried to  
5 report him, he would send one of his friends to kill her brother and her children.

6 87. SRM endured several months of verbal threats and at least three physically,  
7 mentally, and emotionally abusive incidents in which her brother's, her children's, and  
8 her own life were threatened. She lived in constant fear that her ex-boyfriend would  
9 carry out his murderous threats and that her ex-boyfriend would continue to physically  
10 assault her.

11 88. As a result of the domestic abuse, SRM has suffered enduring emotional and  
12 psychological harm. She feared leaving the house and when she did go out, she  
13 constantly checked her surroundings to ensure he was not following her.

14 89. During the relationship, SRM's anxiety affected her eating habits. SRM,  
15 constantly anxious of her ex-boyfriend's erratic and abusive behavior, would overeat in  
16 an attempt to relieve the anxiety.

17 90. SRM suffered frequent and vivid nightmares stemming from her abuse. She  
18 experienced nightmares of her ex-boyfriend strangling her and pointing a knife at her or  
19 of him killing her children. She also suffered from flashbacks that felt as if she was re-  
20 living the assaults. As a result, she had to attend at least 40 therapy sessions to help  
21 alleviate the stress and traumatic memories.

22 SRM'S ASSISTANCE TO LAW ENFORCEMENT

23 91. During the incident of domestic abuse in January of 2015, SRM's ex-  
24 boyfriend suffered a back spasm. He then asked her to call an ambulance, which she did.  
25 He then mistook the approaching ambulance sirens as police and fled the apartment.

26 92. The paramedics arrived and noticed that SRM was visibly shaken and afraid.  
27 She explained that her ex-boyfriend had threatened her and then asked that the police be  
28 called. She described all the incidents of domestic abuse to the police and the threats to

1 her brother's, her children's, and her own life.

2 93. Following the police report of Plaintiff SRM's domestic abuse, the police  
3 could not locate her ex-boyfriend. She and the police maintained constant contact and  
4 she notified the police whenever she received contact from him. The detective on the  
5 case asked her to aid in the arrest of her ex-boyfriend. She agreed to convince her ex-  
6 boyfriend to meet her at a location that would allow police to arrest him.

7 94. In February of 2015, SRM told her ex-boyfriend to meet her at a  
8 supermarket. When he arrived, the police chased him and eventually arrested him.

9 95. Plaintiff SRM testified as a witness against her ex-boyfriend. She provided  
10 testimony recounting the multiple instances of domestic abuse and the threats on her and  
11 her family's lives. SRM's ex-boyfriend was ultimately convicted of domestic violence  
12 and given a three-year sentence. SRM was also granted a three-year criminal protective  
13 order against her ex-boyfriend.

14 SRM'S APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT AUTHORIZATION

15 96. SRM is eligible for U nonimmigrant status as the victim of qualifying  
16 criminal activity (domestic abuse), who has suffered substantial physical and mental  
17 abuse as a result and who has been helpful to law enforcement in the investigation and  
18 prosecution of the criminal activity. INA § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

19 97. On May 23, 2016 the VSC received SRM's U applications.

20 98. Plaintiff SRM's application included the following:

- 21 a. DHS Form I-918 (Petition for U Nonimmigrant Status);
  - 22 b. DHS Form I-918 Supplement B (U Nonimmigrant Status  
23 Certification);
  - 24 c. DHS Form I-912 (Fee Waiver Request and supporting  
25 documentation);
  - 26 d. DHS Form I-765 (Application for Employment Authorization based  
27 on code section (c)(14));
- 28

- 1 e. DHS Form I-192 (Application for Advance Permission to Enter as  
2 Nonimmigrant) and a declaration of the hardship SRM will suffer if  
3 not granted advance permission;
- 4 f. A declaration of SRM in support of her I-918 Petition for  
5 U nonimmigrant status and I-192 Application for Advance Permission  
6 to Enter as Nonimmigrant, detailing the facts of victimization,  
7 including substantial harm suffered and cooperation with law  
8 enforcement.

9 99. On Plaintiff SRM's Form I-918, she checked "yes" in response to Part 2,  
10 Question 7, which reads: "I want an Employment Authorization Document."

11 100. Plaintiff SRM submitted a separate EAD request Form I-765.

12 101. Plaintiff SRM received a receipt notice for her I-765 application, dated June  
13 2, 2016, confirming that Defendants had received her application. She also received a  
14 receipt notice for her I-918 and I-192 applications, both dated June 2, 2016.

15 **PLAINTIFF LRZ**

16 **LRZ'S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

17 102. Plaintiff LRZ and her ex-partner had a child in 2008.

18 103. Early in the relationship, Plaintiff's ex-partner became physically, mentally,  
19 and sexually abusive. LRZ endured constant verbal abuse, treating her like a servant.  
20 Plaintiff was often told she was "useless" and "good for nothing." LRZ was further  
21 ridiculed by her ex-partner for her appearance, constantly belittling her, leading to  
22 significant weight loss and loss of sleep.

23 104. In August of 2010, the abuse came to a head. LRZ had gone out shopping  
24 for a birthday present for one of her son's friends. When LRZ arrived home she saw her  
25 ex-partner sitting at the dining room table drinking and clearly intoxicated. Earlier that  
26 day Plaintiff's ex-partner demanded that she not attend the birthday party and that she  
27 stay home to take care of his daughter from a previous marriage. Upon seeing LRZ  
28 arrive home with a birthday gift, LRZ's ex-partner became enraged.

