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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FARANGIS EMAMI, et al.,
Plaintiffs,
v.
ALEJANDRO MAYORKAS, et al.,
Defendants.
PARS EQUALITY CENTER, et al.
Plaintiffs,
v.
ANTONY BLINKEN, et al.
Defendants.

Case No. 3:18-cv-1587-JD
3:18-cv-7818-JD
[PROPOSED] ORDER

1 The Court, having considered Plaintiffs’ Motion for Class Certification filed on June 15,
2 2023, hereby orders as follows:

3 **I. CERTIFICATION OF CLASS AND APPOINTMENT OF CLASS COUNSEL**

4 The Court finds that the following class meets the numerosity, commonality, and
5 typicality requirements of Fed. R. Civ. P. 23(a)(1)-(3) and that the named Plaintiffs and Proposed
6 Class Counsel (specifically, Eric B. Evans, John A. Freedman, Max S. Wolson, Hammad A.
7 Alam, Shabnam Lotfi, Veronica Sustic, and Naomi Tsu) will fairly and adequately protect the
8 interests of the class, as required by Fed. R. Civ. P. 23(a)(4):

9 All applicants for visas, other than for diversity visas, who are nationals of Iran, Libya,
10 North Korea, Somalia, Syria, Venezuela, and Yemen who (1) were refused visas under INA
11 212(f) pursuant to Proclamation 9645 between December 8, 2017 and January 20, 2021; (2) did
12 not obtain a waiver of that refusal; and (3) have not subsequently received a visa.

13 On that basis, the class defined above is hereby certified and Proposed Class Counsel are
14 hereby appointed counsel for the class.

15 **II. RELIEF:**

16 Defendants shall provide the relief set forth herein to the members of the certified class.

17 A. Within 90 days from the date of this order, Defendants shall post the notice
18 described below in Section III on travel.state.gov and provide the notice described below in
19 Section IV to each class member through the Consular Electronic Applicant Center (“CEAC”)
20 portal as a Status Check;

21 B. Within 90 days from the date of this order, Defendants shall provide individual
22 notices to all members of the certified class via email and update respective case statuses through
23 the Consular Electronic Application Center’s (“CEAC”) Visa Status Check (available at
24 <https://ceac.state.gov/CEACStatTracker/Status.aspx>) for the visa applications denied pursuant to
25 Proclamation 9645 for members of the certified class;

26 C. Within 90 days from the date of this order, Defendants shall provide to class
27 counsel the names, and email addresses, and A-numbers of all members of the certified class;

28 D. Defendants shall make available to members of the certified class a mechanism

1 through which to notify Defendants of their desire to reopen their visa application previously
2 refused under Proclamation 9645 within 90 days from the date of this order, and within said 90
3 day timeframe shall provide to each class member and to Plaintiffs' counsel notice of how a class
4 member can access the mechanism and instructions for how to notify Defendants of their desire to
5 reopen their visa application;

6 E. Class members will have 365 days from the date Defendants provided the
7 respective member notice that they are eligible for relief under this order to seek reopening of
8 their visa application refused under Proclamation 9645;

9 F. Defendants shall provide an auto-reply to each class member immediately upon
10 receipt of the class member's request described in Paragraph E. Defendants shall include in this
11 auto-reply an email address to a staffed inbox to which class members may write if they do not
12 receive a timely determination;

13 G. Defendants shall provide the class member, within 180 days from the date an
14 affected class member expresses interest in obtaining relief, a determination of whether they are
15 eligible for re-opening of the application refused under Proclamation 964. Defendants shall
16 further inform class members of how to obtain that relief.

17 H. Class members have 90 days to comply with Defendants' explanation of how to
18 obtain relief referenced in Paragraph G.

19 I. In pursuing their previously refused visa application, Defendants shall not require
20 that a member of the certified class bear a second time any transactional costs, financial or
21 otherwise. This restriction includes foreclosing Defendants from requiring second payments of
22 fees (such as application filing, consular processing, and affidavit of support fees) or requiring, by
23 default, another interview;

24 J. To the extent that interviews are determined to be necessary or legally required,
25 Defendants shall offer remote interviews to the greatest extent possible.

26 K. Defendants shall ensure that any reconsideration of a member of the certified class
27 be conducted in a manner that is the least burdensome to the class member as possible;

28 L. Defendants shall re-adjudicate class members' visa applications without regard to

1 any prior visa denial pursuant to the now-rescinded Proclamation 9645 or its rescinded guidance;

2 M. Defendants shall complete this process, including final adjudication of visas after
3 any administrative processing, within 365 days of class members full and complete submission of
4 their requisite materials;

5 N. Throughout implementation of relief, on a quarterly basis, and in the month
6 immediately after, Defendants shall provide class counsel with a report identifying the applicants
7 for whom reopening has been sought, the status of requests for reopening and ensuing reopened
8 applications, and the results of each determination.

