



THE HONORABLE RICHARD A. JONES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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

Plaintiffs,

v.

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

Defendants.

No. 2:17-cv-00094-RAJ

**DECLARATION OF JENNIFER
PASQUARELLA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, Jennifer Pasquarella, hereby declare:

1. I have personal knowledge of the facts stated below and am competent to testify regarding the same. I am one of the attorneys for Plaintiffs in this matter, *Wagafe v. Biden*, No. 17-cv-00094 RAJ.

2. I calculated that KST and confirmed Non-KST applicants waited on average 3.15 times longer to be adjudicated than routine applicants by taking the average of the adjudication times for KSTs (769 days) and confirmed Non-KSTs (762 days), 765.5, and dividing it by the average adjudication time for routine applicants (244 days). See Ex. 32 (May 3, 2021 Kruskol Report) ¶¶32, 46; Ex. 57 (July 7, 2020 Kruskol Report) ¶62.

3. I calculated the number of class members who have been waiting for decisions for over two years by filtering the Receipt Date tab on the most recent (January 2021) class list produced by Defendants, by year. For example, to calculate the number of class members

1 waiting more than 2 years for a decision, I filtered the Receipt Date tab by removing all class
2 members whose applications were received by USCIS in 2020 and 2019, to count the number of
3 applicants who filed their applications in 2018 or earlier.

4 4. On July 15, 2020, Plaintiffs disclosed to Defendants the identities of applicants
5 with long-pending applications and the intention of those individuals to serve as witnesses in this
6 case. Shortly after this disclosure, USCIS immediately adjudicated the applications of two
7 individuals with six and four-year delays, granting their applications.

8 5. Attached as **Exhibit 1** is a true and correct copy of excerpts from the January 31,
9 2020 deposition of Kevin Quinn.

10 6. Attached as **Exhibit 2** is a true and correct copy of excerpts from the January 10,
11 2020 deposition of Daniel Renaud.

12 7. Attached as **Exhibit 3** is a true and correct copy of a document produced in this
13 case with a Bates range of DEF-00039006-10.

14 8. Attached as **Exhibit 4** is a true and correct copy of excerpts from a 2003 Audit
15 Report of Immigration and Naturalization Service's Premium Processing Program.

16 9. Attached as **Exhibit 5** is a true and correct copy of a document produced in this
17 case with a Bates range of DEF-00041251-302.

18 10. Attached as **Exhibit 6** is a true and correct copy of a document produced in this
19 case with a Bates range from CAR001789-856.

20 11. Attached as **Exhibit 7** is a true and correct copy of Defendants' Objections and
21 Responses to Plaintiffs' Requests for Admission served on April 17, 2019.

22 12. Attached as **Exhibit 8** is a true and correct copy of excerpts from the September
23 3, 2020 deposition of USCIS's 30(b)(6) representative.

24 13. Attached as **Exhibit 9** is a true and correct copy of Nermeen Arastu's expert
25 report.

26 14. Attached as **Exhibit 10** is a true and correct copy of excerpts from the January 27,
27 2020 deposition of Cherie Lombardi.

1 15. Attached as **Exhibit 11** is a true and correct copy of excerpts from the December
2 12, 2019 deposition of Christopher Heffron.

3 16. Attached as **Exhibit 12** is a true and correct copy of excerpts from the December
4 10, 2019 deposition of Jamie Benavides.

5 17. Attached as **Exhibit 13** is a true and correct copy of a document produced in this
6 case with a Bates range of CAR000001-7.

7 18. Attached as **Exhibit 14** is a true and correct copy of a document produced in this
8 case with a Bates range of CAR000058-74.

9 19. Attached as **Exhibit 15** is a true and correct copy of a document produced in this
10 case with a Bates range of Def-00035377-402.

11 20. Attached as **Exhibit 16** is a true and correct copy of a document produced in this
12 case with a Bates range of DEF-00116759.0000-.0198.

13 21. Attached as **Exhibit 17** is a true and correct copy of a document produced in this
14 case with a Bates range of DEF-00402579.0000-.0008.