1           105. LRZ’s ex-partner became increasingly aggressive, yelling and threatening  
2 that he felt like “hitting her.” LRZ tried to leave the room, but her ex-partner would not  
3 let her go. LRZ then threatened that she would call the police, to which her ex-partner  
4 responded: “Go ahead! I want to go back to Mexico!” LRZ was able to escape, but her  
5 ex-partner caught up to her and shoved her in the back. LRZ was forced into the wall.  
6 LRZ again pleaded to let her go or she would call the police. Again, LRZ’s ex-partner  
7 dismissed her threat telling her that she would not call the police, and if she did, “you will  
8 regret it.” LRZ was able to escape her ex-partner’s grasp and make it outside to call for  
9 help.

10           106. LRZ’s ex-partner went to jail after the police arrived and investigated the  
11 incident. After returning from jail, it did not take long for LRZ’s ex-partner to return to  
12 his old habits.

13           107. On the date of the second incident, LRZ noticed her ex-partner was visibly  
14 pale and appeared to be under the influence of drugs. LRZ’s ex-partner started to walk  
15 towards her and stated that he had “never stopped loving” her and threatened her that she  
16 should not try to do anything because “if you do you will cry tears of blood.” LRZ’s ex-  
17 partner then told her that he was going to rape her and make her pregnant. LRZ was  
18 terrified. As her ex-partner reached her, he told her that if she called anyone he would kill  
19 her.

20           108. LRZ tried to escape and screamed for help. Fortunately, her neighbor was  
21 just outside their door and quickly came in the room.

22           109. LRZ’s ex-partner then became furious. He started yelling and threatening  
23 the neighbor and Plaintiff. After cutting himself, LRZ’s ex-partner then dialed 911,  
24 telling the operator that he had been cut by LRZ. LRZ had also managed to run outside  
25 and call the police.

26                                           LRZ’S ASSISTANCE TO LAW ENFORCEMENT

27           110. On August 28, 2010, Plaintiff LRZ reported the first incident to the police.  
28 She fully cooperated with the police, giving the officers a full description of her ex-

1 partner and detailing his violent crimes. This led to Plaintiff's ex-partner's arrest.

2 111. In June of 2012, Plaintiff LRZ reported the second incident to the police.  
3 She fully cooperated with the police, giving the officers a full description of her ex-  
4 partner and detailing his violent crimes.

5 112. Plaintiff LRZ later obtained a Temporary Restraining Order, and  
6 subsequently filed a five-year restraining order, which was granted.

7 113. Due largely from the aid and assistance of Plaintiff, Plaintiff's ex-partner  
8 was charged and convicted of multiple domestic violence-related crimes and he was later  
9 removed from the United States to Mexico.

10 LRZ'S APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT AUTHORIZATION

11 114. LRZ is eligible for U nonimmigrant status as the victim of qualifying  
12 criminal activity (domestic violence and sexual assault), who has suffered substantial  
13 physical and mental abuse as a result and who has been helpful to law enforcement in the  
14 investigation and prosecution of the criminal activity. INA § 101(a)(15)(U); 8 U.S.C.  
15 § 1101(a)(15)(U).

16 115. On October 24, 2016 the VSC received LRZ's U applications.

17 116. LRZ's application included the following:

- 18 a. DHS Form I-918 (Petition for U Nonimmigrant Status);
  - 19 b. DHS Form I-918 Supplement B (U Nonimmigrant Status  
20 Certification);
  - 21 c. DHS Form I-912 (Fee Waiver Request and supporting  
22 documentation);
  - 23 d. DHS Form I-765 (Application for Employment Authorization based  
24 on code section (c)(14));
  - 25 e. DHS Form I-192 (Application for Advance Permission to Enter as  
26 Nonimmigrant) and a declaration of the hardship Plaintiff will suffer  
27 if not granted advance permission;
- 28

- 1 f. An Investigative Report indicating Plaintiff as victim and Plaintiff's  
2 ex-partner as the suspect of domestic violence, dated Oct. 20, 2016;  
3 g. An arrest report against Plaintiff's ex-partner; and  
4 h. A declaration of Plaintiff in support of her I-918 Petition for  
5 U nonimmigrant status and I-192 Application for Advance Permission  
6 to Enter as Nonimmigrant, detailing the facts of victimization,  
7 including substantial harm suffered and cooperation with law  
8 enforcement.  
9 i. Copies of orders of protections, among other support documents.

10 117. LRZ submitted a separate EAD request Form I-765.

11 118. LRZ received a receipt notice for her I-765 application, dated October 31,  
12 2016, confirming that Defendants had received her application. She also received a  
13 receipt notice for her I-918 and I-192 applications, both dated October 31, 2016.

14 **PLAINTIFF RMG**

15 **RMG'S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

16 119. RMG met and married her ex-husband, also a Mexican immigrant, in the  
17 U.S. The two had four children together.

18 120. The abusive verbal and physical violence began early in RMG's marriage to  
19 her ex-husband. As early as 1996, her ex-husband would verbally abuse RMG. He also  
20 would not allow RMG to leave their house, even for church or events at their children's  
21 schools, or have friends.

