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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

vs.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: --

**COMPLAINT—CLASS ACTION FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

1
2
3 1. Plaintiffs are two United States citizens, one lawful permanent resident, and three
4 nationals of three predominantly Muslim countries who seek to be reunited and live as families
5 in the United States. Like thousands before them, Plaintiffs have diligently pursued the lengthy
6 and rigorous immigrant visa process, which entails, inter alia, filing immigrant visa petitions and
7 immigrant visa applications, paying hundreds of dollars in filing fees, undergoing security
8 screenings and medical examinations, and attending an interview before a consular officer.

9 2. The unlawful and discriminatory executive order issued by President Donald Trump on
10 January 27, 2017 has shattered Plaintiffs’ lives and their prospects for being reunited as well as
11 the lives and reunification prospects of the scores of similarly situated families and individuals
12 they seek to represent through this action. This far-reaching executive order contains an array of
13 problematic provisions with drastic consequences.

14 3. At issue in this suit is Section 3 of the executive order, through which President Trump
15 abruptly suspended immigrant visa processing for nationals of seven predominantly Muslim
16 countries, and prohibited their entry into the United States.

17 4. Section 3 violates Congress’ clear intent in 8 U.S.C. § 1152(a)(1) to prevent
18 discrimination in the issuance of immigrant visas “because of the person’s race, sex, nationality,
19 place of birth, or place of residence.” It also violates Plaintiffs’ constitutionally protected rights
20 to family, marriage, and equal protection under the law.

21 5. Plaintiffs and prospective class members seek this Court’s intervention to cease
22 application of Section 3 of the executive order to persons in the immigrant visa process—U.S.
23 citizens and lawful permanent residents who have successfully petitioned for the immigration of
24 a family member and nationals of the seven designated countries who have applied for visas—to
25 prevent ongoing and future harm to these individuals. Such intervention is needed to protect the
26 integrity of the United States’ immigrant visa process.
27

JURISDICTION AND VENUE

6. This case arises under the United States Constitution; the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.; and the Administrative Procedure Act (APA), 5 U.S.C. § 701 et seq.

7. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331, as a civil action arising under the laws of the United States, and the Mandamus and Venue Act of 1962, 28 U.S.C. § 1361. Declaratory judgment is sought pursuant to 28 U.S.C. §§ 2201-02. The United States has waived its sovereign immunity pursuant to 5 U.S.C. § 702.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e) because Defendants are officers or employees of the United States or agencies thereof acting in their official capacities. A substantial part of the events or omissions giving rise to the claims occurred in this district, and Plaintiffs Juweiya Ali and Reema Dahman reside in this district, as do many putative class members. In addition, no real property is involved in this action.

PARTIES

9. Plaintiff Juweiya Abdiaziz Ali is a U.S. citizen who resides in Seattle, Washington.

10. Plaintiff A.F.A. is her six-year-old son. He is a citizen and resident of Somalia.

11. Plaintiff A.F.A. has a pending immigrant visa application based on Plaintiff Ali’s approved family-based immigrant visa petition for him.

12. Plaintiff Reema Khaled Dahman is Syrian citizen and a lawful permanent resident of the United States who resides in Seattle, Washington.

13. Plaintiff G.E. is her 16-year-old son. He is a citizen and resident of Syria.

14. Plaintiff G.E. has a pending immigrant visa application based on Plaintiff Dahman’s approved family-based immigrant visa petition for him.

15. Plaintiff Ahmed Mohammed Ahmed Ali is a U.S. citizen who resides in Los Banos, California.

1 16. Plaintiff E.A. is his 12-year-old daughter. She is a citizen of Yemen currently located in
2 Djibouti.

3 17. Plaintiff E.A. has an approved immigrant visa based on Plaintiff Ali's approved family-
4 based immigrant visa petition for her.

5 18. Defendant Donald Trump is the President of the United States. He is sued in his official
6 capacity.

7 19. Defendant U.S. Department of State (DOS) is a cabinet department of the United States
8 federal government. DOS has an integral role in the immigrant visa application and adjudication
9 process.
10

11 20. Defendant Tom Shannon is the Acting Secretary of State and as such is the chief foreign
12 affairs adviser to the President. His responsibilities include administering DOS and supervising
13 the administration of U.S. immigration laws abroad. He is sued in his official capacity.