15 22. Attached as **Exhibit 18** is a true and correct copy of a document produced in this
16 case with a Bates range of CAR000345-48.

17 23. Attached as **Exhibit 19** is a true and correct copy of a document produced in this
18 case with a Bates range of DEF-0090968.0000-.0077.

19 24. Attached as **Exhibit 20** is a true and correct copy of a document produced in this
20 case with a Bates range of DEF-00359641.0001-.0231.

21 25. Attached as **Exhibit 21** is a true and correct copy of a document produced in this
22 case with a Bates range from DEF-00068350.0001-.0017.

23 26. Attached as **Exhibit 22** is a true and correct copy of a document produced in this
24 case with a Bates range of DEF-00052177.0000-.0185.

25 27. Attached as **Exhibit 23** is a true and correct copy of a document produced in this
26 case with a Bates range of DEF-000665280.0001-.0044

1 28. Attached as **Exhibit 24** is a true and correct copy of a document produced in this
2 case with a Bates range of DEF-00123589-655.

3 29. Attached as **Exhibit 25** is a true and correct copy of a document produced in this
4 case with a Bates range of DEF-00095009.0000-.0045.

5 30. Attached as **Exhibit 26** is a true and correct copy of a document produced in this
6 case with a Bates range of DEF-00022386-490.

7 31. Attached as **Exhibit 27** is a true and correct copy of a document produced in this
8 case with a Bates range of DEF-00065590.0001-.0314.

9 32. Attached as **Exhibit 28** is a true and correct copy of a document produced in this
10 case with a Bates range of DEF-00003593-791.

11 33. Attached as **Exhibit 29** is a true and correct copy of a document produced in this
12 case with a Bates range of CAR000010-55.

13 34. Attached as **Exhibit 30** is a true and correct copy of a document produced in this
14 case with a Bates range of DEF-00024886-7.

15 35. Attached as **Exhibit 31** is a true and correct copy of a document produced in this
16 case with a Bates range of CAR000366-95.

17 36. Attached as **Exhibit 32** is a true and correct copy of the March 2021
18 Supplemental Expert Report of Sean Kruskol.

19 37. Attached as **Exhibit 33** is a true and correct copy of excerpts from the January 8,
20 2020 deposition of Matthew Emrich.

21 38. Attached as **Exhibit 34** is a true and correct copy of a document produced in this
22 case with a Bates range from DEF-0094968-73.

23 39. Attached as **Exhibit 35** is a true and correct copy of a document produced in this
24 case with a Bates range of CAR000084-92.

25 40. Attached as **Exhibit 36** is a true and correct copy of a document produced in this
26 case with a Bates range of CAR000751-925.

1 41. Attached as **Exhibit 37** is a true and correct copy of the June 2020 Expert Report
2 of Marc Sageman.

3 42. Attached as **Exhibit 38** is a true and correct copy of the July 2020 Expert Report
4 of Jeffrey Danik.

5 43. Attached as **Exhibit 39** is a true and correct copy of a document produced in this
6 case with a Bates range of DEF-00429575-682.

7 44. Attached as **Exhibit 40** is a true and correct copy of a document produced in this
8 case with a Bates range of DEF-00193289-92.

9 45. Attached as **Exhibit 41** is a true and correct copy of a document produced in this
10 case with a Bates number DEF-00095124.

11 46. Attached as **Exhibit 42** is a true and correct copy of a document produced in this
12 case with a Bates range of DEF-00372280.0000-.0213.

13 47. Attached as **Exhibit 43** is a true and correct copy of a document produced in this
14 case with a Bates range of DEF-0094351-534.

15 48. Attached as **Exhibit 44** is a true and correct copy of a document produced in this
16 case with a Bates range of DEF-00432057-112.

17 49. Attached as **Exhibit 45** is a true and correct copy of a document produced in this
18 case with a Bates range of DEF-00431506-793.