22 121. On various instances, her ex-husband physically abused RMG. He pulled  
23 RMG's hair. He also grabbed her head and hit it against the sink. He verbally abused  
24 RMG and their children. He called them "stupid" and belittled them, all in addition to  
25 physically abusing them. On at least one occasion, he hit his daughter in the head.

26 122. RMG did not report prior instances of verbal abuse and violence due to fear.  
27 RMG was afraid because her ex-husband told her that because she was unemployed she  
28 and the children would starve to death without him. Additionally, RMG was afraid



1 because he told her that she could not report the incidents to law enforcement because of  
2 her immigration status.

3 123. In March of 2015, RMG's ex-husband was angry because he wanted to  
4 move back to Mexico and RMG did not want to. He approached RMG and asked for a  
5 good reason to stay in the United States. RMG stated that their children were born in the  
6 United States and went to school in the United States. He then got angry and accused  
7 RMG of having an affair. He said that the true reason that RMG did not want to leave the  
8 United States was because of this "affair." After RMG denied the affair, her ex-husband  
9 became enraged. He cursed and threatened to kill her and their children. After he rushed  
10 to the sink and picked up an obscured item, RMG took her children outside and called the  
11 police, fearing for her children's safety. The police arrested RMG's ex-husband.

12 124. Due to the history of violence against her and her children, RMG got a  
13 restraining order against her ex-husband.

14 RMG'S ASSISTANCE TO LAW ENFORCEMENT

15 125. RMG cooperated with the police the day of the incident. RMG called the  
16 police immediately after the incident. RMG also identified her ex-husband as the man  
17 that threatened to kill her and her children. RMG informed the police that she was  
18 willing to continue to help them if they had additional questions.

19 126. A few days after the incident, the Department of Children and Family  
20 Services came to RMG's house. RMG fully cooperated with the Department of Children  
21 and Family Services. RMG participated in and completed an individual counseling  
22 program, a parenting education program, a domestic violence group therapy program and  
23 family counseling. The case with the Department of Children and Family Services has  
24 been closed since April of 2016.

25 RMG'S APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT  
26 AUTHORIZATION

27 127. RMG is eligible for U nonimmigrant status as the victim of qualifying  
28 criminal activity (domestic violence), who has suffered substantial physical and mental

1 abuse as a result and who has been helpful to law enforcement in the investigation and  
2 prosecution of the criminal activity. INA § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

3 128. On August 23, 2016 the VSC received Plaintiffs' U applications.

4 129. RMG's application included the following:

- 5 a. DHS Form I-912 (Request for Fee Waiver and supporting  
6 documentation);
- 7 b. DHS Form I-918 (Petition for U Nonimmigrant Status and supporting  
8 documentation);
- 9 c. DHS Form I-765 (Application for Employment Authorization);
- 10 d. DHS Form I-192 (Application for Advance Permission to Enter as  
11 Nonimmigrant) and a declaration of the hardship Plaintiff will suffer  
12 if not granted advance permission;

13 130. RMG received a receipt notice for her I-918, I-765 and I-192 applications,  
14 each dated September 8, 2016, confirming that Defendants had received her applications.

15 **PLAINTIFFS DMRM, TGR AND MAMR**

16 **DMRM'S DAUGHTER'S EXPERIENCE AS A VICTIM OF CRIMINAL ACTIVITY**

17 131. During the school year of 2012-13, Plaintiff DMRM's daughter, KDM, was  
18 enrolled in the first grade in Los Angeles, California. KDM was living with her mother  
19 at the time (and still continues to live with her mother).

20 132. The abusive sexual contact and sexual assault began at some point during  
21 the school year of 2012-13, KDM was six years old. One Sunday during the school year,  
22 DMRM was helping KDM shower while getting ready for church. When DMRM graded  
23 KDM's upper leg slightly, KDM cringed and told her mother her vagina hurt. KDM  
24 asked what had happened, but KDM said nothing. DMRM also noticed bruising and  
25 irritation. KDM finally told DMRM that KDM's teacher at school had been touching her  
26 inappropriately.

27 133. After learning of the abusive sexual contact and sexual assault, DMRM  
28 immediately called the police to file a report. The police arrived at her house shortly

1 thereafter and DMRM told the police everything her daughter told her.

2 134. The next day, DMRM was hesitant to take KDM to school, but was  
3 comforted by the police that everything would be fine. When she took KDM to school,  
4 the police were already there and the principal told DMRM that KDM's teacher had been  
5 fired.

6 135. That same afternoon, social services came by DMRM's house and  
7 interviewed all of her children. Social services also helped DMRM schedule an  
8 appointment for KDM at a private clinic so she could be examined by a physician. After  
9 the examination, the physician confirmed that there in fact had been sexual abuse.

10 136. As recommended by social services, DMRM took KDM to therapy for  
11 approximately one year to help her cope with the abuse she had encountered.

12 DMRM'S ASSISTANCE TO LAW ENFORCEMENT

13 137. Following the report to the police, KDM underwent a medical examination.  
14 Plaintiff DMRM assisted police throughout the entirety of the police investigation and  
15 prosecution, was cooperative with social services, and ensured that KDM received  
16 therapy.

17 138. The Los Angeles Police Department has certified that DMRM cooperated  
18 and assisted the Special Victims Bureau detectives with their investigation and that  
19 DMRM's efforts were pertinent to the Bureau's investigation, as described in a  
20 certification dated August 10, 2015 signed by Commander Stephen M. Smith of the  
21 Detective Division and submitted with Form I-918 Supplement B.

