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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 H.M.; K.G.; N.Z.; P.O.; G.T.; and T.G.,

11 Plaintiffs,

12 v.

13 David RADEL, Director, U.S. Citizenship and  
14 Immigration Services Los Angeles Asylum Office, in  
15 his official capacity; and U.S. CITIZENSHIP AND  
16 IMMIGRATION SERVICES,

17 Defendants.

Case No. 21-10011

**COMPLAINT FOR  
DECLARATORY, INJUNCTIVE,  
AND MANDAMUS RELIEF**

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**INTRODUCTION**

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2 1. Plaintiffs H.M., K.G., N.Z., P.O., G.T., and T.G. fled persecution in Eritrea and  
3 entered the United States as refugees.

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5 2. After arriving, Plaintiffs sought to reunite their families, including spouses and  
6 children still abroad in unsafe conditions. Thus, they filed a Refugee Relative Petition (Form I-  
7 730), also known as a I-730 refugee “follow-to-join” (FTJ) petition, for each of their immediate  
8 family members—the pathway designated for refugees to bring those family members to the  
9 United States.

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11 3. Plaintiffs H.M., K.G., N.Z., P.O., G.T., and T.G. filed these petitions in August  
12 2019, January 2020, September 2018, August 2018, July 2018, and July 2018, respectively. The  
13 petitions remain pending, unadjudicated by Defendant U.S. Citizenship and Immigration  
14 Services (USCIS) and, more specifically, by the USCIS Los Angeles Asylum Office of which  
15 Defendant David Radel is the Director. Consequently, Plaintiffs and their families are still living  
16 on different continents, waiting for the opportunity to reunite.

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18 4. Plaintiff H.M. has been separated from her husband since 2016 when they moved  
19 to separate refugee camps. She sought expedited processing of the FTJ petition she submitted for  
20 her husband based on serious concerns for his safety in the [REDACTED] Refugee Camp in [REDACTED]  
21 Libya; she remains terrified for her husband due to ongoing government-sanctioned attacks on  
22 migrants in [REDACTED] that resulted in his detention. Defendants have failed to timely adjudicate the  
23 FTJ petition, which Plaintiff H.M. filed more than two years and four months ago.

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25 5. Plaintiff K.G. has been separated from his wife and three youngest children since  
26 July 2019. After Plaintiff K.G. filed FTJ petitions on their behalf, his family was forced to flee  
from the [REDACTED] Refugee Camp in [REDACTED] Ethiopia, after soldiers and militias attacked

1 refugees in the region; the family remains fearful for their safety. Defendants have failed to  
2 timely adjudicate the FTJ petitions, which Plaintiff K.G. filed more than a year and eleven  
3 months ago.

4 6. Plaintiff N.Z. has been separated from her husband for more than 11 years, since  
5 2010. As a result, their youngest child, who is now 11 years old, has never met his father; their  
6 13-year-old son similarly has been separated from his father for almost all his life. Defendants  
7 have failed to timely adjudicate the FTJ petition that Plaintiff N.Z. filed on her husband's behalf  
8 more than three years and three months ago.

9 7. Plaintiff P.O. has been living apart from his wife and young son since April 2017,  
10 before his son was born. He remains afraid for them, because they have experienced  
11 discrimination and witnessed violence against people who, like them, speak Tigrinya, where they  
12 remain in Ethiopia. Defendants have failed to timely adjudicate the FTJ petitions that Plaintiff  
13 P.O. filed three years and four months ago.

14 8. Plaintiff G.T. has lived apart from his wife and three children since January 2018,  
15 when his children were nine, one, and less than one year old. He is afraid for their safety where  
16 they live in Addis Ababa due to the ongoing conflict in Ethiopia. Defendants have failed to  
17 timely adjudicate the FTJ petitions that Plaintiff G.T. filed approximately three and a half years  
18 ago.

19 9. Plaintiff T.G. has lived apart from his wife since 2017, shortly after their  
20 wedding. He has only met his daughter, who is now more than four years old, once when he was  
21 able to visit his family in Ethiopia. Defendants have failed to timely adjudicate the FTJ petitions  
22 which Plaintiff T.G. filed more than three years and five months ago.

23 10. Defendants' failure to timely adjudicate Plaintiffs' FTJ petitions is contrary to  
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1 their obligation to do so within a reasonable time.

2 11. Defendants' failure to timely adjudicate their FTJ petitions is causing, and will  
3 continue to cause, Plaintiffs great distress and anxiety regarding the safety of their loved ones.

4 12. Plaintiffs therefore seek an order from this Court compelling Defendants to  
5 immediately adjudicate Plaintiffs' FTJ petitions under the Administrative Procedure Act (APA)  
6 and the Mandamus Act.

7  
8 **JURISDICTION**

9 13. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal  
10 question) and 28 U.S.C. § 1361 (Mandamus Act). The Court may grant declaratory and  
11 injunctive relief pursuant to 28 U.S.C. §§ 2201-2202, 5 U.S.C. § 702, and 28 U.S.C. § 1361. The  
12 government has waived its sovereign immunity pursuant to 5 U.S.C. § 702.

13  
14 **VENUE**

15 14. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e), because this is a  
16 civil action in which Defendants are an agency of the United States and an officer of the United  
17 States, acting in his official capacity; a substantial part of the events or omissions giving rise to  
18 the claim occurred in the Central District of California, and Defendant Radel resides within the  
19 Central District of California.

20  
21 **PARTIES**

22 15. Plaintiff H.M. is a refugee from Eritrea with a pending application for lawful  
23 permanent residence. She has been separated from her husband, B.K., for more than five and a  
24 half years, since March 2016. She filed an FTJ petition for him in August 2019.

25 16. Plaintiff K.G. is a refugee from Eritrea with a pending application for lawful  
26 permanent residence. He has been separated from his wife, L.G., and three youngest children, his

1 19-year-old son Z.G., his 16-year-old daughter K.K.G., and his 12-year-old daughter F.G., for  
2 more than two years. He filed FTJ petitions for them in January 2020.

3 17. Plaintiff N.Z. is a lawful permanent resident who entered the United States as a  
4 refugee from Eritrea. She has been separated from her husband, F.Z., for more than 11 years,  
5 since early 2010. She filed an FTJ petition for him in September 2018.

6 18. Plaintiff P.O. is a lawful permanent resident who entered the United States as a  
7 refugee from Eritrea. He has been living apart from his wife, M.G., and their three-year-old son,  
8 A.M., since April 2017. He filed FTJ petitions for them in August 2018.

