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July 28, 2020 **Before the COB**

Hearings
Oversight of U.S. Citizenship and Immigration Services
Subcommittee on Immigration and Citizenship
Date: Wednesday, July 29, 2020 - 09:30am
Location: 2141 RHOB

Re: Written Testimony Please Place in the Record

Please amend the Heroes bill to add video N-400 naturalization interviews to video oaths
Please allow expedited N-400 naturalization fee of \$175 with statutory reduced fee and fee waiver

Please require USCIS to only do N-400 naturalizations until the 11-3-2020 elections
Please transfer funding source(of filing fee account of my clients and other USCIS applicants) of the USCIS Asylum Office and FDNS (fraud unit) to DHS general funds (IRS)

Dear Subcommittee:

I have enclosed the lawsuit that I am filing today in the Western District of WA (one of the Subcommittee's Chair's District) on behalf of the N-400 cases that my firm filed on May 22, 2019 and earlier. It is 39 pages with 7 pages of memo and 7 page chart of my firm's N-400 filings from May 11, 2015 through May 22, 2019. I have filed 9,000 N-400 applications in my career, which started in law school in 1977.

The lawsuit, memo and chart document that through the use of Webex/Zoom, that USCIS can maintain a 250 N-400 cases per day schedule (4 days a week) to allow my clients and the other 18,000 persons in the jurisdiction of Seattle USCIS to be able to vote on 11-3-2020, that have been delayed since January 2017 (one years worth of applicants). [NW] USCIS District 41 went to Webex public meetings on June 12, 19, 25, and July 2020, so obviously they have the license, and 90 persons downloaded the free Webex software (just like Zoom) to attend the Seattle USCIS Field Office meeting on June 12, and July 19. 25 and 36 persons attended the Yakima/Spokane and Portland USCIS Field Office. Please amend the Heroes bill to add video N-400 naturalization interviews to video oaths

The lawsuit, memo, and chart document how USCIS Seattle went from 2 ½ months to 5 ½ months for filing to oath on a N-400 filing from 1991 to January 2017, to being delayed to 15 ½ months from January 2017 to August 2018, whereupon in response to my earlier lawsuit, the [NW] District Director [41] responded to my June 6, 2018 lawsuit, by "only" doing N-400 cases from August 15, 2018 to October 29, 2018. That resulted in additional 27 of my clients being able to vote on 11-06-2018, then if I had not sued. That also resulted in 7,400 also being oathed in time, than if I had not sued. The wait period decreased from 15 ½ months to

13 months, since the number of cases per day increased from 60 to 155. Normally USCIS gets 90 cases a day (4 days a week), 18,000 per year.

But then since there was no change in the 13 month N-400 backlog at Seattle USCIS, the [NW] District Director [41] responded on June 5, 2019, by transferring ½ of the N-400 Seattle caseload to USCIS Portland OR (and 24 a day to Yakima WA), so that from July 22, 2019 to March 17, 2020, the wait period decreased from 13 months to 7 months for those persons residing in Kent and Federal Way south to Portland in 3 months, and gradually to 10 ½ months for those cases north of those (including Seattle). There was a pathway to decrease to the 4 month deadline as mandated by the 1990 naturalization amendments, if USCIS Seattle increased from 60 back to 150 daily N-400 cases (4 days a week), like in 2018, and maintained the 75 a day cases (and 24 in Yakima).

But then virus COVID19 by a USCIS Seattle employee closed Seattle USCIS Office from March 3 to 10, and then the general USCIS closure from March 18 to June 4. Interviewing resumed but there being done in rooms where the distance is less than 6 feet in ½ of the rooms, and not large enough for an attorney or interpreter. The aerosol characteristics of Virus Covid19 will close down Seattle USCIS soon.

The expedited \$175 N-400 fee amount (with reduced fee and fee waiver) is the driving costs of going from Seattle to Yakima or Portland and back. There must be a mechanism for those 18,000 to be able to get oathed in time for the elections.

And the transfer of the funding from the filing fee account to IRS general funding of DHS is that there is no authority for the Asylum Office to use such account's monies, it could just as well been CBP or ICE when DHS was created. It is an ICE or CBP function these days. Likewise FDNS was first created in 2005. Why is the filing fee monies being used? It is an ICE function.

Thank you for your consideration of these comments.

Thank you
s/Bart Klein
Bart Klein

G28SEA000003, Attorney



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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

PSS, BWM, JLC, MS, SK, AND KTY,

Plaintiffs,

v.