22 PLAINTIFFS' APPLICATIONS FOR U NONIMMIGRANT STATUS AND EMPLOYMENT  
23 AUTHORIZATION

24 139. DMRM is eligible for U nonimmigrant status as she assisted law  
25 enforcement in the investigation of qualifying criminal activity (sexual abusive contact  
26 and sexual assault). DMRM's daughter, KDM, was the victim of the qualifying criminal  
27 activity and has suffered substantial physical and mental abuse as a result. INA §  
28 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

140. Plaintiff TGR is eligible for U nonimmigrant status as the derivative

1 applicant of Plaintiff DMRM. INA § 101(a)(15)(S)(ii)(IV); 8 U.S.C.  
2 § 1101(a)(15)(U)(ii)(I).

3 141. Plaintiff MAMR is eligible for U nonimmigrant status as the derivative  
4 applicant of Plaintiff DMRM. INA § 101(a)(15)(S)(ii)(IV); 8 U.S.C.  
5 § 1101(a)(15)(U)(ii)(I).

6 142. On October 30, 2015 the VSC received Plaintiffs' U applications.

7 143. DMRM's application included the following:

- 8 a. DHS Form I-918 (Petition for U Nonimmigrant Status);
- 9 b. DHS Form I-918 Supplement A (Petition for Qualifying Family  
10 Member of U-1 Recipient) (Two Supplement As were filed, one each  
11 for TGR and MAMR);
- 12 c. DHS Form I-918 Supplement B (U Nonimmigrant Status  
13 Certification) certifying that Plaintiff DMRM was fully cooperative  
14 with the investigation and prosecution of the case;
- 15 d. The certification letter from the Los Angeles Police Department  
16 accompanying DHS Form I-918 Supplement B (U Nonimmigrant  
17 Status Certification), indicating KDM, daughter of DMRM, as  
18 victim, and certifying that DMRM cooperated and assisted the Special  
19 Victims Bureau detectives with their investigation and that DMRM's  
20 efforts were pertinent to the Bureau's investigation;
- 21 e. DHS Form I-912 ( Request for Fee Waiver and supporting  
22 documentation);
- 23 f. DHS Form I-765 (Application for Employment Authorization based  
24 on code section (c)(14));
- 25 g. DHS Form I-192 (Application for Advance Permission to Enter as  
26 Nonimmigrant) and a declaration of the hardship Plaintiff will suffer  
27 if not granted advance permission; and  
28

1 h. The Los Angeles Police Department Arrest Report, dated February  
2 24, 2013, for “lewd acts with a child.”

3 144. TGR’s application included the following:

4 a. DHS Form I-918A (Petition for Qualifying Family Member of U-1  
5 recipient);

6 b. DHS Form I-912 (Request for Fee Waiver and supporting  
7 documentation);

8 c. DHS Form I-192 (Application for Advance Permission to Enter as  
9 Nonimmigrant);

10 d. DHS Form I-765 (Application for Employment Authorization based  
11 on code section (c)(14));

12 e. A declaration of Plaintiff in support of her I-918A Petition for  
13 Qualifying Family Member of U-1 recipient;

14 145. MAMR’s application included the following:

15 a. DHS Form I-918A (Petition for Qualifying Family Member of U-1  
16 recipient);

17 b. DHS Form I-912 (Request for Fee Waiver and supporting  
18 documentation);

19 c. DHS Form I-192 (Application for Advance Permission to Enter as  
20 Nonimmigrant);

21 d. DHS Form I-765 (Application for Employment Authorization based  
22 on code section (c)(14));

23 e. A declaration of Plaintiff in support of his I-918A Petition for  
24 Qualifying Family Member of U-1 recipient;

25 146. DMRM received a receipt notice for her I-765 application, dated October 30,  
26 2015, confirming that Defendants had received her application. She concurrently  
27 received a receipt notice for her I-192 and I-918 applications.

28 147. TGR received a receipt notice for her I-765 application, dated October 30,

1 2015, confirming that Defendants had received her application. She concurrently  
2 received a receipt notice for her I-192 and I-918A applications.

3 148. MAMR received a receipt notice for his I-765 application, dated October 30,  
4 2015, confirming that Defendants had received his application. He concurrently received  
5 a receipt notice for his I-192 and I-918A applications.

6 149. Plaintiffs are currently eligible for employment authorization on two  
7 different bases. First, Plaintiffs have a *pending*, bona fide application for U  
8 nonimmigrant status under 8 U.S.C. § 1184(p)(6).

9 DEFENDANTS' UNLAWFUL WITHHOLDING OF EMPLOYMENT AUTHORIZATION  
10 FROM A U APPLICANT WITH A PENDING BONA FIDE APPLICATION

11 150. CRVQ's request for employment authorization has now been pending for  
12 over 1131 days. Defendants' refusal to issue CRVQ an interim EAD is a violation of 8  
13 C.F.R. § 274a.13(d).

14 151. OOM's request for employment authorization has now been pending for  
15 over 1131 days. Defendants' refusal to issue OOM an interim EAD is a violation of 8  
16 C.F.R. § 274a.13(d).

17 152. JAPV's request for employment authorization has now been pending for  
18 over 1131 days. Defendants' refusal to issue JAPV an interim EAD is a violation of 8  
19 C.F.R. § 274a.13(d).