14 21. Defendant U.S. Department of Homeland Security (DHS) is a cabinet department of the
15 United States federal government. DHS has an integral role in the immigrant visa application and
16 adjudication process.

17 22. Defendant John F. Kelly is the Secretary of DHS and is responsible for the administration
18 and enforcement of the INA and oversight of all operations of DHS. He is sued in his official
19 capacity.

20 23. Defendant United States Citizenship and Immigration Services (USCIS) is a component
21 of DHS responsible for, inter alia, adjudicating immigrant visa petitions filed on behalf of
22 foreign nationals seeking to immigrate to the United States. USCIS play an integral role in the
23 immigrant visa application and adjudication process.

24 24. Defendant Lori Scialabba is the Acting Director of USCIS and is responsible for its
25 oversight and administration, including responsibility for USCIS' role in the immigrant visa
26 application and adjudication process. She is sued in her official capacity.
27

1 25. Defendant Office of Director of National Intelligence is assigned responsibility under the
2 Executive Order to consult with DHS, to determine which countries will be encompassed by the
3 Executive Order.

4 26. Defendant Michael Dempsey is the Acting Director of National Intelligence (DNI), and is
5 responsible for its oversight and administration, including responsibility for DNI's role in vetting
6 countries targeted by the Executive Order. He is sued in his official capacity.

7
8 **BACKGROUND**

9 27. The INA sets forth a rigorous multi-step application process for those seeking to obtain
10 an immigrant visa to the United States. *See generally* 8 U.S.C. §§ 1153 and 1154.

11 28. As an initial step, the government must receive and approve a visa petition. A qualifying
12 U.S. citizen family member or employer must submit a visa petition on behalf of a foreign
13 national beneficiary and pay an accompanying filing fee to USCIS, a subdivision of DHS, using
14 either Form I-130 (Petition for Alien Relative), or Form I-140 (Petition for Alien Worker). To
15 be eligible to submit a family-based visa petition, the petitioner's relationship to the beneficiary
16 must fall within a prescribed statutory classification. In order to qualify for an employment-based
17 visa, the beneficiary must meet a variety of requirements, generally including qualification for
18 the job that she seeks and a lack of U.S. workers available to take that job.

19 29. Certain other limited categories of noncitizens are eligible to immigrate pursuant to
20 legislation, including Iraq translators who have supported U.S. troops abroad or worked on
21 behalf of the U.S. government in Iraq. These individuals apply for an immigrant visa by filing
22 Form I-360 (Petition for Amerasian, Widow(er), or Special Immigrant) with USCIS.

23 30. If USCIS approves the visa petition, the beneficiary of the petition is eligible to begin the
24 process to apply to immigrate as soon as a visa number becomes available. If a visa number is
25 immediately available, she may begin the process of applying for the immigrant visa
26 immediately; if there is a backlog in the visa category in which she falls, she may wait months or
27 years for a visa number to become immediately available. The length of the wait depends on

1 factors such as the type of petition, the country of nationality, and/or the family or employment
2 category for which a visa number is sought.

3 31. After USCIS approves an immigrant visa petition, the immigrant visa beneficiary (i.e.,
4 the immigrant visa applicant) faces additional fees, additional applications, and screening by the
5 National Visa Center (NVC), a component of DOS. Once the additional fees are paid, the
6 immigration visa applicant must submit Form DS-260 (Immigrant Visa Electronic Application),
7 and, in many cases, Form I-864 (Affidavit of Support). DOS and DHS then conduct a variety of
8 security checks regarding the applicants' background and any possible criminal history.
9

10 32. Immigrant visa applicants also must undergo a medical examination by an Embassy-
11 approved physician.

12 33. After all necessary paperwork and agency screening of the beneficiary is completed, the
13 U.S. Embassy or consulate will issue an interview notice, requiring her to appear at a U.S.
14 Embassy or consulate. At the appointment, a consular officer interviews the immigrant visa
15 applicant and reviews the wide range of supporting documents, including documentation of her
16 medical exam, identity documents and documents establishing her visa eligibility, a police
17 certificate, and any military or prison records.

