

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|   |   |  |
|---|---|--|
| RANJITHA SUBRAMANYA, individually           | : |  |
| and on behalf of a class of those similarly | : | Case No. 2:20-CV-3707                        |
| situated, et al.,                           | : |  |
|   | : | Chief Judge Algenon L. Marbley               |
| Plaintiffs,                                 | : |  |
|   | : | Magistrate Judge Deavers                     |
| vs.   | : |  |
|   | : |  |
| UNITED STATES CITIZENSHIP AND               | : | <b><u>DEFENDANTS' REPORT PURSUANT</u></b>    |
| IMMIGRATION SERVICES, et al.,               | : | <b><u>TO CONSENT ORDER (ECF No. 55),</u></b> |
|   | : | <b><u>SEPTEMBER 9, 2020</u></b>              |
| Defendants.                                 | : |  |

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In accordance with the Consent Order, proposed by the Parties, signed and entered by this Court, (ECF No. 54, filed 8/19/2020; ECF No. 55, filed 8/21/2020), Defendants submit the following Report for September 9, 2020, as described at Section IV. AGREED UPON TIMELINE, of that Consent Order<sup>1</sup>:

10. Subject to Section VI. 16. and 18., Defendants agree to comply with the following Benchmarks:
- a. By August 21, 2020, Defendants will provide Plaintiffs' Counsel and will file the aggregate data for the Putative Class Members. This data will include the aggregate number of Putative Class Members who are seeking an EAD based on a (c)(8) classification in Subclass 2. Defendants will provide Plaintiffs' Counsel and will file updated aggregate data on September 9, 2020 and September 30, 2020.

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<sup>1</sup> All capitalized terms not defined herein are accorded the meanings ascribed to them in the Consent Order. ECF No. 55.

**Aggregate Data for Putative Class Members  
Reporting of September 9, 2020**

**Total Putative Class Members**

On August 20, 2020, USCIS created the Putative Class List which it will use to provide the reports required under Section V of the Consent Order. On that date, there were a total of 45,565<sup>2</sup> receipt numbers meeting the definition of the two subclasses, as further identified below.

**EADs Not Yet Produced**

| <b>Date</b>            | <b>Subclass 1</b> | <b>Subclass 2<br/>All Categories</b> | <b>Subclass 2<br/>(C08 Only)</b> |
|------------------------|-------------------|--------------------------------------|----------------------------------|
| <b>August 20, 2020</b> | 27,829            | 17,736                               | 4,102                            |

**EADs Produced<sup>3</sup>**

| <b>Date</b>              | <b>Subclass 1</b>   | <b>Subclass 2<br/>All Categories</b> | <b>Subclass 2<br/>(C08 Only)</b> |
|--------------------------|---------------------|--------------------------------------|----------------------------------|
| <b>August 20, 2020</b>   | 0                   | 0                                    | 0                                |
| <b>September 9, 2020</b> | 27,829 <sup>4</sup> | 12,717 <sup>5</sup>                  | 2,428 <sup>6</sup>               |

<sup>2</sup> This number represents the total number of receipt numbers meeting the definition of Putative Class Member. There could be more than one receipt number associated with an individual Putative Class Member.

<sup>3</sup> The term Putative Class Member means an alien who resides in the United States, who has submitted a Form I-765 to USCIS, whose Form I-765 USCIS was approved on or after December 1, 2019, and whose Employment Authorization Document has not been Produced at the time the Putative Class List was generated. Accordingly, at the time the Putative Class List was generated on August 20, 2020, USCIS had not yet produced any EADs for the Putative Class Members. Importantly, by August 20, 2020, USCIS had Produced EADs for all Plaintiffs.

<sup>4</sup> USCIS produced all Subclass 1 EADs within 7 business days of the execution of the Consent Order by Defendants' Counsel and Plaintiffs' Counsel. Initially, there were 131 EADs that did not meet the USCIS quality assurance standards for card production (e.g., photo too light, photo too dark). See Consent Order Section IV.11.a. Since that time, USCIS has been working to correct the defects identified for these EADs. As of September 9, 2020, the defect in all but 6 of these EADs have been corrected and the EADs were Produced.

<sup>5</sup> Of the 12,717 Subclass 2 EADs produced, more than 98 percent were produced within 7 business days of biometric capture. As of September 9, 2020, 102 of the produced EADs do not meet the USCIS quality assurance standards for card production (e.g., photo too light, photo too dark). See Consent Order Section IV.11.a. USCIS is working to correct these defects.

<sup>6</sup> Of the 2,428 Subclass 2 C08 EADs produced, more than 99 percent were produced within 7 business days of biometric capture. As of September 9, 2020, 18 of the produced EADs do not meet the USCIS quality assurance standards for card production (e.g., photo too light, photo too dark). See Consent Order Section IV.11.a. USCIS is working to correct these defects.

Respectfully submitted,

DAVID M. DEVILLERS  
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s/Christopher R. Yates  
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*Attorney for Defendants*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed on the 9<sup>th</sup> day of September 2020, using the Court's CM/ECF system, which will notify all counsel of record.

s/Christopher R. Yates  
CHRISTOPHER R. YATES (0064776)  
Assistant United States Attorney