9 19. Plaintiff G.T. is a lawful permanent resident who entered the United States as a  
10 refugee from Eritrea. He has been separated from his wife, J.T., and their three children, 13-year-  
11 old son D.T., five-year-old son Y.T., and four-year-old daughter B.T., since January 2018. He  
12 filed FTJ petitions for them in July 2018.

13 20. Plaintiff T.G. is a lawful permanent resident who entered the United States as a  
14 refugee from Eritrea. He has been living apart from his wife, F.K., and their daughter, H.T., since  
15 2017. He filed FTJ petitions for them in July 2018.

16 21. Defendant USCIS is a component agency within the Department of Homeland  
17 Security (DHS) and is the federal agency responsible for adjudicating immigration-related  
18 benefit applications, including FTJ petitions filed by refugees. USCIS is an “agency” within the  
19 meaning of the APA, 5 U.S.C. § 551(1).

20 22. Defendant David Radel is the Director of the USCIS Los Angeles Asylum Office.  
21 He is responsible for all aspects of the operation of that office and is sued in his official capacity.  
22 By December 2019, the Los Angeles Asylum Office had begun performing all duties previously  
23 handled by the Refugee, Asylum, and International Operations (RAIO) Director’s International  
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1 Adjudication Support Branch, including overseeing the processing and adjudication of FTJ  
2 petitions.

### 3 LEGAL FRAMEWORK

#### 4 **The Follow-to-Join Petition Process**

5 23. Refugees who are admitted into the United States can seek to reunite with their  
6 immediate family members by petitioning for their spouses and children under 8 U.S.C. §  
7 1157(c)(2), the refugee FTJ statute. This provision was enacted through the Refugee Act of  
8 1980, Pub. L. No. 96-212, 94 Stat. 102, 103 (1980), and is intended to provide a streamlined  
9 process to reunite families based on straightforward assessments of family relationships.  
10

11 24. The refugee FTJ statute provides eligible spouses and children of refugees with a  
12 nondiscretionary right to refugee status following the adjudication and processing of a Form I-  
13 730 Refugee Relative Petition. *See* 8 U.S.C. § 1157(c)(2) (stating that eligible spouses and  
14 children of refugees “*shall . . . be entitled* to the same admission status as such refugee if  
15 accompanying, or following to join, such refugee,” provided they are admissible) (emphasis  
16 added); 8 C.F.R. § 207.7(a) (stating that an eligible spouse or child “*shall be granted* refugee  
17 status if accompanying or following-to-join the principal [noncitizen]”) (emphasis added). *See*  
18 *also Doe v. Trump*, 288 F. Supp. 3d 1045, 1078 (W.D. Wash. 2017) (contrasting the  
19 nondiscretionary refugee FTJ statute with “permissive language” in other visa provisions and  
20 noting that, where Congress contrasts the use of “shall” and “may,” “Congress’s use of ‘shall’. . .  
21 ‘impose[s] discretionless obligations’”) (quoting *Lopez v. Davis*, 531 U.S. 230, 241 (2001)). The  
22 refugee FTJ process, as required by the statute, does not permit adjudicators to reassess  
23 eligibility for refugee status, for either the petitioning primary refugee or for family member  
24 beneficiaries.  
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1           25.     DHS has ultimate responsibility for adjudicating refugee FTJ petitions. 8 U.S.C. §  
2 1157(c)(2); *see also* 9 Foreign Affairs Manual § 203.5-2(a)(1) (“As a matter of law, authority to  
3 adjudicate and process refugee and affirmative asylum claims, including Form I-730 follow-to-  
4 join derivatives of asylees and refugees, rests exclusively with [DHS].”); 9 Foreign Affairs  
5 Manual § 203.5-2(a)(3) (“Consular officers act as agents of the USCIS Service Centers for the  
6 purpose of facilitating overseas [refugee FTJ petition] case processing and verifying the  
7 eligibility of the approved beneficiaries, but not for final adjudication of the I-730 petition.”).

8           26.     The process begins when the refugee submits an FTJ petition on Form I-730 for  
9 each family member, along with evidence that the petitioner is a refugee or lawful permanent  
10 resident, that the beneficiary is the specified eligible relative of the petitioner, and that the  
11 petition was timely filed. *See* 8 C.F.R. § 207.7(d), (e). The petitioner generally must file FTJ  
12 petitions within two years of admission into the United States. *See* 8 C.F.R. § 207.7(d).

13           27.     After the FTJ petition and accompanying documentation are submitted, USCIS  
14 assesses the apparent eligibility of the petitioner and beneficiary. If the petitioner establishes  
15 eligibility by a preponderance of evidence, USCIS approves the petition and submits the  
16 approved petition for overseas processing. *See* 8 C.F.R. § 207.7(d)-(f). This approval “will  
17 remain valid for the duration of the relationship to the refugee and, in the case of a child, while  
18 the child is under 21 years of age and unmarried, provided also that the principal’s status has not  
19 been revoked.” 8 C.F.R. § 207.7(f)(3). Unmarried children who are under 21 years old at the  
20 time their parent’s refugee petition is filed and are listed on Form I-590 (Registration for  
21 Classification as Refugee) when it is adjudicated will continue to be treated as children for  
22 purposes of FTJ petitions. *See* 8 U.S.C. § 1157(c)(2)(B).  
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### Timing of Follow-to-Join Petition Adjudication and Processing

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2 28. Although the refugee FTJ statute does not mandate a timeline for adjudicating I-  
3 730 petitions, Congress has expressed its “sense . . . that the processing of an immigration benefit  
4 application should be completed not later than 180 days after the initial filing of the application .  
5 . . .” 8 U.S.C. § 1571(b).

6 29. In February 2021, the Biden Administration reemphasized the reasonableness of  
7 that 180-day timetable. *See* Executive Order 14013, Rebuilding and Enhancing Programs to  
8 Resettle Refugees and Planning for the Impact of Climate Change on Migration, 86 Fed. Reg.  
9 8839 (Feb. 4, 2021). That Executive Order directed federal government personnel, including the  
10 Secretary of DHS, to “develop and ensure adherence to a plan that addresses [refugee petition]  
11 processing backlogs” and “seek[s] to bring national average processing times within the period  
12 described in 8 U.S.C. § 1571(b).” *Id.* at 8843.

