

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DOMINGO ARREGUIN GOMEZ, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States of
America, et al.,

Defendants.

Civil Action No. 1:20-cv-01419

DECLARATION OF JESSE M. BLESS, ESQ.

I, Jesse M. Bless, declare upon my personal knowledge, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

- 1) I am an attorney in good standing in the Commonwealth of Massachusetts (BBO#660713 Nov. 2004) and a member of class counsel in the above captioned case.
- 2) On Tuesday, February 2, 2021, I learned that President Biden’s “Immigration Day” would not include rescission of PP10014 and 10052, which his staff had previously publicly announced would take place.
- 3) That same day, I sent an email to government counsel and extended an invitation to Defendants about how we could work “to ensure that those lucky enough to possess DV2020 visas have the ability to enter the United States at some point.”
- 4) My email also asked Defendants to provide plaintiffs with a report that included:

The full names, dates of visa issuance and expiration, countries of origin, and all available contact information (including physical address, email address, and phone number) of all plaintiffs and class members who were issued DV-2020 visas that have expired.

The full names, dates of visa issuance and expiration, countries of origin, and all available contact information (including physical address, email address, and phone number) of all plaintiffs and class members who were issued DV-2020 visas that will expire on or before March 31, 2021.

- 5) The government did not respond until Friday evening, February 5, 2021. Counsel stated that they had “shared this with our clients earlier this week, and we will get back with a substantive response as soon as possible.”
- 6) On Monday, February 8, 2021, I sent a follow-up email requesting an answer no later than 2 pm on February 9, 2021.
- 7) On February 9, 2021, government counsel declined both the request to work together on a solution for class members with expired or expiring visas and the request for information about our class members. Government counsel stated that “[t]he government’s position regarding post-fiscal-year reissuance remains the same as articulated at the status conference, that State lacks discretion to do so. The government’s position remains that State is statutorily barred from issuing replacement diversity visas after the fiscal year deadline, and the district court declined to order that relief in the PI Orders.”
- 8) Following the remand order from the circuit court, *Gomez* counsel and counsel in the related cases conferred with the government counsel on whether the government would grant blanket national interest exceptions to DV-2020 visa holders whose visas would soon expire.
- 9) Government counsel indicated that the Department of State was “considering its options” and Department of Homeland Security “is considering the matter.”
- 10) Following the hearing before the Court on February 10, 2021, I sent an additional email to Defendants’ counsel that renewed our request for information for certain class members

that included those members of the class whose visas will expire prior to March 10th and those whose visas were issued for less than six months and will soon expire or have expired.

- 11) In the alternative, I inquired whether the Department of State would be willing to provide class counsel with the number of class members whose visas will be expiring before March 10, 2021, and issue an alert for DV-2020 holders about how to seek an extension of visas that were issued for less than six months under 22 C.F.R. § 42.72(b).
- 12) On February 11, 2021, the government responded that it was still considering the matter.
- 13) On February 12, 2021, I sent the government a follow-up email that requested the number of diversity visas issued for September 2020.
- 14) Later the same day, the government provided class counsel with the “Issued DVs Subject to PP 10014 That Will Expire Before March 10, 2021” that reflects the following:

Expiration Date (number of DVs expiring on that date)

February 13 (two DVs)
February 14 (two DVs)
February 15 (one DV)
February 16 (one DV)
February 20 (two DVs)
February 21 (one DV)
February 27 (one DV)
February 28 (four DVs)
March 2 (two DVs)
March 3 (six DVs)
March 6 (two DVs)
March 7 (eight DVs)
March 8 (16 DVs)
March 9 (29 DVs)

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Georgetown, Massachusetts, on February 12, 2021.

/s/Jesse M. Bless
JESSE M. BLESS