

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

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<b>DOMINGO ARREGUIN GOMEZ, et al.,</b>	)	
<b>Plaintiffs,</b>	)	Case No. 20-cv-01419 (APM)
<b>v.</b>	)	
<b>DONALD J. TRUMP, et al.,</b>	)	
<b>Defendants.</b>	)	
	)	
<hr/>	)	
<b>MOHAMMED ABDULAZIZ</b>	)	
<b>ABDUL MOHAMMED, et al.,</b>	)	
<b>Plaintiffs,</b>	)	Case No. 20-cv-01856 (APM)
<b>v.</b>	)	
<b>MICHAEL R. POMPEO, et al.,</b>	)	
<b>Defendants.</b>	)	
	)	
<hr/>	)	
<b>AFSIN AKER, et al.,</b>	)	
<b>Plaintiffs,</b>	)	Case No. 20-CV-01926 (APM)
<b>v.</b>	)	
<b>DONALD J. TRUMP, et al.,</b>	)	
<b>Defendants.</b>	)	
	)	
<hr/>	)	

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**CLAUDINE NGUM FONJONG, et al.,** )

**Plaintiffs,** )

**v.** )

**DONALD J. TRUMP, et al.,** )

**Defendants.** )

Case No. 20-cv-02128 (APM)

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**CHANDAN PANDA, et al.,** )

**Plaintiffs,** )

**v.** )

**CHAD F. WOLF, et al.,** )

**Defendants.** )

Case No. 20-cv-01907 (APM)

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**DEFENDANTS' OPPOSITION TO PLAINTIFFS'  
RENEWED MOTIONS FOR CLASS CERTIFICATION**

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On September 25, 2020, Plaintiffs for the *Gomez* and *Aker* cases renewed their motions for class certification. ECF 144. The Court denied Plaintiffs' initial motions without prejudice in its September 4, 2020, Preliminary Injunction Order "because the relief issued by the court's ruling will benefit all putative class members," and "because there is nothing left to achieve by certifying the class." ECF 123 at 83. During the Court's September 28, 2020 hearing, counsel for Defendants indicated that they continue to oppose class certification, and now incorporate as fully stated herein the arguments raised in opposition to Plaintiffs' initial class certification motions. ECF 97, 116.

Defendants also respond to Plaintiffs' renewed motion to reaffirm the State Department's compliance with the Court's Order by prioritizing named Plaintiffs' diversity visa (DV) applications and continuing to process applications for non-plaintiff DV-2020 applicants. ECF 123 at 84 ¶ 2. Plaintiffs contend that class certification is necessary because they allege that non-plaintiffs are being summarily denied diversity visas by the State Department.. *See* ECF 144 at 4-6. But Plaintiffs are incorrect. Indeed, as Defendants' September 25, 2020 Supplemental Status Report indicated, State Department reported the issuance of 3,208 DVs between September 5, 2020 and September 24, 2020—far more than the total number of named Plaintiffs in these consolidated cases. ECF 143 at 3; ECF 143-2, Grewe Decl. ¶ 5.

Furthermore, several individuals named in Plaintiffs' declaration had already received interviews for their DV-2020 applications *prior to* Plaintiffs' September 25, 2020 filing. *See* Ex. A, Declaration of Laura Chamberlain, ¶¶ 3-10. Sergey Stryukov appeared for an in-person interview at the U.S. Embassy in Moscow on September 23, 2020, and was issued a visa on September 25, 2020. *Id.* ¶ 3. Gustinnawadu Silva appeared at the U.S. Embassy in London, England, on September 24, 2020, for an in-person interview, and on September 29, 2020, was issued a diversity visa by a consular officer. *Id.* ¶ 4. On September 23, 2020, Shahram Mehrafrooz

appeared at the U.S. Embassy in Yerevan, Armenia, for an in-person interview, and on September 30, 2020, a consular officer issued his diversity visa. *Id.* ¶ 9. On September 23, 2020, Shahpour Safaei Semnani appeared at the U.S. Embassy in Yerevan, Armenia, for an in-person interview and was refused a visa by a consular officer under Section 221(g) of the INA. *Id.* ¶ 10. Grace Barry appeared for a December 5, 2019 in-person interview at the U.S. Embassy in Monrovia, and was refused a visa on September 16, 2020, after a consular officer confirmed that she had submitted fraudulent documents to support her application. *Id.* ¶ 8.