13  
14 30. By December 2019, USCIS’ Los Angeles Asylum Office had begun performing  
15 all duties previously handled by the Refugee, Asylum, and International Operations (RAIO)  
16 Director’s International Adjudication Support Branch (IASB), including overseeing the  
17 processing and adjudication of FTJ petitions. Then pending FTJ petitions, and associated files,  
18 that previously would have been sent to IASB were relocated to that office.

19  
20 31. Despite Congress’ expectation that USCIS process FTJ petitions within 180 days  
21 and the Biden Administration’s direction that USCIS comply with this deadline, USCIS  
22 currently estimates that I-730 petitions initially filed with the Texas Service Center take an  
23 estimated 21.5 to 27.5 months to adjudicate.<sup>1</sup> The median processing time for I-730 petitions has  
24 increased each year since fiscal year (FY) 2016.

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<sup>1</sup> *See* U.S. Citizenship and Immigration Servs., Check Case Processing Times (last visited December 30, 2021), <https://egov.uscis.gov/processing-times/>.



**FACTIONAL ALLEGATIONS**

***Plaintiff H.M.***

32. Plaintiff H.M. entered the United States as a refugee on May 8, 2019, with her then six-year-old son, Y.H. Shortly afterwards, she filed an FTJ petition for her husband, B.K., on August 19, 2019. During FY2019, the median processing time for an FTJ petition was 12.4 months, which, for Plaintiff H.M.'s petition, was approximately August 31, 2020.

33. Plaintiff H.M. and B.K. married in Eritrea in 2012 and lived there together until they were forced to flee persecution in January 2015. When B.K. left the Eritrean National Service, into which he had been involuntarily conscripted and where he served as a medical professional, in late 2014, Plaintiff H.M. and their young son were arrested and detained for three days in retaliation. The family then fled to Ethiopia, where they remained together until March 2016. B.K. then left for a refugee camp in the Sudan because he was afraid to remain in Ethiopia, and then was brought to Libya. Ultimately, B.K. began living in the [REDACTED] Refugee Camp and then elsewhere in [REDACTED] Libya.

34. Plaintiff H.M. and their son, Y.H., remained in Ethiopia and were able to obtain refugee status and then enter the United States on May 8, 2019. Plaintiff H.M. has since applied to USCIS for lawful permanent resident status, an application which remains pending.

35. Fearing for her husband's safety, Plaintiff H.M. worked with Church World Service (CWS), the refugee resettlement agency to which her case had been assigned prior to her entry into the United States, to prepare an FTJ petition for him. She submitted the petition to USCIS' Texas Service Center on August 19, 2019,<sup>2</sup> and USCIS issued a receipt notice on August 21, 2019.

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<sup>2</sup> On August 27, 2019, Plaintiff H.M. submitted a correction to a typographical error in the originally submitted petition.

1           36.     On October 23, 2019, USCIS sent Plaintiff H.M. a notice indicating that the  
2 petition would be transferred to the USCIS International Adjudications Support Branch (IASB)  
3 for further processing, and that the transfer process could take up to 8 weeks.

4           37.     On March 5, 2020, Plaintiff H.M. submitted an inquiry as to the status of the  
5 petition, requesting expedited processing based on the dangerous conditions her husband was  
6 facing in the [REDACTED] Refugee Camp, including violent attacks on refugees in [REDACTED] and  
7 shortages of food, water, and medicine. Plaintiff H.M. did not receive a response to this inquiry.  
8

9           38.     On May 1, 2020, USCIS' Los Angeles Asylum Office, sent Plaintiff H.M. a  
10 notice that the office had received and was reviewing the petition.

11           39.     On July 28, 2021, Plaintiff H.M. contacted the office of U.S. Representative  
12 David Price, seeking assistance with her case. She followed up with Representative Price's office  
13 on October 5, 2021. On October 25, 2021, Representative Price's office received an email from  
14 USCIS' Congressional Liaison Unit, stating that Plaintiff H.M.'s FTJ petition is "still pending  
15 review at [USCIS RAIO] and instructing that the office should not follow up regarding the status  
16 of the case until 150-180 more days had passed due to the "significant processing time" for FTJ  
17 petitions. Representative Price's office forwarded that email to Plaintiff H.M. on November 3,  
18 2021, stating that the office would renew its inquiry with USCIS in 150 days at her request.  
19

20           40.     On August 19, 2021, Plaintiff H.M. submitted an online status inquiry regarding  
21 the FTJ petition. She received an automated response rejecting the inquiry because the petition  
22 had returned to within normal processing time.  
23

24           41.     Throughout this process, Plaintiff H.M. and Y.H. remained separated from B.K.  
25 Y.H. is now 9 years old; he was three years old when he last saw his father. The family tries to  
26 communicate as much as possible, through applications such as What's App and Facebook

1 Messenger, but B.K. has repeatedly had his telephone stolen and so could only call Plaintiff  
2 H.M. in secret.

3 42. Processing of the petition is outside the average processing time for I-730  
4 petitions submitted to the Texas Service Center. But even if it were not, the delay in processing  
5 the FTJ petition is especially harmful to Plaintiff H.M. and her husband, due to the ongoing risk  
6 to B.K.'s health and welfare caused by forcing him to remain in Libya. Upon information and  
7 belief, B.K. is currently being held in a detention center following raids on migrants conducted  
8 by armed groups linked to and supported by the Libyan government in October 2021.

9  
10 43. Even before his current detention, B.K. was at severe risk in Libya. He resided in  
11 a facility run by local police who failed to provide him and other refugees sufficient food and  
12 water and was hospitalized for three weeks due to malnutrition and low blood pressure. Later, he  
13 and residents of the ██████ Refugee Camp experienced mistreatment and abuse at the hands of  
14 police running the camp, as well as continued food and water shortages. In 2019 and early 2020,  
15 residents of ██████ like B.K. faced violence resulting from conflicts between the Libyan  
16 National Army (LNA) and followers of the then-prime minister. Reports indicate that migrants  
17 and refugees in Libya continue to be at grave risk of trafficking by criminal networks, militia  
18 groups, government officials, and private employers, while residents of Tripoli also remain at  
19 risk due to widespread violence.

