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THE HONORABLE LAUREN KING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

JOSEPH R. BIDEN, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-LK

JOINT STATUS REPORT

The parties offer this joint status report in satisfaction of their obligation to provide the Court updates every 90 days on whether they wish the stay of the claims of the Adjustment Class, one of the two certified classes in this case, to continue. Dkt. 613 at 2-3, ¶4. The parties’ last joint status report was in January 2023. Dkt. 617.

The parties would like the stay of the Adjustment Class claims to continue for the reasons described in their joint stipulation to stay those claims, Dkt. 613.

The parties also inform the Court of a recent decision by Defendant United States Citizenship and Immigration Services’ (“USCIS”) to resume issuing denials of class members’ naturalization and adjustment of status applications.

In February 2022, the parties sought and obtained a stay from this Court of this litigation until June 2022 to allow Defendant USCIS to conduct and complete a review of CARRP, which is the subject of this litigation. Dkt. 592. As part of that stay, Defendants agreed to suspend the

1 issuance of denials of class members' naturalization and adjustment of status applications, except
2 in certain limited circumstances. *Id.* When the stay expired in June 2022, and the parties were
3 unable to reach agreement to seek an extension of the stay, Defendants, of their own accord,
4 unilaterally maintained a voluntary moratorium on the issuance of certain denials of class
5 members' applications subject to CARRP while they continued to develop a new policy
6 anticipated to supersede CARRP. Although the extended moratorium was voluntary, Defendants
7 remained in contact with Plaintiffs' counsel about the operation of the moratorium and the details
8 of its application.

9 As Defendants have previously reported, USCIS is continuing to move toward issuance
10 of its new policy for vetting immigration benefit applicants for national security concerns that
11 will replace CARRP. *See* Dkt. 617 at 4. Although the new policy remains under review, USCIS
12 has decided that it will no longer continue to hold class member applications it intends to deny.
13 Late last month, USCIS authorized offices to begin issuing denials of class members'
14 applications that were processed through CARRP and held in accordance with the voluntary
15 moratorium. USCIS estimates that several hundred applications were held during the voluntary
16 moratorium and may receive denials. Granted applications were not impacted by the denial
17 moratorium. USCIS continues to apply CARRP to benefit requests that may contain national
18 security concerns, including cases impacted by the voluntary hold.

19 **Plaintiffs' Statement:**

20 USCIS's decision to now deny hundreds of class members' benefits through the
21 application of the challenged CARRP policy (the very policy it claims to be replacing) is an
22 immediate and significant harm to class members. Plaintiffs respectfully request that the Court
23 set a case schedule and schedule oral argument to move forward with resolving the pending
24 motions for summary judgment. Every day that passes without the injunctive relief that Plaintiffs
25 seek causes further irreparable harm to class members and their families.
26

1 **Defendants' Statement:**

2 While USCIS cannot yet commit to a date certain for when its new national security
3 policy will be issued, Defendants continue to work diligently toward that end. As Defendants
4 have previously reported to the Court, they believe that the new policy will render moot many, if
5 not all, of Plaintiffs' claims concerning CARRP. Defendants respectfully dispute the notion that
6 USCIS' decision to end its voluntary moratorium is the cause of any immediate and significant
7 harm to class members, as it was understood when the court-ordered stay expired in June 2022
8 that the moratorium would also expire. It also bears noting that while USCIS may now proceed
9 to issue a decision on class member applications that were held under the voluntary moratorium,
10 it granted many class member applications during that same period. As for proceeding forward
11 with the case, Defendants note that as of June 2022 there has been no stay in place with regard to
12 litigation of the Naturalization Class's claims.

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Respectfully submitted,

DATED: April 18, 2023

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1 Respectfully Submitted,

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