18 34. In order for a consular officer to grant an immigrant visa application, the officer must
19 establish that the applicant is eligible for a visa and is not barred by various grounds of
20 inadmissibility set forth in the INA, including national security-related grounds. *See, e.g.*, 8
21 U.S.C. § 1182(a)(3). Among the tools available to consular officers in making these
22 determinations are Security Advisory Opinions (SAOs), a process through which a noncitizen's
23 information is referred to a variety of U.S. intelligence and law enforcement agencies for
24 assessment. Both consular officers and DHS employees stationed at U.S. Embassies and
25 Consulates pursuant to Section 428 of the Homeland Security Act of 2002 may request that an
26 SAO be submitted. A consular visa is not issued until the SAO process is completed.
27

1 35. If the consular officer approves the immigrant visa application, the person is presented
2 with an immigrant visa packet which they must carry and present upon arrival in the United
3 States. At the time the individual receives the packet, she becomes an immigrant visa holder and
4 must enter the United States within 6 months of the date her visa is issued.

5 36. The individual presents the visa packet to a Customs and Border Protection inspecting
6 officer at a port of entry. Upon admission to the United States, the immigrant visa holder
7 becomes a lawful permanent resident (LPR).
8

9 37. Other noncitizens may qualify for an immigrant visa through such programs as the
10 diversity visa program, and special immigrant visa programs. These individuals follow a similar
11 application, screening, adjudication and admission process.

12 **FACTUAL ALLEGATIONS**

13 *President Trump's January 27, 2017 Executive Order*

14 38. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the
15 United States.

16 39. One week later, on January 27, President Trump signed an executive order entitled,
17 "Protecting the Nation from Foreign Terrorist Entry into the United States," (EO). The order is
18 attached as Exhibit A.

19 40. Claiming a need to "protect Americans" from the threat of terrorism and blaming DOS
20 policy for the September 11, 2001 tragedies (Sections 1 and 2), the EO orders the immediate
21 implementation of major changes to the ability of foreign nationals to seek and obtain admission
22 to the United States. The EO impacts all major categories of foreign nationals who seek
23 admission to the United States: immigrants, nonimmigrants, and refugees. Among other things,
24 the EO directs federal agencies to develop screening standards for all immigration benefits to
25 identify individuals who enter fraudulently intending to cause harm (Section 4); suspends
26 refugee processing for 120 days, halts the processing and admission of Syrian refugees
27 indefinitely, and reduces the number of refugee admissions from 110,000 to 50,000 in fiscal year
28

1 2017 (Section 5); orders the heads of executive departments to consider rescinding their exercise
2 of discretionary authority to waive inadmissibility under 8 U.S.C. § 1182(a)(3) (Section 6);
3 directs agencies to expedite the completion and implementation of a biometric entry-exit system
4 which includes reporting requirements (Section 7); and suspends the State Department's
5 authority to waive visa interviews unless a person is subject to a specific statutory exemption
6 (Section 8).

7
8 41. Section 3, entitled "Suspension of Issuance of Visas and Other Immigration Benefits to
9 Nationals of Countries of Particular Concern" is at issue in this lawsuit. Sections 3(a) and (b)
10 order DHS, in consultation with DOS and the Director of National Intelligence (DNI), to review
11 and submit a report to the President on "the information needed from any country to adjudicate
12 any visa, admission, or other benefit under the INA (adjudications)" to verify an applicant's
13 identity and assess his or her threat to security or public-safety.

14 42. In Section 3(c), the President, pursuant to 8 U.S.C. 1182(f), bans all persons from
15 countries referred to in 8 U.S.C. § 1187(a)(12) from entering the United States on an immigrant
16 or nonimmigrant visa for 90 days, with limited exceptions not relevant here. These countries are
17 Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen.

18 43. Sections 3(d)-(f) set forth a timetable for identifying countries that do not supply the
19 information on foreign nationals included in the DHS report to the President and requesting their
20 compliance. For those that fail to comply, the President may impose a ban on the entry of
21 nationals of that country until such time as the country complies. At any time, DOS or DHS may
22 suggest that the President impose similar treatment on additional countries.