20  
21 44. Since being in Libya, B.K. has been forced to change his living situation  
22 repeatedly, due to violence, COVID-19 related restrictions, and lack of safety in  
23 accommodations. He has repeatedly been unable to receive food rations due to COVID-19  
24 related restrictions. Plaintiff H.M. is not able to assist her husband financially because official  
25 money transfers to individuals in Libya have been unavailable since 2014.  
26

1 45. Currently, migrants like B.K. face ongoing violence and sweeps by Libyan  
2 officials to round up immigrants for detention. In early October 2021, armed groups linked to  
3 and supported by the Libya government conducted widespread violent raids and destroyed  
4 makeshift shelters of migrants in [REDACTED], resulting in thousands being arrested and moved to  
5 detention centers and further thousands being left homeless in unsafe conditions and without  
6 access to sufficient humanitarian aid. Upon information and belief, during these raids, B.K. was  
7 forced into custody and placed in a detention center. Migrants like B.K. who have been forced  
8 into detention centers have experienced further violence from prison guards, as well as severe  
9 and inhumane conditions.  
10

11 46. Plaintiff H.M. is experiencing and will continue to experience distress over her  
12 husband's safety while he remains at great risk and the FTJ petition remains pending before the  
13 USCIS Los Angeles Asylum Office. The prolonged separation has caused Plaintiff H.M., B.K.,  
14 and Y.H. to suffer emotionally and mentally.  
15

16 ***Plaintiff K.G.***

17 47. Plaintiff K.G. entered the United States as a refugee on July 25, 2019. He filed  
18 FTJ petitions for his wife, L.G., and his three youngest children, Z.G., K.K.G., and F.G., on  
19 January 14, 2020. During FY2020, the median processing time for an FTJ petition was 15.2  
20 months, which, for Plaintiff K.G.'s petitions, was approximately April 20, 2021.  
21

22 48. Plaintiff K.G. and L.G. married in 1992 in Eritrea, where they lived together until  
23 Plaintiff K.G. was forced to flee to Ethiopia in 2010 after leaving the Eritrean National Service  
24 following 11 years of compulsory service that left him unable to support his family. In 2017,  
25 after facing a pattern of discrimination because her husband had left the national service and  
26 being unable to meet the family's basic needs, L.G. and their three youngest children also fled.

1 The family, including Plaintiff K.G.'s younger brother, who had mental health issues requiring  
2 assistance from his family, reunited in the [REDACTED] Refugee Camp in [REDACTED] Tigray, Ethiopia.

3 L.G. helped Plaintiff K.G. care for his younger brother, as well as caring for their children.

4 49. On July 25, 2019, Plaintiff K.G. entered the United States after obtaining refugee  
5 status. He came to the United States with his brother, who requires assistance and who continues  
6 to reside with Plaintiff K.G. Plaintiff K.G. mistakenly believed that his wife and children would  
7 be quickly permitted to follow to join after he entered the United States. In January 2021,  
8 Plaintiff K.G. applied with USCIS for lawful permanent resident status, an application which  
9 remains pending.  
10

11 50. Plaintiff K.G. worked with CWS, the refugee resettlement agency to which his  
12 case had been assigned prior to entry into the United States, to prepare FTJ petitions for his wife  
13 and children. He submitted the petitions to USCIS' Texas Service Center on January 14, 2020,  
14 and USCIS issued receipt notices on January 17, 2020.  
15

16 51. On February 10, 2020, USCIS sent Plaintiff K.G. a notice indicating that the  
17 petitions would be transferred to the USCIS Asylum Division's I-730 Processing Unit and that  
18 the transfer process could take up to 8 weeks.

19 52. Over 11 weeks later, on April 30, 2020, USCIS' Los Angeles Asylum Office sent  
20 Plaintiff K.G. a notice that the office had received and was reviewing the petitions.  
21

22 53. Lack of prompt processing is especially harmful to Plaintiff K.G. and his family  
23 because L.G. and the children have faced serious threats to their safety and remain in danger in  
24 Ethiopia. In late 2020 and early 2021, conflicts between Eritrean soldiers and Tigrayan militias  
25 in Tigray, Ethiopia resulted in attacks on the [REDACTED] Refugee Camp and other refugee camps  
26 in the area, including the murder and rape of refugees living in the camps, as well as other major

1 violations of international law. Aid workers were unable to access the camp between November  
2 2020 and March 2021, resulting in severe food shortages. The violence in the Tigray region of  
3 northern Ethiopia continued throughout 2021, resulting in an ongoing humanitarian crisis and  
4 famine-like conditions for individuals who remain in the area.

5 54. L.G. and the children were living in the [REDACTED] Refugee Camp during the initial  
6 attacks. In late 2020, for approximately two months, Plaintiff K.G. lost contact with his wife and  
7 children and constantly feared for their safety. In January 2021, the family moved out of the  
8 [REDACTED] Refugee camp for their safety. The family now is staying in Addis Ababa, Ethiopia,  
9 but remains terrified of continuing violence and discrimination against individuals who, like  
10 them, speak Tigrinya. In November 2021, Ethiopia declared a state of emergency in light of the  
11 expansion of the conflict in Tigray towards Addis Ababa. Under the state of emergency, the  
12 Ethiopian government has broad powers and reportedly conducted house-to-house searches for  
13 “Tigrayan sympathizers.” News reports indicate that thousands of Tigrayans in Addis Ababa,  
14 including children, were arrested in November on the basis of their ethnicity.  
15  
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17 55. L.G. and the children are fearful for their safety whenever they leave the house,  
18 even for groceries. Plaintiff K.G.’s son is not attending school because the family is afraid he  
19 will be attacked. Recently, L.G. was detained by the police when she was out purchasing  
20 groceries after they heard her speaking Tigrinya.  
21

22 56. Even before current escalation of the crisis, the family was at risk. The children  
23 remain traumatized due to their experiences at the camp. The family has difficulty  
24 communicating in Addis Ababa because they only speak Tigrinya fluently. They do not even feel  
25 safe in their own home.  
26

57. Plaintiff K.G. tries to speak with his wife and children every day, to check on

1 their wellbeing, but his ability to do so depends entirely on whether they are able to get a good  
2 connection.

3 58. Plaintiff K.G. is in constant fear for his family's safety and will continue to be in  
4 fear while they remain at risk in Ethiopia. The prolonged separation has caused Plaintiff K.G.,  
5 L.G., and their children to suffer emotionally and mentally.

6 ***Plaintiff N.Z.***

7 59. Plaintiff N.Z. entered the United States as a refugee on November 17, 2016, along  
8 with her two youngest children, her then-eight-year-old son N.K. and her then-six-year-old son  
9 M.K. Plaintiff N.Z. filed an FTJ petition for her husband, F.Z., on September 13, 2018.<sup>3</sup> During  
10 FY2018, the median processing time for an FTJ petition was 10.1 months, which, for Plaintiff  
11 N.Z.'s petition, was approximately July 16, 2019.