CHAD WOLF, Acting Secretary of the
Department of Homeland Security;
KENNETH T. CUCCINELLI, Senior
Official Performing Duties of the Director,
U.S. Citizenship and Immigration Service
(USCIS); **CYNTHIA MUNITA**, Director,
Seattle Field Office, USCIS; **DEPARTMENT
OF HOMELAND SECURITY; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES,**

Defendants.

Case No.

Agency No.

A063985569/IOE0904003709

A203012197/IOE0904210095

A204201387/IOE0904844192

A200801112/IOE0906255032

A078491490/IOE0906641693

A206585077/IOE9359124092

COMPLAINT UNDER THE
ADMINISTRATIVE PROCEDURE
ACT AND IN THE NATURE OF
MANDAMUS (MANDAMUS ACT)
TO ORDER NATURALIZATION
EXAMINATION APPOINTMENT
NOTICE BE ISSUED WITHIN 90
DAYS OF NATURALIZATION
APPLICATION FILING (AND
NOTICE HAVING INTERVIEW
DATE WITHIN THE NEXT 35 OR
41 DAYS), AND RELIEF UNDER
THE DECLARATORY JUDGMENT
ACT

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INTRODUCTION

1. Western WA permanent residents who filed for naturalization as late as June in election years of 1992, 1996, 1998, 2000, 2002, 2004, 2008, 2010, 2012, 2014, and 2016, were naturalized in time (in almost all cases) to vote in such same year November elections; in other words, there was an average 4½ months adjudication time between filing the naturalization application (N-400) and same day naturalization interview and oath. But due to the refusal of Defendant Department of Homeland Security to allow Defendant District Director whose jurisdiction includes Western WA, to suspend scheduling of family based adjustment of status cases and continue the suspension of employment based adjustment of status, plaintiffs will be not be scheduled in time for the 11/03/2020 national elections (WA State has same day voting registration), even though other N-400 applicants who filed their cases on or before April 29, **2019** have been interviewed and oathed. In other words, Court intervention is requested in that since June 2017, Defendants have been unable to process naturalization cases from filing to oath in 2 ½ to 6 months, i.e., 4 ½ months

1 average, which took place since 1991 through January 2017, and in fact, has
2 been at 15 months from that June 2018 time to today, eradicating any decrease
3 to 7-10 months by detailing (commencing on July 22, 2019) Seattle USCIS
4 jurisdiction N-400 applicants to neighboring Yakima and Portland USCIS Field
5 Offices for their N-400 naturalization interview. Twice USCIS Defendant
6 District Director Corsano took action when the processing became 7 months by
7 detailing officers from within her own greater NW district (in 2007) or
8 throughout the country (2016) to this USCIS Seattle Field Office to decrease the
9 adjudication time period back down to 4 ½ months. Instead the delay was
10 allowed to increase to 14 1/3 months, when this counsel sued on behalf of his
11 clients in early June 2018 (2:18-cv-00816 RAJ), with the adjudication time
12 increasing to 15 1/2 months by August 15, 2018, where the 15 ½ adjudication
13 time is presenting at. Attachment A, USCIS Seattle N-400 Chart (of counsel's
14 N-400 cases from 5-11-2015 through 9-10-2019) [Chart A]. Note, all plaintiffs'
15 cases were filed before this 15 ½ adjudication time, i.e., they are skipped or
16 cancelled case, some filed more than 28 months ago. See Chart A.

22 2. Though Seattle USCIS Field Office has been opened since June 4, 2020,
23 and interviewing since June 24, 2020, only 4 of this counsel's 13 clients that

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1 were skipped for interviewing though they filed between February 6, 2018
2 through April 29, 2019, were scheduled (from June 25 2020 to July 9, 2020),
3 and none of this counsel's 10 clients that were scheduled in the month of March
4 2020 but whose interviews were cancelled due to Virus19 have yet to be
5 rescheduled (3 of such cases were cancelled twice, March 3-4, 2020 and then
6 April 14-15.) Such cancelled cases were filed in March and April 2018, i.e.,
7
8 can also be viewed as skipped cases.
9