23 *Resulting Chaos*

24 44. Immediately following issuance of the EO, hundreds of persons involved in the
25 immigrant visa process were harmed. Plaintiffs Juweiya Ali, A.F.A., Dahman, and G.E., along
26 with many others, had already begun the visa application process; they faced the immediate
27 suspension of immigrant visa processing. Plaintiff E.A. and many others had been issued a visa

1 and were en route or making plans to travel to the United States; they were now banned from
2 entering the United States notwithstanding their valid visas.

3 45. The DOS and some U.S. embassies and consulates abroad posted the following notice
4 online, advising immigrant visa applicants that visa issuance had been suspended and visa
5 interviews cancelled.

6
7 URGENT NOTICE: Executive Order on Protecting the Nation from Terrorist Attacks
8 by Foreign Nationals

9 JANUARY 27, 2017

10 **Urgent Notice**

11 Per the Executive Order on Protecting the Nation from Terrorist Attacks by
12 Foreign Nationals signed on January 27, 2017, visa issuance to nationals of the
13 countries of Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen has been
14 suspended effective immediately until further notification. If you are a citizen of
15 one of these countries, please do not schedule a visa appointment or pay any visa
16 fees at this time. If you already have an appointment scheduled, please **DO NOT
ATTEND**. You will not be permitted entry to the Embassy/Consulate. We will
17 announce any other changes affecting travelers to the United States as soon as that
18 information is available.

19 See <https://travel.state.gov/content/visas/en/news.html>; see also <https://sudan.usembassy.gov/>,
20 https://iraq.usembassy.gov/pr_012817.html.

21 46. In addition, some U.S. embassies and consulates have sent similar notifications to
22 applicants. For example, upon information and belief, the U.S. Embassy Baghdad sent
23 the following notice to an immigrant visa applicant again advising both that visa
24 processing has been suspended and that all previously-issued visas have been revoked; it
25 reads:

26 Dear applicant,

27 *Urgent Notice: Per U.S. Presidential Executive Order signed on January 27,
28 2017, visa issuance to aliens from the countries of Iraq, Iran, Libya, Somalia,
Sudan, Syria and Yemen has been suspended effective immediately until further
notification. If you are a national, or dual national, of one of these countries,
please do not schedule a visa appointment or pay any visa fees at this time. If you*

1 already have an appointment scheduled, please **DO NOT ATTEND** your
2 appointment as we will not be able to proceed with your visa interview. Please
3 note that certain travel for official governmental purposes, related to official
4 business at or on behalf of designated international organizations, on behalf of
5 the North Atlantic Treaty Organization, or by certain officials is not subject to
6 this suspension. Please continue to monitor the Embassy Baghdad
7 website <https://iraq.usembassy.gov/> and www.travel.state.gov for further update.

8 **Please be advised that all previously-issued visas to the United States for Iraqi**
9 **nationals currently outside the United States have been revoked. You are**
10 **therefore advised not to purchase tickets or to attempt to travel to the United**
11 **States until further notice.**

12 *Regards,*
13 *U.S. Embassy Baghdad*

14 47. An untold number of individuals who had already received visas have been left unable to
15 travel. Many, like Plaintiffs Ahmed Ali and his daughter E.A., had booked travel to the United
16 States and were stopped in transit, and others had already arrived and were refused entry into the
17 country and forced to return.

18 ***Animus Directing President Trump's January 27, 2017 Executive Order***

19 48. Through repeated statements, President Trump has made clear his intent to target the
20 admission of foreign nationals based upon their Muslim religion. For example, as a candidate,
21 President Trump championed an explicit Muslim ban, "calling for a total and complete shutdown
22 of Muslims entering the United States until our country's representatives can figure out what is
23 going on." Donald J. Trump, *Donald J. Trump Statement On Preventing Muslim Immigration*
24 (Dec. 7, 2015), [https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-](https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration)
25 [preventing-muslim-immigration](https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration).

26 49. Rudolph Giuliani, President Trumps' advisor on cybersecurity, confirmed that the current
27 executive order was intended to be a "legal" ban on Muslims. *See* Amy B. Wang, Trump asked
28 for a 'Muslim ban,' Giuliani says — and ordered a commission to do it 'legally', Wash. Post
(Jan. 29, 2017) ("So when [Trump] first announced it, he said, 'Muslim ban.' He called me up.
He said, 'Put a commission together. Show me the right way to do it legally.'").