20 153. SGJ's request for employment authorization has now been pending for over  
21 1229 days. Defendants' refusal to issue SGJ an interim EAD is a violation of 8 C.F.R.  
22 § 274a.13(d).

23 154. SJ's request for employment authorization has now been pending for over  
24 1229 days. Defendants' refusal to issue SJ an interim EAD is a violation of 8 C.F.R.  
25 § 274a.13(d).

26 155. SRM's request for employment authorization has now been pending for over  
27 1222 days. Defendants' refusal to issue SRM an interim EAD is a violation of 8 C.F.R.  
28 § 274a.13(d).

156. LRZ's request for employment authorization has now been pending for over

1 1068 days. Defendants' refusal to issue LRZ an interim EAD is a violation of 8 C.F.R.  
2 § 274a.13(d).

3 157. RMG's request for employment authorization has now been pending for  
4 1130 days. Defendants' refusal to issue RMG an interim EAD is a violation of 8 C.F.R.  
5 § 274a.13(d).

6 158. DMRM's request for employment authorization has now been pending for  
7 over 1428 days. Defendants' refusal to issue RMG an interim EAD is a violation of 8  
8 C.F.R. § 274a.13(d).

9 159. TGR's request for employment authorization has now been pending for over  
10 1428 days. Defendants' refusal to issue RMG an interim EAD is a violation of 8 C.F.R.  
11 § 274a.13(d).

12 160. MAMR's request for employment authorization has now been pending for  
13 over 1428 days. Defendants' refusal to issue RMG an interim EAD is a violation of 8  
14 C.F.R. § 274a.13(d).

15 PLAINTIFFS' EXIGENT NEED FOR EMPLOYMENT AUTHORIZATION

16 161. All Plaintiffs need quick adjudication of their respective U-visa and EAD  
17 applications. Having suffered physical and emotional trauma from criminal activity  
18 which they helped investigate or prosecute, Plaintiffs face an uncertain future within the  
19 United States. Without employment authorization, Plaintiffs are unable to work to  
20 support their families.

21 162. Further, Plaintiffs face additional threats of poverty and violence in their  
22 home countries. Concurrently with their respective applications for U nonimmigrant  
23 status, Plaintiffs each filed an I-192 application requesting a waiver of inadmissibility  
24 pursuant to 8 U.S.C. § 1182(d)(3)(B) and 8 C.F.R. § 212.17. The USCIS will waive  
25 inadmissibility "if it determines that it is in the public or national interest to exercise  
26 discretion to waive the applicable grounds of inadmissibility." 8 C.F.R. § 212.17(b).  
27 Waiving inadmissibility is in the "public or national interest" because, in addition to the  
28 physical and emotional trauma Plaintiffs have suffered and continued threats to Plaintiffs'

1 safety, each made their communities safer through their work to assist law enforcement in  
2 their efforts to investigate and/or prosecute the crimes they endured. In addition, each  
3 Plaintiff has strong ties to the United States.

4 163. Plaintiff CRVQ. CRVQ is the victim of domestic violence, sexual assault,  
5 and rape. She is the mother of derivative applicant JAPV, wife of derivative applicant  
6 OOM, and the mother of two other U.S. citizen children. If CRVQ is deported to her  
7 home country, El Salvador, CRVQ would face gang violence—the same gang violence  
8 that led to her uncle’s death. She has two U.S. citizen children who, if CRVQ were to be  
9 deported, would lose their rights to a U.S. education. Further, one of CRVQ’s U.S.  
10 citizen children has a hearing disability that requires therapy and special education  
11 classes. It is critical to her health and well-being for her to remain with her mother here  
12 in the United States, as the same level of care would be almost impossible to find in El  
13 Salvador. Since CRVQ’s experience as the victim of domestic violence, sexual assault,  
14 and rape, she and her children have faced constant financial uncertainty.

15 164. Plaintiff OOM. OOM is the husband of CRVQ. He has one U.S. citizen  
16 child with CRVQ and is the stepfather of CRVQ’s other two children. If OOM is  
17 deported to Mexico, he will face extreme poverty and gang violence. Additionally, OOM  
18 has been instrumental in assisting CRVQ’s daughter work through her hearing disability.  
19 If he is separated from CRVQ and her daughter, her daughter will struggle to continue  
20 her communication development. OOM has lived in a state of constant uncertainty with  
21 respect to his family’s financial security and his immigration status.

22 165. Plaintiff JAPV. JAPV is the son of CRVQ. If JAPV is deported to El  
23 Salvador, he will face the same gang violence that CRVQ would face, and which killed  
24 his mother’s uncle. He could also be separated from his mother or his U.S. citizen sister.  
25 He has lived in a state of constant uncertainty as to his family’s financial security and his  
26 immigration status.

27 166. Plaintiff SGJ. SGJ is the survivor of sexual assault and rape. If deported,  
28 she faces gang violence in Guatemala, as well as the threat of retaliation from her



1 mother's ex-partner once he is released from prison and deported to Guatemala. Having  
2 spent the vast majority of her life in the U.S., SGJ has deep ties to her U.S. community.  
3 She attended high school through the 11th grade here. Both of SGJ's half-siblings, whom  
4 she helps take care of, are U.S. citizens. SGJ and her family live in a state of uncertainty  
5 and financial instability.