10 3. At the virtual public meetings (through USCIS's Webex license) of USCIS
11 Field Offices (Seattle on June 12, 2020 and July 9, 2020, Yakima/Spokane on
12 June 19,2020, and Portland June 25, 2020), District Director and Deputy District
13 Director and District Chief of Staff and the Field Directors of such of those Field
14 Offices promised that such skipped and cancelled N-400 naturalization cases
15 would be interviewed first. That turns out not be true in that last week and this
16 week, there has been numerous asylum adjustment and family based adjustment
17 cases interviewed whether in Portland or Seattle (Yakima is still closed).
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20

21 4. In immigration law, only the naturalization statute has deadlines (even for
22 the Court) in scheduling and deciding cases, and the portion that this Complaint
23 wishes to enforce is that a naturalization interview/"examination" appointment
24

1 notice be issued within 90 days of naturalization application filing (in addition,
2 usually up to 35 days is given between notice date and interview date, 41 days if
3 the interview is set in the neighboring USCIS field office of Yakima or
4 Portland). The N-400 interview notices now are being issued for appointments
5 the same day through 14 days later.
6

7 5. What this means is that at least 18,400 Western WA N-400 applicants
8 within the boundaries of the Seattle USCIS Field Office (one year's worth of N-
9 400 applicants) that filed prior to June 2020 will have been prevented to have
10 the opportunity to vote (one year's worth) in the National Presidential elections
11 alone (11-03-2020 this year), i.e., a situation that has not in essence changed
12 since June 2018 when counsel's similar lawsuit in 2:18-cv-00816 RAJ was filed.
13 This Complaint is just to ensure that those that filed prior to May 2019, are
14 interviewed prior to November 19, 2020, i.e., the skipped cases. A review of
15 Attachment A shows that there was only one "skipped" case from June 11, 2015
16 to February 6, 2018 filings, and that person was added as client (a prior client)
17 after the filing of this counsel's prior 2018 lawsuit for all his N-400 clients,
18 2:18-cv-00816 RAJ. That person became lead plaintiff just before the case was
19 finally voluntarily dismissed, with the case having accomplished its goals of
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1 getting 7,600 more persons interviewed and oathed (27 of counsel's clients), and
2 thus eligible to vote in the 11-06-2020 elections than if the lawsuit had not been
3 filed. That is the purpose of this case.
4

5 6. Plaintiffs do not need to document fault or intent for this court to act. They
6 just need to document that it has been more than 4 1/2 months since filing for
7 this court to act, and that is enough to force Defendants to schedule the N-400
8 interview immediately.
9

10 7. In further detail of paragraph 5, a review of Attachment A of the statistics of
11 counsel's N-400 filings from 5/11/2015 to 06/15/2019 documents that
12 Defendants, since January 2017 through the filing and service of the prior
13 lawsuit, 2:18-cv-00816 RAJ, in early June 2018, had refused to respond to the
14 increase of N-400 filings from 63 per day to 100 per day, and thus the period
15 from filing to adjudication has increased from 3 1/2 months in January 2017 to 14
16 months by that early June 2018 (and finally 15 1/2 months by mid-August 2018).
17
18

19 8. In response to the 2018 litigation, USCIS Seattle ceased scheduling family
20 based (almost all spousal) adjustment (green card) I-485 cases on July 12, 2018
21 (last case interviewed on August 15, 2018). As reference, 2/3 of interview
22 cases are N-400 naturalization cases, taking about 45 minutes per interview, and
23
24

1 the rest were family based adjustment or petition based cases, taking about 1
2 hour per interview. Added in the mix in February 2018 for the first time are
3 employment based adjustment cases, in number that had been equal to family
4 based cases, so that family based cases were at 16 months in March 2020, and
5 employment based cases were at 5 months in March 2020.

6 By only doing naturalization cases from mid- August, 2018 and the end of
7 October 2018 (except 27 employment based cases to maintain their 5-9 months
8 adjudication time), there was a rapid reduction from 15 ½ months to 13 months
9 for those N-400 interviewed during that time, resulting in 7,600 more applicants
10 being oath and able to vote on 11-06-2018 (27 of this counsel's clients) than if
11 the lawsuit had not been filed. The number of naturalization cases interviewed
12 per day went up from 63 per day to 155 at times (would have reached 250 per
13 day if adjudicators were detailed from other Field Offices, and the interviewing
14 of employment-based adjustments had also ceased).