12 60. Plaintiff N.Z. and F.Z. have been together for more than 20 years and married in  
13 Eritrea on August 15, 2007. Their first child, their daughter F.K., was born in 1999, and their son  
14 N.K. was born in 2008. In 2010, shortly before Plaintiff N.Z. discovered that she was pregnant  
15 with their third child, F.Z. was forced to flee Eritrea, after his requests to retire from compulsory  
16 service in the Eritrean National Service due to injury were denied. He escaped to Sudan but was  
17 left with no way to contact Plaintiff N.Z. or his children, nor could she contact him. Shortly  
18 afterwards, Plaintiff N.Z. also fled to Sudan, after facing harassment from the Eritrean  
19 government due to her husband's inability to continue serving in the military. Their youngest  
20 child, M.K., was born in Sudan. Plaintiff N.Z. searched for her husband but was unable to find  
21 him. F.Z. has still never met his youngest child who is now eleven years old.

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26 <sup>3</sup> Plaintiff N.Z. also filed an FTJ petition for her daughter, F.K. However, F.K. was and remains a missing person, and so Plaintiff N.Z. was not able to provide required information regarding F.K.'s location on the petition. As a result, USCIS rejected the petition as defective.

1           61. Plaintiff N.Z. obtained refugee status and then entered the United States on  
2 November 11, 2016. She received lawful permanent resident status on January 8, 2019.

3           62. When she arrived in the United States, Plaintiff N.Z. still did not know what  
4 happened to her husband after he fled Eritrea. She finally was able to make contact with him in  
5 mid-2018. They were able to speak by telephone for the first time in several years, and she  
6 learned that he had lived for years in South Sudan, where he faced harassment and detention due  
7 to his refugee status but had recently escaped to Kenya.

8           63. Subsequently, Plaintiff N.Z. worked with CWS, the refugee resettlement agency  
9 to which her case had been assigned prior to entry into the United States, to prepare an FTJ  
10 petition for her husband. She submitted the petitions to USCIS' Texas Service Center on  
11 September 13, 2018, and USCIS issued a receipt notice on the same day.

12           64. On March 12, 2019, USCIS sent Plaintiff N.Z. a notice indicating that the  
13 petitions would be transferred to USCIS IASB for further processing and that the transfer process  
14 could take up to 8 weeks.  
15

16           65. On April 9, 2019, USCIS' IASB sent Plaintiff N.Z. a notice that the office had  
17 received and was reviewing the petition.  
18

19           66. On June 10, 2019, Plaintiff N.Z. submitted a Form I-590 to IASB by email. She  
20 received an automatic notice of receipt, but no further response.

21           67. On June 12, 2020, USCIS' Los Angeles Asylum Office sent Plaintiff N.Z. a  
22 request for additional evidence, to which she timely responded, under extended COVID-19  
23 deadlines, by letter dated November 15, 2020.  
24

25           68. On May 12, 2021, Plaintiff N.Z. submitted a case status inquiry by email to  
26 USCIS' Los Angeles Asylum Office.



1           69.     On June 30, 2021, USCIS' Los Angeles Asylum Office acknowledged receipt of  
2 her November 2020 response to the agency's request for additional evidence.

3           70.     On September 22, 2021, Plaintiff N.Z. submitted a case status inquiry by email.  
4 She has not yet received a response to this inquiry.

5           71.     Processing of the petition is outside the average processing time for I-730  
6 petitions submitted to the Texas Service Center. But even was it not, the lack of timely  
7 processing has been especially detrimental to Plaintiff N.Z. and her family. Plaintiff N.Z. and her  
8 children have been separated from F.Z. for more than 11 years, over three years of which are  
9 specifically due to processing delays by Defendants. F.Z. continues to experience difficulties in  
10 Kenya, where he has difficulty finding work or accessing services due to his status as a migrant  
11 without Kenyan government-issued identification.

12           72.     The prolonged separation has caused and continues to cause Plaintiff N.Z., F.Z.,  
13 and their children to suffer emotionally and mentally. F.Z. has never met his youngest child, who  
14 is now 11. He last saw his son N.K., who is now 13, when he was only one year old. Plaintiff  
15 N.Z. is struggling as a single mother, and her sons do not understand why they cannot have their  
16 father rejoin their lives.

17 ***Plaintiff P.O.***

18           73.     Plaintiff P.O. entered the United States as a refugee on May 30, 2018. He filed  
19 FTJ petitions for his wife, M.G., and his then seven-month-old son, A.M., on August 30, 2018.  
20 During FY2018, the median processing time for an FTJ petition was 10.1 months, which, for  
21 Plaintiff P.O.' petitions, was approximately July 3, 2019.

22           74.     Plaintiff P.O. fled Eritrea in April 2012 after learning that he would be forced to  
23 indefinitely extend his national service, into which he was involuntarily conscripted as a student.  
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1 He travelled to Ethiopia, then Sudan, then Libya, and then Malta, where he was registered as a  
2 refugee and began seeking resettlement in the United States.

3 75. Plaintiff P.O. met M.G. after he had already begun this process. Plaintiff P.O.  
4 became friends with M.G.'s uncle, who was also a refugee in Ethiopia and Malta and who  
5 introduced them by telephone while M.G. was still in Eritrea. They became close through  
6 telephone calls, and Plaintiff P.O.'s family, who also lived in Eritrea, met M.G. and her family in  
7 person. Because it was not safe for Plaintiff P.O. to return to Eritrea, they did not meet in person  
8 until M.G. moved to Addis Ababa, Ethiopia, a year after they first met. In February 2017,  
9 Plaintiff P.O. travelled to Ethiopia, where they married. Plaintiff P.O. returned to Malta, where  
10 he was living in refugee status, in April 2017, while M.G. remained living in Ethiopia. In  
11  
12 [REDACTED] 2018, after Plaintiff P.O. had returned to Malta, their son A.M. was born.

13 76. Plaintiff P.O. obtained refugee status and then entered the United States on May  
14 30, 2018. He applied for a travel document so that he could visit his family in Ethiopia even  
15 before they could join him in the United States. He obtained lawful permanent resident status on  
16 May 27, 2020.