6 167. Plaintiff SJ. SJ is the derivative applicant and mother of SGJ. If deported,  
7 she faces gang violence in Guatemala, as well as the threat of retaliation from her ex-  
8 partner once he is released from prison and deported to Guatemala. She has spent over  
9 15 years in the U.S., and has two school-aged U.S. citizen children. Despite the adversity  
10 she and her family have faced, she has instilled in her children the benefits of obtaining a  
11 good education and staying in school. Should SJ be deported, she would either be  
12 separated from her U.S. citizen children, or her children would be forced to live in  
13 Guatemala—a country of which they have no familiarity and which would not afford  
14 them the educational opportunities to which they have a right. SJ presently struggles to  
15 support her family without work authorization.

16 168. Plaintiff SRM. SRM is the survivor of domestic violence and emotional  
17 abuse. If deported, she faces high crime and poverty in her home country of Guatemala.  
18 She has now spent over seven years in the United States and has strong family and  
19 community ties to the United States. Her partner is a U.S. resident of eight years. She is  
20 the caring mother of four children, one of whom is a U.S. citizen. She has instilled the  
21 value of getting a good education in each of her children, and she pays for additional  
22 English language instruction for her children, when she is able, though her inability to  
23 find work has stalled their progress. Since experiencing the domestic abuse at the hands  
24 of her ex-boyfriend, she has faced constant concern over deportation back to Guatemala  
25 and a constant state of financial instability.

26 169. Plaintiff LRZ. LRZ is the survivor of sexual assault and domestic violence.  
27 If deported, she and her U.S. citizen son will be forced to return to Honduras—a country  
28 with rampant gang violence and a dearth of educational opportunities, stripping her son

1 of the educational right he has in the U.S. Further, her son, who was diagnosed with  
2 autism at a young age, would have severely limited access to medical care in Honduras.  
3 Since her experience as a victim of sexual assault and domestic violence, she and her  
4 U.S. citizen son have lived in a state of uncertainty and financial instability.

5 170. Plaintiff RMG. RMG is the victim of domestic violence and emotional  
6 abuse. She is a caring mother of four U.S. citizen children of whom she has primary  
7 custody. Should RMG be deported to Mexico, she and her U.S. citizen children will face  
8 continued physical threats from the common violence in RMG's home town within  
9 Mexico. Each of her children is fluent in English and is pursuing an education. None of  
10 her children have ever known a life in Mexico. Since her experience as the victim of  
11 verbal and physical abuse, RMG and her four U.S. citizen children have lived in a state of  
12 uncertainty and financial instability.

13 171. Plaintiff DMRM. DMRM is the qualifying applicant as the mother of a  
14 victim of abusive sexual contact and sexual assault. If DMRM is deported back to El  
15 Salvador, she will face poverty and regular gang violence. DMRMs' children—including  
16 her two U.S. citizen children—are attending school and Plaintiff DMRM is also learning  
17 English at a public community college. Her U.S. citizen children would lose their right to  
18 a U.S. education should their mother be deported and they follow. They have never  
19 known a life outside of the U.S. Since the events leading up to this lawsuit, DMRM and  
20 her children have faced constant deportation concerns and financial instability.

21 172. Plaintiff TGR. TGR is the daughter and derivative applicant of DMRM.  
22 She has lived in the U.S. for over five years and has strong ties to the U.S. Should she be  
23 deported back to El Salvador, she would face the same poverty and gang violence that her  
24 mother would face. As TGR is now twenty years old, it is critical that she be able to  
25 work and earn a living. Since the events leading to this lawsuit, she has faced constant  
26 uncertainty as to her immigration status and financial stability.

27 173. Plaintiff MAMR. MAMR is the son and derivative applicant of DMRM.  
28 He has lived in the U.S. for nearly seven years and has strong ties to the U.S. Should he

1 be deported back to El Salvador, he would face the same poverty and gang violence that  
2 his mother would face. MAMR is a high school junior who also plans to pursue higher  
3 education, which could be severely limited by the lack of an EAD and access to a social  
4 security number. Since the events leading to this lawsuit, he has faced constant  
5 uncertainty as to his immigration status and financial stability.

## 6 CAUSES OF ACTION

### 7 First Cause of Action - APA

8 [Unreasonable Delay of Determination of Plaintiffs Eligibility for U-visa Waitlist]

9 174. Plaintiffs repeat and incorporate by reference each and every allegation  
10 contained in the preceding paragraphs as if fully set forth herein.

11 175. The APA provides courts with jurisdiction to “compel agency action  
12 unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). Agencies are required  
13 to “proceed to conclude a matter presented to it” “within a reasonable time[.]” 5 U.S.C. §  
14 555(b). The APA also authorizes review of agency action, which includes an agency’s  
15 “failure to act.” 5 U.S.C. § 551(13).

16 176. Defendants have a nondiscretionary obligation to determine Plaintiffs’  
17 eligibility for placement on the U-visa waitlist within a reasonable time. 5 U.S.C. §  
18 555(b); 8 C.F.R. § 214.14(d)(2). Once USCIS determines that Plaintiffs are eligible for  
19 the U-visa waitlist, it has a nondiscretionary duty to place them on the waitlist and grant  
20 them deferred action or parole. 8 C.F.R. § 214.14(d)(2).

21 177. Defendants’ extensive delay without making eligibility determinations to  
22 place Plaintiffs on the U-visa waitlist is unreasonable, in violation of the APA. 5 U.S.C.  
23 §§ 555(b) and 706(1).