15 9. Likewise, when this Seattle Field Office reduced N-400 interviews to 27 a
16 day after October 29, 2018 (to allow adjustment interviews to catch up), the N-
17 400 interview time increased back up to 15 ½ months. Counsel was then going
18 to file an action again, but the USCIS District Director responded by transferring

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1 ½ of the Seattle USCIS N-400 caseload to Portland and Yakima Field Offices
2 (2/3 of the interviews are N-400 interviews), which were processing N-400
3 cases at 7 and 3 months respectively. That resulted in a decrease of waiting
4 time for those Seattle N-400 applicants from 13 months to 7 months, within 3
5 months, for those Seattle USCIS jurisdiction persons residing from Kent and
6 Federal south to the border of Lewis and Cowlitz Counties matching the wait
7 time for those residents of Western WA south of that border assigned to the
8 jurisdiction of the USCIS Portland OR Field Office. Portland OR Field Office
9 maintained their 7 month adjudication time through March 2020, by increasing
10 their adjudicators from 12 ½ to 20 (as reference, Portland processes 40% of the
11 Seattle volume).

12
13
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16 10. This tactic of detailing the ½ of the Seattle N-400 applicants to the Portland
17 and Yakima Field Offices was a pathway for the Seattle USCIS to reduce all
18 Seattle N-400 filings to oath to at least 7 months by November 2020, that is if
19 Seattle USCIS increased their daily N-400 adjudication from 60 per day to 150,
20 (note the February 2020 notation in Chart A that USCIS Seattle was able to do
21 240 N-400 in one day), 4 days a week, but was derailed by the Seattle USCIS
22 employee getting covid19 and working with symptoms from February 24-26,
23

1 2020 (when this counsel had interviews), resulting in closure from March 3 to
2 10 and then March 17 to June 2020.

3 Unfortunately, as stated in paragraph 4, though Seattle USCIS resumed
4 interviewing on June 24, 2020, the USCIS promise to first process skipped and
5 cancelled N-400 cases (cases filed before April 29, 2019) is not taking place.
6

7 11. The 1990 naturalization amendments makes clear that judicial intervention
8 is allowed, and since this should be on a mass scale in that one year's worth of
9 persons are not being oathed in time (18,400 in the Seattle USCIS jurisdiction
10 alone, since June 2018), and in direct violation of the Congressional History
11 (some Field Offices were experiencing 2 year delays at time in 1990 and also at
12 present), such action is needed now. As this Court's Chief Judge Martinez
13 ruled in this counsel's case of Hussain Al Gazawi v. Michael B. Mukasey, et al.,
14 Case No. C06-1696RSM (Ex. #28, 09/28/2008) that
15

16 " The Court will not tolerate Defendants' delay tactics any further. The
17 Immigration Act of 1990 was intended to streamline the citizenship process, not
18 delay it."
19

20 JURISDICTION

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22 12. This case arises under the Immigration and Nationality Act, 8 U.S.C.
23 Section 1101 *et seq.* ("INA"), and the Administrative Procedure Act, 5
24

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1 U.S.C. Section 701 *et seq.* (“APA”).

2 13. This Court has jurisdiction over the subject matter of this action pursuant to
3 28 U.S.C. § 1331 (federal question jurisdiction) and the “modern” Mandamus
4 Act as codified at 28 U.S.C. § 1361.
5

6 14. This Court also has authority to grant declaratory relief under 28 U.S.C.
7 §§ 2201- 02 and injunctive relief under 5 U.S.C. § 702.
8

9 15. There exists between the parties an actual and justiciable controversy
10 in which plaintiffs seeks declaratory and injunctive relief to protect her/his
11 legal rights.
12

13 16. The United States has waived its sovereign immunity under 5 U.S.C. § 702.
14

15 **VENUE**

16 17. Venue in this judicial District is proper under 28 U.S.C. § 1391(e)(1)(A)
17 because this is a civil action in which the Defendants are an agency of the
18 United States and officers of the United States, acting in their official
19 capacities for that agency, which maintains offices in this District. Further,
20 plaintiffs reside in this District.
21
22