17  
18 77. Because Plaintiff P.O. was not yet married and A.M. had not yet been born at the  
19 time Plaintiff P.O. first received refugee status in 2012, M.G. and A.M. were not included in his  
20 application. He began the process of adding them to his case after he was married in 2017.  
21 However, that process had not yet completed when he received status as a U.S.-bound refugee in  
22 2018. He was told that he could add them to his case once he was in the United States. Therefore,  
23 once he arrived in the United States, Plaintiff P.O. worked with CWS, the refugee resettlement  
24 agency to which his case had been assigned prior to entry into the United States, to prepare FTJ  
25 petitions for his wife and son. He submitted the petitions to USCIS' Texas Service Center on  
26

1 August 30, 2018, and USCIS issued receipt notices on August 31, 2018.

2 78. On July 2, 2019, USCIS sent Plaintiff P.O. a notice indicating that the petitions  
3 would be transferred to the Nebraska Service Center.

4 79. On November 11, 2019, USCIS sent Plaintiff P.O. a notice indicating that the  
5 petitions would be transferred to the USCIS Asylum Division's I-730 Processing Unit and that  
6 the transfer process could take up to 8 weeks.

7 80. On January 28, 2020, USCIS' Los Angeles Asylum Office sent Plaintiff P.O. a  
8 notice that the office had received and was reviewing the petitions.

9 81. On August 3, 2020, USCIS sent Plaintiff P.O. a request for additional evidence, to  
10 which he timely responded, under extended COVID-19 deadlines, on January 4, 2021.

11 82. On November 16, 2021, Plaintiff P.O. submitted an online inquiry regarding his I-  
12 730 through USCIS' Outside Normal Process Time inquiry system. He received an automated  
13 reply indicating that he should expect a reply to his inquiry by December 8, 2021. He has not yet  
14 received any other response.

15 83. Processing of the petitions is outside the average processing time for I-730  
16 petitions submitted to the Texas Service Center or to the Nebraska Service Center. But even were  
17 they not, the lack of timely processing has been especially detrimental to Plaintiff P.O. and his  
18 family. In November 2021, Ethiopia declared a state of emergency, lasting for six months, in  
19 light of the expansion of the conflict in Tigray towards Addis Ababa. Under the state of  
20 emergency, the Ethiopian government has broad powers and reportedly conducted house-to-  
21 house searches for "Tigrayan sympathizers." News reports indicate that thousands of Tigrayans  
22 in Addis Ababa, including children, were arrested in November on the basis of their ethnicity.

23 84. Even before the current escalation of the crisis, Eritrean immigrants of who speak  
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1 Tigrinya, like M.G., have been targeted for persecution and violence in Ethiopia, including in  
2 Addis Ababa. As a result, M.G. has faced systemic discrimination. Landlords have repeatedly  
3 refused to renew her lease based upon her ethnicity, leading to housing insecurity for the family.

4 85. There were also outbreaks of ethnically targeted violence in the neighborhood  
5 where they lived in July 2020; during this incident, individuals beat on M.G.'s door. M.G. has  
6 continued to experience fear and anxiety as the result of the incident, as well as the current  
7 conflict in Ethiopia. She is afraid of getting arrested whenever she leaves the house, even to go to  
8 the grocery store, because she speaks Tigrinya and police have targeted Tigrinya-speakers.  
9

10 86. Furthermore, Plaintiff P.O. has missed the entirety of his young son's life to date.  
11 While he was able to visit the family in Addis Ababa once, in January 2021, that is the only time  
12 that he has met his son. He tries to speak to his family every day despite the time difference but  
13 has missed the first three years of his son's life. The long-term separation from his son during the  
14 boy's formative years will have a harmful and lasting impact on A.M. and is a source of great  
15 emotional anguish to Plaintiff P.O. The prolonged separation has caused Plaintiff P.O., M.G.,  
16 and A.M. to suffer emotionally and mentally.  
17

18 ***Plaintiff G.T.***

19 87. Plaintiff G.T. entered the United States as a refugee on January 25, 2018. He filed  
20 FTJ petitions for his wife, J.T., and his three children, D.T., Y.T., and B.T., on July 2, 2018.  
21 During FY18, the median processing time for an I-730 petition was 10.1 months, which, for  
22 Plaintiff G.T.'s petitions, was approximately May 5, 2019.  
23

24 88. Plaintiff G.T. and J.T. married in Eritrea in a cultural ceremony in 2006. Their  
25 eldest son, D.T., was born in 2008, although he was never issued a birth certificate.<sup>4</sup> Plaintiff  
26

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<sup>4</sup> Because D.T. does not have a birth certificate, some records incorrectly state that he was born in 2010.

1 G.T. fled Eritrea to Ethiopia in 2010 because he needed to leave the Eritrean National Service, in  
2 which he had been forced to serve for seven years, because he could not support his family. J.T.  
3 and D.T. followed several years later because they could not survive financially in Eritrea.

4 89. Subsequently, the family lived together in the [REDACTED] Refugee Camp, in [REDACTED]  
5 in the Tigray region of Ethiopia. While living there, Plaintiff G.T. and J.T. had a civil ceremony  
6 for their marriage. Their two youngest children, son Y.T. and daughter B.T., were born while  
7 living in the camp, on [REDACTED] 2016 and [REDACTED] 2017,<sup>5</sup> respectively.

8  
9 90. Plaintiff G.T. obtained refugee status and then entered the United States on  
10 January 25, 2018. Plaintiff G.T. was told that he could petition to have his family join him once  
11 he was in the United States and that the process would take approximately six months. J.T. and  
12 their children remained in the [REDACTED] camp until approximately February 2020, when they  
13 moved to Addis Ababa.

14 91. Plaintiff G.T. applied for lawful permanent resident status on January 29, 2019.  
15 His application was approved on November 19, 2019.

16 92. Plaintiff G.T. worked with CWS, the refugee resettlement agency to which his  
17 case had been assigned prior to his entry into the United States, to prepare FTJ petitions for J.T.  
18 and their children. He submitted the petitions to USCIS' Texas Service Center on July 2, 2018,  
19 and USCIS issued receipt notices on the same day.

20 93. On February 8, 2019, USCIS sent Plaintiff G.T. notices indicating that the  
21 petitions would be transferred to the Nebraska Service Center for processing.

22 94. On January 30, 2020, USCIS' Los Angeles Asylum Office sent Plaintiff G.T.  
23 notices that the office had received and was reviewing the petitions.

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<sup>5</sup> Because UNHCR mistakenly recorded B.T.'s birthdate as [REDACTED] 2017, some records  
incorrectly include that date for her birth date.