19 50. Attached as **Exhibit 46** is a true and correct copy of a document produced in this
20 case with a Bates range of DEF-00024989-92.

21 51. Attached as **Exhibit 47** is a true and correct copy of a document produced in this
22 case with a Bates range of DEF-0094979-93.

23 52. Attached as **Exhibit 48** is a true and correct copy of a document produced in this
24 case with a Bates range of DEF-00373850.000-.0139.

25 53. Attached as **Exhibit 49** is a true and correct copy of a document produced in this
26 case with a Bates range of DEF-00373991.0000-.0174.

1 54. Attached as **Exhibit 50** is a true and correct copy of a document produced in this
2 case with a Bates range of DEF-0088069-155.

3 55. Attached as **Exhibit 51** is a true and correct copy of a document produced in this
4 case with a Bates range of DEF-00126193-245.

5 56. Attached as **Exhibit 52** is a true and correct copy of a document produced in this
6 case with a Bates range of DEF-00186424-5.

7 57. Attached as **Exhibit 53** is a true and correct copy of a document produced in this
8 case with a Bates range of DEF-00156318-20.

9 58. Attached as **Exhibit 54** is a true and correct copy of a document produced in this
10 case with a Bates range of DEF-00095963.0000-.0054.

11 59. Attached as **Exhibit 55** is a true and correct copy of a document produced in this
12 case with a Bates range of DEF-00366782-7105.

13 60. Attached as **Exhibit 56** is a true and correct copy of the July 2020 Expert Report
14 of Bernard Siskin.

15 61. Attached as **Exhibit 57** is a true and correct copy of the July 2020 Expert Report
16 of Sean Kruskol.

17 62. Attached as **Exhibit 58** is a true and correct copy of a document produced in this
18 case with a Bates range of DEF-0075968-6075.

19 63. Attached as **Exhibit 59** is a true and correct copy of a document produced in this
20 case with a Bates range of DEF-00095871.0000-.0091.

21 64. Attached as **Exhibit 60** is a true and correct copy of a document produced in this
22 case with a Bates range of DEF-00036314-385.

23 65. Attached as **Exhibit 61** is a true and correct copy of a document produced in this
24 case with a Bates range of DEF-00095760.0000-.0110.

25 66. Attached as **Exhibit 62** is a true and correct copy of a document produced in this
26 case with a Bates number DEF-00045893.

1 67. Attached as **Exhibit 63** is a true and correct copy of a document produced in this
2 case with a Bates range of DEF-00230963-1041.

3 68. Attached as **Exhibit 64** is a true and correct copy of a document produced in this
4 case with a Bates range of CAR000595-734.

5 69. Attached as **Exhibit 65** is a true and correct copy of a document produced in this
6 case with a Bates range of DEF-00045879-84.

7 70. Attached as **Exhibit 66** is a true and correct copy of a document produced in this
8 case with a Bates range of DEF-00173682-3.

9 71. Attached as **Exhibit 67** is a true and correct copy of a document produced in this
10 case with a Bates range of DEF-00021397.0000-.0066.

11 72. Attached as **Exhibit 68** is a true and correct copy of excerpts from the October 30,
12 2020 deposition of Bernard Siskin.

13 73. Attached as **Exhibit 69** is a true and correct copy of a document produced in this
14 case with a Bates range of DEF-00130853-61.

15 74. Attached as **Exhibit 70** is a true and correct copy of a document produced in this
16 case with a Bates range of DEF-00166783-86.

17 75. Attached as **Exhibit 71** is a true and correct copy of March 2008 remarks by
18 Homeland Security Secretary Michael Chertoff.

19 76. Attached as **Exhibit 72** is a true and correct copy of a document produced in this
20 case with a Bates range of CAR001674-1750.

21 77. Attached as **Exhibit 73** is a true and correct copy of a document produced in this
22 case with a Bates range of CAR00926-1139.

23 78. Attached as **Exhibit 74** is a true and correct copy of excerpts from a document
24 produced in this case with a Bates range of DEF-00422653.0009-.0272.