1 50. The EO exempts only Christian refugees from the ban imposed on the seven Muslim-
2 majority countries. *See* Ex. A, E.O., at Section 5(b); Michael D. Shear & Helene Cooper, Trump
3 Bars Refugees and Citizens of 7 Muslim Countries, N.Y. Times (Jan. 27, 2017) (“[President
4 Trump] ordered that Christians and others from minority religions be granted priority over
5 Muslims.”).

6 **PLAINTIFFS’ ALLEGATIONS**

7 *Plaintiffs Juweiya Abdiaziz Ali and her son A.F.A.*

8 51. Plaintiff Juweiya Abdiaziz Ali is a 23-year-old U.S. citizen who resides in Seattle,
9 Washington.

10 52. Ms. Ali was born in Somalia and came to the United States as a child.

11 53. She derived U.S. citizenship on August 31, 2010 when her mother became a U.S.
12 citizen.

13 54. On August 12, 2016, Ms. Ali filed a family-based immigrant visa petition (Form I-130)
14 for her son, Plaintiff A.F.A., with USCIS, along with the then requisite \$420.00 filing fee.

15 55. A.F.A. is a 6-year-old citizen and resident of Somalia, where he lives with his
16 grandmother.

17 56. On December 21, 2016, USCIS approved the immigrant visa petition Ms. Ali filed on
18 behalf of A.F.A. and his case was subsequently transferred to the National Visa Center (“NVC”)
19 for the processing of an immigrant visa as a child of a U.S. citizen (IR-2).

20 57. On January 17, 2017, the NVC processed Ms. Ali’s payment of the requisite \$325 for the
21 Immigrant Visa Application Processing Fee, along with the requisite \$120 for the Affidavit of
22 Support Fee.

23 58. On January 20, 2017, Ms. Ali electronically submitted A.F.A.’s immigrant visa
24 application (Form DS-260). Also on that date, she mailed all supporting documents and Request
25 for Exemption for Intending Immigrant’s Affidavit of Support (Form I-864W) to the NVC.
26

1 59. The United States does not have an embassy or mission that processes immigrant visas in
2 Somalia. The U.S. Embassy in Nairobi, Kenya can process and issue immigrant visas for
3 Somalian nationals.

4 60. Ms. Ali and A.F.A. are currently waiting for the U.S. Embassy in Nairobi to schedule an
5 immigrant visa interview.

6 61. Pursuant to Section 3(c) of the EO, Defendants have suspended the processing of
7 A.F.A.'s immigrant visa interview for 90 days from the date of the order—i.e., April 27, 2017.

8 62. Pursuant to Sections 3(e) and 3(f) of the EO, there is a real possibility that the United
9 States will not permit A.F.A. to enter the United States to join his mother, Ms. Ali.
10

11 ***Plaintiffs Reema Khaled Dahman and her son G.E.***

12 63. Plaintiff Reema Khaled Dahman is a 41-year-old U.S. lawful permanent resident (“LPR”)
13 who lives in Seattle, Washington.

14 64. She is a Syrian citizen who became an LPR on September 18, 2012.

15 65. On October 19, 2015, Ms. Dahman filed a family-based immigrant visa petition (Form I-
16 130) on behalf of her son, Plaintiff G.E., with USCIS, along with the then requisite \$420.00
17 filing fee.

18 66. G.E. is a 16-year-old citizen and resident of Syria, where he lives with his grandmother.

19 67. G.E. and his mother have not seen each other since 2012.

20 68. On June 1, 2016, USCIS approved the I-130 petition Ms. Dahman filed on behalf of G.E.

21 69. USCIS subsequently transferred his case to the NVC for the processing of an immigrant
22 visa as a minor son of an LPR (F2).

23 70. On September 22, 2016, the NVC processed Ms. Dahman's payment of the requisite
24 \$325 for the Immigrant Visa Application Processing Fee, along with the requisite \$120 for the
25 Affidavit of Support Fee.
26

1 71. On December 2, 2016, Ms. Dahman electronically submitted G.E.’s immigrant visa
2 application (Form DS-260). Also on that date, Ms. Dahman e-mailed the NVC all civil
3 documents and her Affidavit of Support (Form I-864).