1           95.     On July 16, 2021, Plaintiff G.T. submitted an email inquiry as to the status of the  
2 petitions. He has not received any response.

3           96.     On July 22, 2021, Plaintiff G.T. submitted outside normal processing time  
4 inquiries via online form regarding the status of the petitions. On July 27 and 29, 2021, USCIS  
5 sent responses to those inquires that did not indicate when the petitions would be processed but  
6 stating that USCIS “generally processes petitions in the order USCIS received them” and that  
7 “some petitions may take longer than others to process.”  
8

9           97.     Processing of the petitions is outside the average processing time for I-730  
10 petitions submitted to the Texas Service Center or to the Nebraska Service Center. But even was  
11 it not, the lack of timely processing has been especially detrimental to Plaintiff G.T. and his  
12 family. In November 2021, Ethiopia declared a state of emergency in light of the expansion of  
13 the conflict in Tigray towards Addis Ababa. Under the state of emergency, the Ethiopian  
14 government has broad powers and reportedly conducted house-to-house searches for “Tigrayan  
15 sympathizers.” News reports indicate that thousands of Tigrayans in Addis Ababa, including  
16 children, were arrested in November on the basis of their ethnicity. J.T. is afraid that, as a  
17 Tigrinya speaker, the police or members of the public will misidentify her as someone  
18 supporting the conflict in Tigray. She cannot work in Addis Ababa because she speaks only  
19 Tigrinya, and it is difficult for the family to find a place to live or to pay for necessities like  
20 schooling for their eldest son. The whole family remains afraid because of the unrest in Ethiopia  
21 is getting worse.  
22

23           98.     Plaintiff G.T. has now been separated from his wife and three children for nearly  
24 four years. When the family last lived together, Plaintiff G.T.’s daughter was not yet a year old,  
25 and his sons were 1 year old and 9 years old. Since then, he has only seen them once, when he  
26

1 was to travel to Addis Ababa to see the family during the summer of 2021 after obtaining a travel  
2 document. He tries to speak to them every day because he is always worried about them.

3 99. Plaintiff G.T. is experiencing and will continue to experience distress over his  
4 family's wellbeing and security while the FTJ petitions remain pending before the USCIS Los  
5 Angeles Asylum Office. The prolonged separation has caused Plaintiff G.T., J.T., and their  
6 children to suffer emotionally and mentally.

7 ***Plaintiff T.G.***

8  
9 100. Plaintiff T.G. entered the United States as a refugee on November 21, 2017. He  
10 filed FTJ petitions for his wife, F.K., and their daughter, H.T., on July 26, 2018. During FY18,  
11 the median processing time for an I-730 petition was 10.1 months, which, for Plaintiff T.G.'s  
12 petitions, was approximately May 29, 2019.

13 101. Plaintiff T.G. fled Eritrea in 2010 to escape compulsory service in the Eritrean  
14 National Service. He left for Sudan and then travelled to Libya and then Malta; from there, he  
15 sought to be resettled as a refugee in the United States.

16  
17 102. Plaintiff T.G. met F.K. when they were both young because they lived in the same  
18 area of Eritrea. After he left Eritrea, they began to communicate more and became closer. In  
19 2016, they decided that they would marry, and F.K. left Eritrea for Ethiopia, because Plaintiff  
20 T.G. could not return to Eritrea. Plaintiff T.G. travelled to Ethiopia, and he and F.K. married  
21 there in April 2017. Subsequently, Plaintiff T.G. returned to Malta.

22 103. Plaintiff T.G. obtained refugee status and then entered the United States on  
23 November 21, 2017. F.K. remained at the [REDACTED] Refugee Camp in [REDACTED] Ethiopia because,  
24 since she and Plaintiff T.G. had not yet married when he first sought refugee status, she was not  
25 included in his application. Their daughter, H.T., was born on [REDACTED] 2017, just days  
26

1 after Plaintiff T.G. arrived in the United States.

2 104. Plaintiff T.G. applied with USCIS for lawful permanent resident status on  
3 November 23, 2018. His application was approved on November 12, 2019.

4 105. Plaintiff T.G. worked with CWS, the refugee resettlement agency to which his  
5 case had been assigned prior to entry into the United States, to prepare FTJ petitions for his wife  
6 and daughter. He submitted the petitions to USCIS' Texas Service Center on July 26, 2018, and  
7 USCIS issued receipt notices on July 27, 2018.

8 106. On December 12, 2018, USCIS sent Plaintiff T.G. notices indicating that the  
9 petitions would be transferred to the Nebraska Service Center for processing.

10 107. On January 28, 2020, USCIS' Los Angeles Asylum Office sent Plaintiff T.G.  
11 notices that the office had received and was reviewing the petitions.

12 108. On August 28, 2019, Plaintiff T.G. submitted outside normal processing time  
13 inquiries via online form regarding the status of the petitions. USCIS provided only an  
14 automated response stating that the applications were "currently within the posted processing  
15 times" and so an inquiry could not be created.

16 109. On May 28, 2020, Plaintiff T.G. contacted USCIS regarding the petitions,  
17 including to provide an updated address. On June 4, 2020, USCIS sent a response that did not  
18 indicate when the petitions would be processed but stating that USCIS "generally processes  
19 petitions in the order USCIS received them" and that "some petitions may take longer than  
20 others to process."

21 110. On June 17, 2021, Plaintiff T.G. submitted outside normal processing time  
22 inquiries via online form regarding the status of the petitions. He received an automated reply  
23 indicating that he should expect a reply to his inquiry by July 9, 2021. He has not received any  
24  
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26



1 other reply.

2 111. On August 2, 2021, Plaintiff T.G. submitted outside normal processing time  
3 inquiries via online form regarding the status of the petitions. He received automated replies  
4 indicating that he should expect a reply to his inquiries by August 24, 2021. He has not received  
5 any other reply.

6 112. On November 30, 2021, Plaintiff T.G. submitted outside normal processing time  
7 inquiries via online form regarding the status of the petitions. He received automated replies  
8 indicating that he should expect a reply to his inquiries by December 22, 2021. He has not  
9 received any other reply.