On September 29, 2020, Ramin Yousofi and Ahmed Fahim appeared at the U.S. Embassy in Islamabad, Pakistan, for in-person interviews in support of their diversity visa applications, and on September 30, 2020, a consular officer refused their applications under Sections 221(g) and 204(a)(1)(I) of the INA. *Id.* ¶ 5. Further, for many years, immigrant visa cases for nationals of Uganda have been processed at the U.S. Embassy in Nairobi, and not at the U.S. Embassy in Kampala. *Id.* ¶ 7. Evelyn Babirye does not have a diversity case pending in Nairobi, and the U.S. Embassy in Nairobi has no record of her having contacted them. *Id.*

In short, the premise for Plaintiffs' renewed class certification motion is belied by the evidence reported by the State Department demonstrating its concerted effort to implement the Court's Order by prioritizing named Plaintiffs and dedicating any other available resources to process as many non-plaintiff DV-2020 applicants as possible by the statutory September 30, 2020, deadline. For these reasons, and those raised in Defendants' earlier opposition briefing, the Court should deny Plaintiffs' renewed class certification motions. ECF 97, 116.

Dated: September 30, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court of for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Thomas B. York  
THOMAS B. YORK  
Trial Attorney  
United States Department of Justice  
Civil Division

**DECLARATION OF LAURA CHAMBERLIN**

I, Laura Chamberlin, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed by the U.S. Department of State as a Division Chief in the in the Education and Tourism Division, Office of Field Operations of the Visa Office, Bureau of Consular Affairs. The Field Operations Office supports and monitors visa operations at embassies and consulates around the world (commonly referred to as “posts”), provides updated guidance to our posts regarding changes in visa policy, and oversees the Visa Office’s web unit, which maintains visa-related content on CA’s public-facing website, travel.state.gov.

2. In that capacity, I have knowledge regarding the State Department’s actions to implement the U.S. District Court’s Memorandum Opinion and Order dated September 4, 2020 and the Amended Order dated September 14, 2020 (collectively, the “PI Order”) in *Gomez v. Trump*, Case No. 20-cv-1419 (APM).

3. On March 20, 2020, and again on September 23, 2020, Sergey Stryukov appeared at the U.S. Embassy in Moscow, Russia, for an in-person interview in support of his diversity visa application. On September 25, 2020, a consular officer issued Sergey Stryukov a diversity visa. His case had been considered and approved for issuance in March, but the pandemic made post unable to safely process the visa application to conclusion at that time.

4. On September 24, 2020, Gustinnawadu Silva appeared at the U.S. Embassy in London, England for an in-person interview in support of his diversity visa application. On September 29, 2020, a consular officer issued Gustinnawadu Silva a diversity visa.

5. On September 29, 2020, Ramin Yousofi and Ahmed Fahim appeared at the U.S. Embassy in Islamabad, Pakistan, for in-person interviews in support of their diversity visa applications. On September 30, 2020, a consular officer refused the diversity visa applications of Ramin Yousofi and Ahmed Fahim under Sections 221(g) and 204(a)(1)(I) of the Immigration and Nationality Act (INA).

6. The U.S. Embassy in Kigali, Rwanda had scheduled Emery Harerimana for an interview on April 20, 2020, but had to cancel because of the COVID-19 pandemic. The Consular Chief in Kigali, Rwanda, is currently quarantining after COVID exposure. Post was able to work through the Visa Office and through Consular Systems Technology specialists to remotely grant permissions to a backup officer (a General Services Officer) to print DVs that the Chief had already issued, but Kigali was unable to do more interviews this week. However, we have not been able to get any updates regarding this applicant’s case.

7. For many years now, immigrant visa cases, including diversity visa cases, of Ugandan nationals are processed at the U.S. Embassy in Nairobi, Kenya, not at the U.S. Embassy in Kampala, Uganda. Evelyn Babirye does not have a diversity case pending in Nairobi and the U.S. Embassy in Nairobi has no record of her having contacted them.

8. On December 5, 2019, Grace Barry appeared at the U.S. Embassy in Monrovia, Liberia, for an in-person interview in support of her diversity visa application. After conducting a fraud investigation and confirming she had submitted fraudulent documents to support her eligibility, on September 16, 2020, a consular officer refused Grace Barry's application for a diversity visa under Section 204(a)(1)(I) of the INA.

9. On September 23, 2020, Shahram Mehrafrooz appeared at the U.S. Embassy in Yerevan, Armenia, for an in-person interview in support of his diversity visa application. On September 30, 2020, a consular officer issued Shahram Mehrafrooz a diversity visa.

10. On September 23, 2020, Shahpour Safaei Semnani appeared at the U.S. Embassy in Yerevan, Armenia, for an in-person interview in support of his diversity visa application. On September 23, 2020, a consular officer refused Shahpour Safaei Semnani's application for a diversity visa under Section 221(g) of the INA because the medical examination protocols require additional screening based on the results of the initial examination.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

September 30, 2020

/s/ Laura Chamberlin

Laura Chamberlin