4 72. The United States does not have an embassy or mission that processes immigrant visas in
5 Syria. The U.S. Embassy in Amman, Jordan processes and issues immigrant visas for Syrian
6 nationals.

7 73. Ms. Dahman and G.E. are currently waiting for the U.S. Embassy in Amman to schedule
8 an immigrant visa interview.

9 74. The website of the U.S. Embassy in Amman has suspended the processing of immigrant
10 visas of Syrian nationals pursuant to Section 3(c) of the EOR, *see*
11 <https://jo.usembassy.gov/special-information-for-syrian-applicants/> (last visited Jan. 30, 2017).

12 75. Pursuant to Section 3(c) of the EO, Defendants have suspended the processing of G.E.’s
13 immigrant visa interview for 90 days from the date of the order—i.e., April 27, 2017.

14 76. Pursuant to Sections 3(e) and 3(f) of the EO, there is a real possibility that the United
15 States will not permit G.E. to enter the United States to join his mother, Ms. Dahman.

16
17 ***Plaintiff Ahmed Mohammed Ahmed Ali and his daughter E.A.***

18 77. Plaintiff Ahmed Mohammed Ahmed Ali is a 38-year-old U.S. citizen (“USC”) who
19 resides in Los Banos, California.

20 78. Mr. Ali was born in Yemen and became a naturalized U.S. citizen on July 19, 2010.

21 79. On April 11, 2011, Mr. Ali filed a family-based immigrant visa petition (Form I-130) for
22 his daughter, Plaintiff E.A., with USCIS, along with the then requisite \$420 filing fee.

23 80. Plaintiff E.A. is a 12-year-old citizen and resident of Yemen, where she had been living
24 with her grandparents.

25 81. On June 10, 2013, USCIS approved the immediate relative I-130 petition for E.A.
26
27

1 82. On July 15, 2013, the NVC processed Mr. Ali's payment of the then requisite \$230 for
2 the Immigrant Visa Application Processing Fee, along with the then requisite \$88 for the
3 Affidavit of Support Fee.

4 83. On August 11, 2014, Mr. Ali electronically submitted E.A.'s Immigrant Visa Electronic
5 Application (Form DS-260). The next day, he e-mailed all civil documents and his Affidavit of
6 Support (Form I-864) to the NVC.

7 84. The NVC then forwarded the case to the U.S. Embassy in Djibouti, Djibouti for further
8 processing and to schedule an interview.

9 85. On January 22, 2017, she appeared with her father, Mr. Ali, at the U.S. Embassy in
10 Djibouti for her interview. E.A. traveled for about 20 hours from Yemen to Djibouti. E.A. and
11 Mr. Ali were notified that the immigrant visa was approved.

12 86. E.A.'s immigrant visa was issued on January 25, 2017, and Mr. Ali and E.A. were able to
13 pick up the physical passport with the immigrant visa on January 26, 2017.

14 87. Mr. Ali and E.A.'s airline ticket cost a total of \$2,032.96.

15 88. On January 26, 2017, E.A. paid an additional \$220 immigrant visa processing fee that
16 USCIS required after she received her visa. *See* [https://www.uscis.gov/file-online/uscis-](https://www.uscis.gov/file-online/uscis-immigrant-fee)
17 [immigrant-fee](https://www.uscis.gov/file-online/uscis-immigrant-fee) (last visited Jan. 30, 2017)

18 89. On January 28, 2017, Mr. Ali and E.A. sought to board a flight from Djibouti to the
19 United States on Ethiopian Airlines. While at the airport, Mr. Ali was told by airline officials that
20 his daughter was not permitted to board the flight, pursuant to Section 3(c) of the EO.

21 90. Mr. Ali and E.A. are currently in Djibouti.

22 91. Pursuant to Sections 3(e) and 3(f) of the EO, there is a real possibility that the United
23 States will not permit E.A. to enter the United States, along with her U.S. citizen father, to join
24 her U.S. citizen mother and her two U.S. citizen sisters.

