

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 filed on April 18, 2023. Dkt. 618.

The parties jointly request that the stay of the Adjustment Class claims continue for the reasons described in their joint stipulation to stay those claims. Dkt. 613.

Defendants' Statement:

Defendants wish to inform the Court that USCIS' new national security vetting policy remains under review. Since the parties' last joint status report, efforts on the new policy review have slowed and progress has been impacted by other competing priorities within USCIS and DHS. As Defendants have stated previously, however, they continue to believe that the new policy will have a material impact on most of Plaintiffs' CARRP-related claims. Defendants have no objection to the Court's scheduling argument on the parties' cross-motions for summary judgment. On or before August 1, 2023, Defendants may also seek the Court's leave to file a further, jurisdictional motion concerning the Naturalization Class. Counsel for Defendants will meet and confer with Plaintiffs' counsel in advance of filing any such request.

Plaintiffs' Statement:

Plaintiffs filed this lawsuit in 2017. Since then, CARRP has remained in effect. Defendants continue to deny immigration benefits to class members subject to CARRP, even as the question of CARRP's lawfulness goes unanswered. There is no end in sight. Defendants' "new national security vetting policy," with which Defendants purportedly intend to replace CARRP, remains in indefinite limbo; it is unclear when—or even if—the policy will be put into effect. Moreover, because the particulars of this policy are obscure, there is no telling how the policy's implementation would affect Plaintiffs' claims.

Accordingly, Plaintiffs respectfully request that the Court proceed with adjudicating the claims of the Naturalization Class, including by:

(1) Resolving the parties' pending motions to exclude certain expert testimony. *See* Dkts. 459, 463, 484, 485 (Siskin); 474, 475, 476, 489, 493, 505, 506, 507 (Kruskol); 477, 478, 480, 490, 496, 497, 499, 504 (Gairson, Arastu, Ragland).

(2) Scheduling oral argument on the parties' cross-motions for summary judgment, which are noted for consideration and have been fully briefed since July 2021. *See* Dkt. 595 (Plaintiffs'

1 Motion for Summary Judgment; Defendants’ Opposition and Cross-Motion for Summary
2 Judgment; Plaintiffs’ Reply and Cross-Opposition; and Defendant’s Reply).

3 (3) Resolving the parties’ disputes as to the filing of judicial records under seal. *See* Dkt.
4 609.

5 **Joint Statement on Public Filings:**

6 As reflected in the parties’ joint submission of September 30, 2022, Dkt. 609-1,
7 Defendants determined that protection over several dozen documents filed under seal or as
8 highly sensitive documents (“HSDs”) in accordance with General Order 03-21, may be lessened
9 or removed altogether, and Defendants do not object to filing redacted versions of these
10 documents on the public docket with the Court’s authorization. Although Plaintiffs do not
11 concede that protection over any of these documents is warranted, aside from certain personally
12 identifiable information, the parties jointly request that the Court issue a ruling on the parties’
13 joint submission on material to be sealed or designated as HSD so as to facilitate public access to
14 the record in this matter.

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Respectfully submitted,

s/ Jennifer Pasquarella
Jennifer Pasquarella (admitted *pro hac vice*)
ACLU Foundation of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
Telephone: (213) 977-5236
jpasquarella@aclusocal.org

s/ Matt Adams
Matt Adams #28287
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98122
Telephone: (206) 957-8611
matt@nwirp.org

s/ Stacy Tolchin
Stacy Tolchin (admitted *pro hac vice*)
Law Offices of Stacy Tolchin
634 S. Spring St. Suite 500A
Los Angeles, CA 90014
Telephone: (213) 622-7450
Stacy@tolchinimmigration.com

s/ Lee Gelernt
s/ Hina Shamsi
s/ Charles Hogle
Lee Gelernt (admitted *pro hac vice*)
Hina Shamsi (admitted *pro hac vice*)
Charles Hogle (admitted *pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2616
lgelernt@aclu.org
hshamsi@aclu.org
charlie.hogle@aclu.org

DATED: July 25, 2023

s/ Harry H. Schneider, Jr.
s/ Nicholas P. Gellert
s/ David A. Perez
s/ Heath L. Hyatt
s/ Paige L. Whidbee
Harry H. Schneider, Jr. #9404
Nicholas P. Gellert #18041
David A. Perez #43959
Heath L. Hyatt #54141
Paige L. Whidbee #55072
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
HSchneider@perkinscoie.com
NGellert@perkinscoie.com
DPerez@perkinscoie.com
HHyatt@perkinscoie.com
PWhidbee@perkinscoie.com

s/ John Midgley
John Midgley #6511
ACLU of Washington
P.O. Box 2728
Seattle, WA 98111
Telephone: (206) 624-2184
jmidgley@aclu-wa.org

Counsel for Plaintiffs

1 Respectfully Submitted,

Dated: July 25, 2023

2
3 BRIAN M. BOYNTON
4 Principal Deputy Assistant Attorney General
5 Civil Division
6 U.S. Department of Justice

W. MANNING EVANS
Senior Litigation Counsel
Office of Immigration Litigation

7 AUGUST FLENTJE
8 Special Counsel
9 Civil Division

ANNE POGUE DONOHUE
Counsel for National Security
National Security Unit
Office of Immigration Litigation

10 ETHAN B. KANTER
11 Chief National Security Unit
12 Office of Immigration Litigation
13 Civil Division

/s/ Lindsay M. Murphy
LINDSAY M. MURPHY
Senior Counsel for National Security
National Security Unit
Office of Immigration Litigation

14 NICHOLAS BROWN
15 United States Attorney

VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation

16 BRIAN C. KIPNIS
17 Assistant United States Attorney
18 Western District of Washington

JESSE L. BUSEN
Counsel for National Security
National Security Unit
Office of Immigration Litigation

19 BRENDAN MOORE
20 Trial Attorney
21 Office of Immigration Litigation

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2023, I electronically filed the foregoing via the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Lindsay M. Murphy
LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation
450 5th St. NW
Washington, DC 20001
(202) 616-4018

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