9 **III. WEBSITE NOTICE**

10 The following notice shall be posted globally on the Department of State’s website
11 (travel.state.gov) and be sent to the last known email address for each class member:

12 **NOTICE OF RELIEF UNDER COURT ORDER**

13 The U.S. District Court for the Northern District of California ordered the U.S.
14 Department of State in *Pars Equality Center v. Blinken* (N.D. Cal. 18-7818) and
15 *Emami v. Mayorkas* (N.D. Cal. 18-1587) to allow visa applicants who were refused
16 visas under Presidential Proclamation 9645 (“P.P. 9645”) to have visa applications
17 re-opened and adjudicated without reference to P.P. 9645, and without having to
bear a second time any transactional costs, financial or otherwise (including, but not
limited to, re-paying application fees, consular processing fees, or affidavit of
support fees).

18 **Who Benefits Under This Order**

19 If you are a national of Iran, Libya, North Korea, Somalia, Syria, Venezuela, or
20 Yemen and were denied a visa, other than a diversity visa, under INA 212(f)
21 pursuant to P.P. 9645 between December 8, 2017 and January 20, 2021, did not
22 receive a waiver of that denial, and have not subsequently obtained a visa, you are
23 eligible for relief under this Order. *See also* the Department of State reports
available at [https://travel.state.gov/content/travel/en/us-visas/visa-information-
resources/presidential-proclamation-archive/presidential-proclamation9645.html](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/presidential-proclamation9645.html).

24 You remain eligible for relief under this Order even if you have subsequently
25 completed a DS-160 or DS-260 visa application but have not yet received a visa,
26 although you will not receive a refund of any fees paid. You are not eligible for
27 relief under this Order if you received a waiver while P.P. 9645 was in effect or
28 received an adjudication without regard to P.P. 9645, not including a refusal under
221(g) for administrative processing, once it was terminated on January 20, 2021.

The U.S. Department of State has reviewed its records to identify individuals who
are eligible under this order to have their visa application which was denied under
P.P. 9645 reopened and reconsidered. If you think you might be eligible and are

1 interested in pursuing reopening of your previously denied visa application, please
2 check the status of your previously denied application in the CEAC Status Check
3 portal, available here: <https://ceac.state.gov/CEACStatTracker/Status.aspx>, which
4 will tell you if you are eligible to seek reopening. The U.S. Department of State
will also notify you via email to the email address provided on the DS-160 or DS-
260 connected to your visa application refused under P.P. 9645.

5 Relief cannot be transferred to anyone other than the individual who previously
6 applied for a U.S. visa.

7 **How to Benefit from This Order**

8 The U.S. State Department has 90 days from [**DATE OF ORDER**] to create a
9 mechanism for eligible applicants to contact the State Department with a request to
re-open a visa application previously denied under P.P. 9645. They must also
provide you with information about how to request relief.

10 You have 365 days from the date on which the State Department tells you that you
11 are eligible for relief to take advantage of this relief. To do so you must contact
12 [**new state.gov email address or other relief mechanism**] to request your
13 application be re-opened. Please provide as much of the following information as
14 you are able, in order to facilitate identification: name, date of birth, passport
number, and potentially other relevant identifying information such as the email
address used with your previously denied application, prior visa case number, or
prior application identification number.

15 The State Department will immediately acknowledge receipt of your request,
16 including by sending you an email address to which you can write if you do not
17 receive, within 180 days, a determination whether you are eligible for re-opening
your application refused under P.P. 9645.

18 If found eligible, the State Department may request information from you. You
will have 90 days to send these documents or information to the State Department.

19 The State Department will have 365 days from the date on which you submitted
20 requested information to adjudicate your application including completing any
administrative processing.

21 **IV. INDIVIDUAL NOTICES THROUGH CEAC**

22 The State Department shall provide the following notice to each class member through the
23 Consular Electronic Applicant Center (“CEAC”) portal as a Status Check.

24 Dear Visa Applicant,

25 You are receiving this notice because U.S. Department of State records reflect that
26 you previously applied for a visa, and that a U.S. consular officer refused your visa
application under Presidential Proclamation 9645 and concluded you were not
27 eligible for a waiver of that ineligibility. You may be eligible to reapply for a visa
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without having to reincure costs or to seek re-opening of your visa application. Please see the U.S. Department of State's website at [\[insert notice link\]](#) for more details.

IT IS SO ORDERED

Dated: _____

HON. JAMES DONATO
United States District Judge