25 92. The website of the U.S. Embassy in Djibouti has suspended the processing of immigrant
26 visas of Yemeni nationals pursuant to Section 3(c) of the EO, *see*

1 [https://dj.usembassy.gov/urgent-notice-per-u-s-presidential-executive-order-signed-january-27-](https://dj.usembassy.gov/urgent-notice-per-u-s-presidential-executive-order-signed-january-27-2017/)
2 2017/ (last visited Jan. 30, 2017).

3
4 **CLASS ALLEGATIONS**

5 93. Plaintiffs bring this action on behalf of themselves and all others who are similarly
6 situated pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2). A class action is proper
7 because this action involves questions of law and fact common to the class, the class is so
8 numerous that joinder of all members is impractical, Plaintiffs' claims are typical of the claims of
9 the class, Plaintiffs will fairly and adequately protect the interests of the class, and Defendants
10 have acted on grounds that apply generally to the class, so that final injunctive relief or
11 corresponding declaratory relief is appropriate with respect to the class as a whole.

12 94. In addition to Plaintiffs A.F.A., G.E., and E.A., there are numerous other immigrant visa
13 applicants or immigrant visa holders from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen.
14 Each of these similarly situated individuals has had their immigrant visa application suspended
15 or invalidated due to the EO.

16 95. In addition to Plaintiffs Juweiya Ali, Reema Dahman, and Ahmed Ali, there are
17 numerous others who have petitioned for family members from Iraq, Syria, Iran, Sudan, Libya,
18 Somalia, and Yemen. Each of these similarly situated individuals is seeking to be reunited with
19 the immigrant visa applicants who has had their immigrant visa application suspended or
20 invalidated due to the EO.

21 96. Each of these similarly situated individuals is entitled to bring a complaint for declaratory
22 and injunctive relief to prohibit Defendants' policy, pattern, and practice of suspending
23 immigrant visa processing and temporarily invalidating the immigrant visas.

24 97. Plaintiffs seek to represent a class consisting of all nationals of countries designated by
25 Section 3(c) of the Executive Order signed by President Trump on January 27, 2017 (currently
26 Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen), who have applied for or will apply for an
27

1 immigrant visa and the visa petitioners for those nationals, whose visa applications have been or
2 will be suspended or denied, or whose immigrant visas have been or will be revoked, or who
3 have been or will be denied the ability to travel to the United States, on the basis of the January
4 27, 2017 Executive Order.

5
6 98. Plaintiffs seek to represent the class and are adequate class representatives. All Plaintiffs
7 have been subject to harm caused by Section 3 of the EO in that the EO either has suspended the
8 immigrant visa application process or revoked or invalidated the immigrant visa previously
9 received.

10 99. The Proposed Class is so numerous that joinder of all members is impracticable. The
11 number of individuals who are subject to/affected by Section 3 of the EO is not known with
12 precision by Plaintiffs, but is easily ascertainable by Defendants, as will be addressed in
13 Plaintiffs' Motion for Class Certification.

14 100. Common questions of law and fact bind the members of the Proposed Class. These
15 include, but are not limited to: whether the EO violates the INA, the APA, and the U.S.
16 Constitution.

17 101. The claims of the named Plaintiffs are typical of the claims of the Proposed Class as a
18 whole. Defendants have subjected and will subject class members to Section 3 of the EO absent
19 relief by this Court.

20 102. Plaintiffs know of no conflict between their interests and those of the Proposed Class.
21 The members of the Proposed Class are ascertainable and identifiable through notice and
22 discovery. In defending their own rights, the individual Plaintiffs will defend the rights of all
23 class members fairly and adequately.

24 103. Plaintiffs are represented in this case by counsel with deep knowledge of immigration
25 law and extensive experience litigating class actions and complex cases. Plaintiffs' attorneys
26 have the requisite level of expertise to adequately prosecute this case on their behalf and on
27 behalf of the Proposed Class.

1 104. Defendants have act on grounds generally applicable to each member of the Proposed
2 Class by subjecting Plaintiffs and class members to Section 3 of the EO.

3 105. A class action is superior to other methods available for the fair and efficient adjudication
4 of this controversy because joinder of all members of the class is impracticable.