24 178. Because of USCIS’s unreasonable delay, Plaintiffs have suffered and will  
25 continue to suffer substantial and irreparable harm to their welfare, for which there is no  
26 adequate remedy at law.

### 27 Second Cause of Action - APA

28 [Failure to Comply With Statutory Timeline Mandating EAD Adjudication]

1 179. Plaintiffs repeat and incorporate by reference each and every allegation  
2 contained in the preceding paragraphs as if fully set forth herein.

3 180. In enacting 8 U.S.C. § 1184(p)(6), Congress imposed a nondiscretionary  
4 duty on USCIS to adjudicate applications for EADs from petitioners with pending U-visa  
5 petitions. The statute imposes on USCIS an obligation to adjudicate applications for  
6 EADs. This obligation is separate from making the U-visa waitlist determination.

7 181. USCIS has withheld adjudication of EAD applications for pending, bona  
8 fide petitioners for U nonimmigrant status by refusing to undertake such adjudication  
9 until an applicant has either (i) been granted a U-visa, or (ii) submitted a new EAD  
10 application pursuant to placement on the formal U-visa waitlist.

11 182. Defendants' refusal to adjudicate Plaintiffs' eligibility for employment  
12 authorization is an "agency action unlawfully withheld or unreasonably delayed" under 5  
13 U.S.C. § 706(1) and constitutes agency action that is "arbitrary, capricious, an abuse of  
14 discretion, or otherwise not in accordance with the law" under 5 U.S.C. § 706(2)(A).

15 Third Cause of Action - APA

16 [Failure to Issue Interim EAD]

17 183. Plaintiffs repeat and incorporate by reference each and every allegation  
18 contained in the preceding paragraphs as if fully set forth herein.

19 184. Plaintiffs' applications for EADs have been pending for longer than 90 days  
20 and have not been adjudicated.

21 185. Contrary to the requirements of former 8 C.F.R. § 274a.13(d), USCIS has  
22 failed to issue interim EADs.

23 186. The failure of USCIS to comply with its own regulation was "agency action  
24 unlawfully withheld or unreasonably delayed" under 5 U.S.C. § 706(1) and constituted  
25 agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in  
26 accordance with the law" under 5 U.S.C. § 706(2)(A).

27 187. Because of USCIS's failure to comply with its own regulatory requirements,  
28 Plaintiffs have suffered and will continue to suffer substantial and irreparable harm to

1 their welfare for which there is no adequate remedy at law.

2 Fourth Cause of Action - APA

3 [Sub Silentio Repeal of Rule Regarding Interim Employment Authorization  
4 Documents]

5 188. Plaintiffs repeat and incorporate by reference each and every allegation  
6 contained in the preceding paragraphs as if fully set forth herein.

7 189. Defendants' *de facto* repeal of their own rule, which allowed for the issuance  
8 of interim employment authorization documents to applicants for U nonimmigrant status,  
9 without required notice and comment procedures, violates (i) 8 C.F.R. § 274a.13(d); and  
10 (ii) the Administrative Procedure Act § 10(e) [5 U.S.C. § 706(2)], as agency action taken  
11 without observance of procedure required by law.

12 190. The failure of USCIS to comply with its own regulation was "agency action  
13 unlawfully withheld or unreasonably delayed" under 5 U.S.C. § 706(1) and constitutes  
14 agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in  
15 accordance with the law" under 5 U.S.C. § 706(2)(A).

16 191. Because of USCIS's failure to comply with its own regulatory requirements,  
17 Plaintiffs have suffered and will continue to suffer substantial and irreparable harm to  
18 their welfare for which there is no adequate remedy at law.

19 Fifth Cause of Action - Mandamus

20 [Unlawful Failure to Determine Plaintiffs' Eligibility for U-visa Waitlist]

21 192. Plaintiffs repeat and incorporate by reference each and every allegation  
22 contained in the preceding paragraphs as if fully set forth herein.

23 193. The Mandamus Act authorizes federal district courts to compel an office or  
24 employee of a United States agency to perform a duty owed to plaintiff. 28 U.S.C. §  
25 1361. Issuance of a writ of mandamus is appropriate where the following requirements  
26 are satisfied: (1) the plaintiff has a right to have the act performed; (2) the defendant is  
27 under a clear nondiscretionary duty to perform the act requested; and (3) no other  
28 adequate remedy is available.

1 194. Plaintiffs satisfy all of the requirements of a writ of mandamus compelling  
2 Defendants to determine their eligibility for the U-visa waitlist.

3 195. Once Plaintiffs properly filed their complete and bona fide U-visa petitions,  
4 they had a clear right to a determination of eligibility for the U-visa waitlist, 8 C.F.R. §  
5 214.14(d)(2), and a clear right to that determination within a reasonable period of time. 5  
6 U.S.C. § 555(b).

7 196. Once USCIS received Plaintiffs' U-visa petitions, it had a nondiscretionary,  
8 ministerial duty to decide within a reasonable amount of time whether Plaintiffs were  
9 eligible for placement on the U-visa waitlist. 5 U.S.C. § 555(b); 8 C.F.R. § 214.14(d)(2).

10 197. USCIS has not determined whether Plaintiffs are eligible for the U-visa  
11 waitlist, in violation of its obligations under 5 U.S.C. § 555(b) and 8 C.F.R. §  
12 214.14(d)(2).