25 79. Attached as **Exhibit 75** is a true and correct copy of a document produced through
26 the Freedom of Information Act.

1 80. Attached as **Exhibit 76** is a true and correct copy of the July 2020 Expert Report
2 of Jay Gairson.

3 81. Attached as **Exhibit 77** is a true and correct copy of excerpts from a document
4 produced in this case with a Bates range of DEF-00420731.0017-.0590.

5 82. Attached as **Exhibit 78** is a true and correct copy of a document produced in this
6 case with a Bates range of DEF-00425683-88.

7 83. Attached as **Exhibit 79** is a true and correct copy of a document produced in this
8 case with a Bates range of DEF-00425698-9.

9 84. Attached as **Exhibit 80** is a true and correct copy of a document produced through
10 the Freedom of Information Act.

11 85. Attached as **Exhibit 81** is a true and correct copy of excerpts from a document
12 produced in this case with a Bates range of DEF-00421322.0000-.0752.

13 86. Attached as **Exhibit 82** is a true and correct copy of excerpts from a document
14 produced in this case with a Bates range of DEF-00419977.0175-.0753.

15 87. Attached as **Exhibit 83** is a true and correct copy of excerpts of the October 8,
16 2020 deposition of Nadia Daud.

17 88. Attached as **Exhibit 84** is a true and correct copy of a document produced in this
18 case with a Bates range of DEF-00425660-61.

19 89. Attached as **Exhibit 85** is a true and correct copy of excerpts from a document
20 produced in this case with a Bates range of DEF-00422120.0000-.0532.

21 90. Attached as **Exhibit 86** is a true and correct copy of excerpts from a document
22 produced in this case with a Bates range of DEF-00427012.0001-0251.

23 91. Attached as **Exhibit 87** is a true and correct copy of excerpts of an interview with
24 Plaintiff Ostadhassan.

25 92. Attached as **Exhibit 88** is a true and correct copy of the February 2020 Expert
26 Report of Narges Bajoghli.

1 93. Attached as **Exhibit 89** is a true and correct copy of the June 2020 Expert Report
2 of Thomas Ragland.

3 94. Attached as **Exhibit 90** is a true and correct copy of a document produced in this
4 case with a Bates range of CAR001857-1962.

5 95. Attached as **Exhibit 91** is a true and correct copy of excerpts of the February 11,
6 2020 deposition of Alexander Cook.

7 96. Attached as **Exhibit 92** is a true and correct copy of a September 2006
8 Government Accountability Office report titled “Terrorist Watch List Screening: Efforts to Help
9 Reduce Adverse Effects on the Public”.

10 97. Attached as **Exhibit 93** is a true and correct copy of a document produced in this
11 case with a Bates range of DEF-0089772-75.

12 98. Attached as **Exhibit 94** is a true and correct copy of a document produced in this
13 case with a Bates range of DEF-00230826-927.

14 99. Attached as **Exhibit 95** is a true and correct copy of a March 2008 Audit of the
15 U.S. Department of Justice Terrorist Watchlist Nomination Processes.

16 100. Attached as **Exhibit 96** is a true and correct copy of excerpts of a June 2008
17 report titled “The Federal Bureau of Investigation’s Security Check Procedures for Immigration
18 and Applications and Petitions.”

19 101. Attached as **Exhibit 97** is a true and correct copy of excerpts of the July 2012
20 Report titled “Evaluation of the Accuracy of E-Verify Findings,” *available at* <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyEval2010.pdf>.

22 102. Attached as **Exhibit 98** is a true and correct copy of the August 2020 Expert
23 Report of Marc Sageman.

24 103. Attached as **Exhibit 99** is a true and correct copy of a document produced in this
25 case with a Bates range of DEF-00133750-56.

26 104. Attached as **Exhibit 100** is a true and correct copy of a document produced in this
27 case with a Bates number DEF-00436897.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 25th day of March, 2021, in Seattle, Washington.

/s/ Jennifer Pasquarella
Jennifer Pasquarella