5
6 **CAUSES OF ACTION**

7 **COUNT ONE**

8 **Violation of the Immigration and Nationality Act and the Administrative Procedure Act**

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

11 107. Section 202(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1152(a)(1), expressly
12 provides for the non-discriminatory issuance of immigrant visas; it mandates that, with limited
13 exceptions not relevant here, “no person shall receive any preference or priority or be
14 discriminated against in the issuance of an immigrant visa because of the person’s race, sex,
15 nationality, place of birth, or place of residence.”

16 108. Section 1152(a)(1) was intended to protect the interests of both U.S. citizen and lawful
17 permanent resident immigrant visa petitioners as well as immigrant visa applicants or holders.

18 109. The EO discriminates against immigrant visa applicants or holders on the basis of their
19 “nationality, place of birth, or place or residence,” and therefore is discriminatory and violates
20 8 U.S.C. § 1152(a)(1).

21 110. Defendants’ actions in suspending the processing of Plaintiffs’ immigrant visas, and/or
22 invalidating or revoking already issued immigrant visas is arbitrary, capricious, an abuse of
23 discretion, or otherwise not in accordance with law; contrary to constitutional right, power,
24 privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of
25 statutory right; and without observance of procedure required by law, in violation of the
26 Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).
27

COUNT TWO
Mandamus, 28 U.S.C. § 1361

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

5 112. 8 U.S.C. § 1152(a)(1) prohibits the government from denying issuance of immigrant
6 visas “because of the person’s race, sex, nationality, place of birth, or place of residence.”

7 113. Pursuant to the EO, Defendants have suspended issuance of and/or invalidated or revoked
8 Plaintiffs’ immigrant visas on the basis of their “nationality, place of birth, or place or
9 residence.”

10 114. Defendants unlawful adherence to the EO—and continuing refusal to process and issue
11 immigrant visas or treat as valid existing immigrant visas—violates the government’s clear,
12 nondiscretionary obligation to adjudicate immigrant visa applications and issue immigrant visas
13 in a non-discriminatory manner.
14

15 **COUNT THREE**
Violation of Fifth Amendment –Equal Protection

16
17 115. Plaintiffs repeat and incorporates by reference each and every allegation contained in the
18 preceding paragraphs as if fully set forth herein.

19 116. The Due Process Clause of the Fifth Amendment of the U.S. Constitution guarantees all
20 individuals due process of the laws, which includes a guarantee of equal protection.

21 117. Section 3 of the EO discriminates against Plaintiffs on the basis of their nationality and/or
22 place of birth without sufficient justification, and therefore violates the equal protection
23 component of the Due Process Clause of the Fifth Amendment.

24 118. Additionally, the EO was substantially motivated by animus toward—and has a disparate
25 effect on—Muslims, which also violates the equal protection component of the Due Process
26 Clause of the Fifth Amendment.
27

COUNT FOUR

**Violation of the Fifth Amendment – Due Process
(Plaintiffs Juweiya Ali, Reema Dahman, and Ahmed Ali Against All Defendants)**

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

120. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law.”

121. Plaintiffs Juweiya Ali, Reema Dahman, and Ahmed Ali have a constitutionally protected liberty interest in their family life.

122. At a minimum, due process protects individuals against arbitrary government action, including actions that do not adhere to the constraints that Congress has imposed or the facts may dictate.

123. Defendants’ actions in suspending the processing of their immigrant visas and in denying the validity of existing immigrant visas, taken pursuant to the EO, violate the procedural due process rights guaranteed by the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and other members of the proposed class respectfully pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Certify the case as class action as proposed herein;
- c. Appoint Plaintiffs as representatives of the classes;
- d. Declare Section 3(c) of the Executive Order is contrary to the statute and the Constitution;
- e. Issue an order enjoining Defendants from applying Section 3(c) of the Executive Order to Plaintiffs and proposed class members;

1 f. Award Plaintiffs' counsel reasonable attorneys' fees under the Equal Access to Justice
2 Act, and any other applicable statute or regulation; and

3 g. Grant such further relief as the Court deems just, equitable, and appropriate.
4

5 Respectfully submitted this 30th of January, 2017, by:
6

7
8 s/Matt Adams

9 Matt Adams, WSBA No. 28287

Mary Kenney, *pro hac vice admission
forthcoming*

10 s/Glenda Aldana

11 Glenda M. Aldana Madrid, WSBA 46987

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12 Maria Lucia Chavez, WSBA No. 43826,
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