



*“The America I know doesn't add to people suffering,  
nor does it stand between people and their dreams.  
I hope America hasn't changed.”*

## **P.K. ET AL. V. REX TILLERSON ET AL.**

### **WHY WE SUED?**

The American-Arab Anti-Discrimination Committee (ADC) received reports that **over 100 individuals** from the Arab and Muslim Ban countries (Iran, Yemen, Syria, Somalia, Sudan and Libya) were stuck in foreign cities with no where to go due to visa problems. Many of these individuals had: (1) been **denied** diversity visas (DV); (2) had their DV applications **stalled** after being selected for interviews; or (3) been approved for DVs only to then be placed in **administrative processing** or have their DVs **revoked**.

### **WHAT DOES THE LAWSUIT MEAN?**

The lawsuit is **filed on behalf of a class of individuals** who are nationals of Iran, Yemen, Syria, Somalia, Sudan or Libya. The action covers **any** individuals who:

- A. Have been selected, or are the spouse or child of someone who has been selected, in the DV lottery for FY2017 and have submitted an application to receive a DV but have not yet received the visa; AND
- B. Are subject to the Arab and Muslim Ban and do not qualify for the “bona fide relationship” exception to the Ban, and therefore are prohibited from entering the United States until the Ban expires in late September 2017.

The lawsuit challenges the Department of State’s (DOS) discriminatory policy of arbitrarily denying DVs to individuals from Iran, Yemen, Syria, Somalia, Sudan and Libya on the basis of the Arab and Muslim Ban. The lawsuit seeks to:

- (1) Enjoin the DOS from rejecting DV applications on a discriminatory basis; AND
- (2) Court order DOS to adjudicate pending DV applications and issue visas to Diversity Winners from Iran, Yemen, Syria, Somalia, Sudan and Libya before September 30, 2017.

### **WHAT IS THE BASIS FOR THE LAWSUIT:**

These DV **rejections and undue delays** at issue stem from DOS's actions in administering the Trump administration's Arab and Muslim Ban. Under the Trump administration’s Arab and Muslim Ban, individuals from Iran, Yemen, Syria, Somalia, Sudan and Libya are barred from **entering** the U.S. To effectuate this Ban, DOS has adopted a policy by which it will deny visas, including DVs, to individuals from the countries whose nationals are suspended from **entering** the U.S. under the Ban.

However, the Trump administration's Arab and Muslim Ban says nothing about **denying visas** to nationals of any country. Therefore, DOS's policy of denying visas to nationals of the certain countries identified in the Ban is discriminatory and at the very least, **violates** the Immigration and Nationality Act (8 U.S.C. § 1152(a)(1)(A)) and the Administrative Procedure Act (5 U.S.C. § 706(2)(A)).

Consular Officers have diligently carried out DOS's discriminatory Arab and Muslim Ban-based policy in numerous ways. For instance, Consular Officers have refused to issue DVs to qualified individuals for inconsistent, illogical reasons. In many situations, Consular Officers have asked erratic and absurd questions of DV winners in interviews and then used winners' failure to answer the questions as a basis for denial. Examples of these questions include:

*“I was asked how many students were in my high school and how many high schools were in my province. I did not know the answer. I was then handed a rejection letter.” – A.A.W.*

*“I answered on all the consulate questions except one question- Explain five lessons in Physics? I told her I was not ready for a physics exam as I had not studied since high school. So she refused me immediately. I told her this was unjust.” – A.D.*

Also, Consular Officers are denying DVs based on the excuse that DV winners' documentation for their DV applications is fabricated. ADC has recorded numerous instances that have occurred at U.S. embassies in China and Malaysia where Consular Officers have challenged the authenticity of documents from Yemeni nationals without any clear basis for doing so.

Consular Officers are also subjecting DVs to unreasonable administrative processing to delay awarding the DVs for as long as possible or **through September 30, 2017**, when all DVs for this period **expire**.

### **PERSONAL STORY:**

*The U.S. Embassy in China told a Yemeni family that they're diversity visas were approved and would receive visas in 2 weeks in the mail. The visas never arrived and 3 weeks later, the U.S. Embassy told them that they were placed in administrative processing. They are still waiting 250 days later.*

### **WHY IS THIS CASE IMPORTANT?**

- A. Addresses one of the core issues of the Arab and Muslim Ban that has not yet been adjudicated: whether or not **visas can be issued** to individuals from the six countries designated in the Ban. This is different from actual entry.
- B. Challenges DOS's overt and shameless discriminatory policies that directly violate the Immigration and Nationality Act (8 U.S.C. § 1152(a)(1)(A)) and the Administrative Procedure Act (5 U.S.C. § 706(2)(A)).