10 113. Throughout this process, Plaintiff T.G. has remained separated from his wife and  
11 his daughter. He has only met his now-four-year-old daughter once, in early 2020, when he was  
12 able to travel to Addis Ababa after obtaining a travel document. Aside from that visit, he has  
13 been separated from his wife since shortly after their wedding, more than four and a half years  
14 ago.  
15

16 114. Processing of the petitions is outside the average processing time for I-730  
17 petitions submitted to the Texas Service Center or to the Nebraska Service Center. But even were  
18 it not, the lack of timely processing has been especially detrimental to Plaintiff T.G. and his  
19 family. In November 2021, Ethiopia declared a state of emergency in light of the expansion of  
20 the conflict in Tigray towards Addis Ababa. Under the state of emergency, the Ethiopian  
21 government has broad powers and reportedly conducted house-to-house searches for “Tigrayan  
22 sympathizers.” News reports indicate that thousands of Tigrayans in Addis Ababa, including  
23 children, were arrested in November on the basis of their ethnicity. F.K. is afraid because the  
24 situation in Addis Ababa, where she and their daughter live, is getting worse. Even before the  
25  
26

1 current conflict, she had difficulty communicating and could not find work because she speaks  
2 only Tigrinya. She was concerned about robbers and would only go out when she was able to  
3 afford a taxi to get to her destination. Now, she is scared whenever she travels around the city for  
4 basic necessities of daily life.

5 115. Plaintiff T.G. is fearful for his family’s safety and will continue to be fearful  
6 while they remain in Ethiopia and the FTJ petitions remain pending before the USCIS Los  
7 Angeles Asylum Office. The prolonged separation has caused Plaintiff T.G., F.K., and their  
8 daughter to suffer emotionally and mentally.  
9

10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**  
12 **(Violation of the Administrative Procedure Act, 5 U.S.C. § 706(1))**

13 116. Plaintiffs re-allege and incorporate by reference the paragraphs above as though  
14 fully set forth herein.

15 117. Under the APA, federal agencies, including Defendant USCIS, are required to  
16 conclude matters presented to them “within a reasonable time.” 5 U.S.C. § 555(b). The APA  
17 further provides that federal courts “shall . . . compel agency action unlawfully withheld or  
18 unreasonably delayed.” 5 U.S.C. § 706(1).  
19

20 118. Defendants have a nondiscretionary duty to adjudicate Plaintiffs’ FTJ petitions  
21 within a reasonable time. *See* 8 U.S.C. § 1157(c)(2); 8 C.F.R. § 207.7(a).  
22

23 119. Defendants failed to comply with this obligation by failing to adjudicate of  
24 Plaintiffs’ FTJ petitions.

25 120. Considering relevant factors such as Congress’ intent that FTJ petitions be  
26 adjudicated within 180 days, the scope and extent of the interests harmed by Defendants’ delay,  
including the health and welfare of Plaintiffs and their families, and the lack of evidence that

1 expediting the agency's action would harm competing priorities, Defendants' delay is  
2 unreasonable in this case. *See Telecommunications Research & Action Center v. Fed.*  
3 *Communications Comm.*, 750 F.2d 70, 80 (D.C. Cir. 1984).

4 121. Defendants' failure to timely adjudicate Plaintiffs' FTJ petitions constitutes an  
5 agency action unlawfully withheld or unreasonably delayed in violation of 5 U.S.C. § 706(1).

6 122. Plaintiffs are entitled to relief under the APA in the nature of an order compelling  
7 Defendants to timely adjudicate Plaintiffs' FTJ petitions.

8  
9 **COUNT TWO**  
**(Violation of the Mandamus Act, 28 U.S.C. § 1361)**

10 123. Plaintiffs re-allege and incorporate by reference the paragraphs above as though  
11 fully set forth herein.

12 124. Mandamus is available to compel a federal official or agency to perform a duty if:  
13 (1) there is a clear right to the relief requested; (2) defendant has a clear, non-discretionary duty  
14 to act; and (3) there is no other adequate remedy available. *See* 28 U.S.C. § 1361.

15 125. Plaintiffs fall within the zone of interests protected by the Refugee Act of 1980.  
16 They have a statutory right to petition for their spouses and children to be admitted to the United  
17 States in refugee status and, once they had submitted petitions for that status, to have those  
18 petitions adjudicated in a reasonable period of time. 8 U.S.C. § 1157(c)(2); 8 C.F.R. § 207.7(a).

19 126. Defendants have a nondiscretionary duty to adjudicate Plaintiffs' FTJ petitions.  
20 *See id.* Moreover, because Plaintiffs have a right to petition USCIS for their spouses and children  
21 to join them pursuant to 8 U.S.C. § 1157(c)(2), USCIS has a corresponding duty to adjudicate  
22 those petitions. Federal agencies, including Defendant USCIS, are required to conclude matters  
23 presented to them within a "reasonable time." 5 U.S.C. § 555(b).

24 127. Considering relevant factors such as Congress' intent that FTJ petitions be  
25  
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1 adjudicated within 180 days, the scope and extent of the interests harmed by Defendants' delay,  
2 including the health and welfare of Plaintiffs and their families, and the lack of evidence that  
3 expediting the agency's action would harm competing priorities, Defendants' delay is  
4 unreasonable in this case.

5 128. There are no other adequate remedies available to Plaintiffs to obtain adjudication  
6 of their FTJ petitions.

7 129. Plaintiffs are entitled to relief in the nature of mandamus pursuant to 28 U.S.C. §  
8 1361 to compel Defendants to timely adjudicate Plaintiffs' FTJ petitions.

9  
10 **PRAYER FOR RELIEF**

11 Wherefore, Plaintiffs respectfully requests this Court to:

- 12 (1) Assume jurisdiction over this matter;
- 13 (2) Declare that Defendants' delay in adjudicating Plaintiffs' FTJ petitions is unreasonable  
14 under the APA, 5 U.S.C. § 706(1);
- 15 (3) Order Defendants to immediately adjudicate Plaintiffs' FTJ petitions;
- 16 (4) Issue a writ of mandamus directing Defendants to immediately adjudicate Plaintiffs' FTJ  
17 petitions;
- 18 (5) Award Plaintiffs attorney's fees and costs under the Equal Access to Justice Act, *see* 28  
19 U.S.C. § 2412(d), and on any other basis justified under law; and
- 20 (6) Grant any further relief that this Court deems just and proper.
- 21  
22

23 Respectfully submitted,

24 s/ Trina Realmuto  
25 Trina Realmuto (CA 201088)  
26 Kristin Macleod-Ball\*  
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3 *Counsel for Plaintiffs*

4  
5 \* *Application to appear pro hac vice forthcoming*

6 Dated: December 30, 2021

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