13 198. No other adequate remedy is available to Plaintiffs. Because of USCIS's  
14 unreasonable delay, Plaintiffs are living under the threat of removal and separation from  
15 their families and have been denied the opportunity to seek lawful employment to support  
16 themselves and will continue to suffer substantial and irreparable harm to their welfare  
17 for which there is no adequate remedy at law.

18 Sixth Cause of Action - Mandamus

19 [Unlawful Failure to Adjudicate EAD Application Under Statutory Timeline]

20 199. Plaintiffs repeat and incorporate by reference each and every allegation  
21 contained in the preceding paragraphs as if fully set forth herein.

22 200. Plaintiffs also satisfy all of the requirements of a writ of mandamus  
23 compelling Defendants to adjudicate their EAD applications under the statutory timeline  
24 imposed by 8 U.S.C. § 1184(p)(6).

25 201. Plaintiffs submitted applications for employment authorization with their U-  
26 visa applications. Plaintiffs have a clear right to the adjudication of their EAD  
27 applications while their petitions for a U-visa are pending under 8 U.S.C. § 1184(p)(6).

28 202. In enacting 8 U.S.C. § 1184(p)(6), Congress imposed a nondiscretionary

1 duty on USCIS to adjudicate applications for EADs from petitioners with pending U-visa  
2 petitions.

3 203. Defendants have violated their obligation under 8 U.S.C. § 1184(p)(6) by  
4 unlawfully withholding adjudication of EAD applications submitted by pending, bona  
5 fide petitioners for U nonimmigrant status who are not on the U-visa waitlist until such  
6 applicants have either (i) been granted a U-visa, or (ii) submitted a new EAD application  
7 pursuant to placement on the formal U-visa waitlist.

8 204. No other adequate remedy is available to Plaintiffs. Without the  
9 adjudication of their applications for EADs, Plaintiffs have been and continue to be  
10 unable to obtain lawful employment in the United States. As a result, Plaintiffs have  
11 been and continue to be at risk of being unable to lawfully support themselves and their  
12 families. An order from this Court is Plaintiffs' only avenue of relief with respect to their  
13 right to the timely adjudication of their EAD applications.

14 Seventh Cause of Action - Mandamus

15 [Unlawful Failure to Adjudicate EAD Application or Issue an Interim EAD in  
16 Violation of Regulation]

17 205. Plaintiffs repeat and incorporate by reference each and every allegation  
18 contained in the preceding paragraphs as if fully set forth herein.

19 206. Plaintiffs satisfy all of the requirements of a writ of mandamus compelling  
20 Defendants to adjudicate their EAD applications and grant them interim EADs pursuant  
21 to former 8 C.F.R. § 274a.13(d).

22 207. Plaintiffs have a clear right to adjudication of their EAD applications within  
23 90 days of their filing or, failing such adjudication, to receive interim EADs. 8 C.F.R. §  
24 274a.13(d).

25 208. 8 C.F.R. § 274a.13(d) imposes a nondiscretionary duty on USCIS to either  
26 adjudicate EAD applications within 90 days or issue an interim EAD. *See* 8 C.F.R. §  
27 274a.13(d) (providing that "USCIS shall adjudicate the application [for an EAD] within  
28 90 days from the date of receipt of the application by USCIS" and that "[f]ailure to

1 complete the adjudication within 90 days will result in the grant of an [EAD] for a period  
2 not to exceed 240 days”).

3 209. Defendants have violated their obligation to adjudicate Plaintiffs’ EADs or  
4 to issue them interim EADs. Plaintiffs’ EAD applications have been pending for more  
5 than 90 days and have not been adjudicated, nor have Plaintiffs been granted interim  
6 EADs.

7 210. No other adequate remedy is available to Plaintiffs. Without the  
8 adjudication of their applications for EADs or interim authorization, Plaintiffs have been  
9 and continue to be unable to obtain lawful employment in the United States. As a result,  
10 Plaintiffs have been and continue to be at risk of being unable to lawfully support  
11 themselves and their families. An order from this Court is Plaintiffs’ only avenue of  
12 relief with respect to their right to the timely adjudication of their EAD applications.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs respectfully request that this Court:

- 15 1. Declare that Defendants are in violation of 5 U.S.C. §§ 555(b), 706(1), and  
16 706(2)(A); 8 U.S.C. § 1184(p)(6); former 8 C.F.R. § 274a.13(d); and 8  
17 C.F.R. § 214.14(d)(2).
  - 18 2. Issue a preliminary and permanent injunction requiring that Defendants,  
19 their agents, employees, and successors in office issue: (a) determine  
20 Plaintiffs’ eligibility for placement on the U-visa waitlist, pursuant to 8  
21 C.F.R. § 214.14(d)(2); (b) timely adjudicate Plaintiffs’ employment  
22 applications while their U-visa petitions remain pending, pursuant to 8  
23 U.S.C. § 1184(p)(6); and (c) adjudicate Plaintiffs’ employment applications  
24 and grant them interim EADs, pursuant to former 8 C.F.R. § 274a.13(d).
  - 25 3. Award Plaintiffs their costs and attorneys’ fees incurred in bringing this  
26 action; and
  - 27 4. Grant such other relief as this Court deems just and proper.
- 28



1 DATED: October 4, 2019

Respectfully submitted,

2 */s/ Austin Norris*

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