23 **EXHAUSTION OF REMEDIES**

1 18. Plaintiffs' counsel filed a 7 page memo (Attachment B,) and the attached
2 Chart A with the Defendants on May 19, 2020, to try to schedule all his clients'
3 N-400 naturalization cases through filings of May 2020 through the use of Zoom
4 and Webex free technology (USCIS District 41 has the Webex license that held
5 public virtual meetings of June 12, 19, 25, and July 9, 2020, with the District
6 Director/Deputy District Director and the different Field Directors of Seattle,
7 Yakima, Spokane, and Portland) to reach 250 cases interviewed a day to meet
8 the statutory deadlines of 125 days and 245 days from filing to oath or denial.
9 See Attachment B, USCIS Seattle Field Office, Thoughts on Reopening on June
10 4, 2020, Wait Periods Between Filing the I485 and N400 to Interview and Then
11 to Oath Ceremony (For N400 Cases), Legal Reasoning for Court Enforcement
12 of N400 Applicants Being Oathed in 4-7 Months after Filing.
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17 Plaintiffs have used USCIS infopass and/or case inquiry and/or
18 Congressional inquiry to try to schedule their own N-400 naturalization
19 case. Accordingly, plaintiffs have no other administrative remedies to
20 exhaust.
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23 PARTIES

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1 19. Plaintiffs resides in Auburn, Fife, Brier, Woodinville, and Renton,
2 Washington.

3 20. Defendant Chad WOLF is sued in his official capacity as the
4 Secretary of the Department of Homeland Security (DHS). In this
5 position, he is responsible for the administration and enforcement of the
6 immigration and naturalization laws. *See* 8 U.S.C. § 1103(a); *see also*
7 Homeland Security Act of 2002, Pub. L. No. 107-296, § 402, 116 Stat.
8 2135, 2177 (Nov. 25, 2002).
9
10

11 21. Defendant Kenneth T. CUCCINELLI is sued in his official
12 capacity as, at the time this Complaint is filed, the Senior Official
13 Performing Duties of the Director, as the position of USCIS Director
14 remains vacant. In this position, he is responsible for overseeing the
15 adjudication of immigration benefits and establishing and implementing
16 governing policies.
17
18

19 22. Defendant/Defendant Anne Aries CORSANO is sued in her official
20 capacity as USCIS District Director of District 41 (located in Seattle WA)
21 which supervises the USCIS Field Offices of Seattle, Portland, Yakima,
22
23 Spokane, Anchorage, Boise, Helena, Honolulu, and Guam. The District 41
24

1 Office is charged with the administration of the Immigration and Nationality
2 Act, 8 U.S.C. §§ 1001, et seq.

3 23. Defendant Cynthia MUNITA is sued in her official capacity as the
4
5 Field Office Director of the Seattle Field Office of USCIS. The
6
7 Seattle Field Office services the western portion of the State of
8
9 Washington north of the Lewis and Cowlitz county boundary. In this
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11 capacity, Ms. Munita is responsible for, including, but not limited to:
12
13 interviewing naturalization applicants; waiving the oath of allegiance
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15 in appropriate cases; planning, scheduling, rescheduling, and
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17 conducting public oath ceremonies; and administering individual
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19 oaths of allegiance on a case-by-case basis or when a district court
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21 refers a person for an immediate administrative naturalization
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23 pursuant to 8 U.S.C. § 1448(c). Plaintiffs reside in the geographic
24
25 jurisdiction of the Seattle USCIS Field Office.
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1 24. Defendant Department of Homeland Security (DHS) is the department
2 within which the USCIS adjudicates applications for naturalization. DHS
3 operates within this district, with headquarters in Washington, D.C.
4

5 25. Defendant USCIS is a component of the Department of Homeland
6 Security (DHS), 6 U.S.C. § 271, and an agency within the meaning of the
7 APA, 5 U.S.C. § 551(1). USCIS is responsible for adjudicating
8 naturalization applications, including, but not limited to: interviewing
9 naturalization applicants; waiving the oath of allegiance in appropriate
10 cases; planning, scheduling, rescheduling, and conducting public oath
11 ceremonies; and administering individual oaths of allegiance on a case-
12 by-case basis or when a district court refers a person for an immediate
13 administrative naturalization pursuant to 8 U.S.C. § 1448(c).
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17 **BACKGROUND**

18 *Overview of the Naturalization Process*

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20 26. To naturalize as a U.S. citizen, an applicant must satisfy
21 certain eligibility criteria under the Immigration and Naturalization
22 Act (INA) and its implementing regulations. *See generally* 8
23

1 U.S.C. §§ 1421-1458; 8 C.F.R. §§ 316.1-316.14.

2 Applicants must prove that they are "at least 18 years of age," 8 C.F.R.
3 § 316.2(a)(1); have "resided continuously, after being lawfully
4 admitted" in the United States, "for at least five years;" and have been
5 "physically present" in the United States for "at least half of that time."
6 8 U.S.C. § 1427(a)(1).

7 The statutory and regulatory time requirements set forth above
8 are modified for certain persons who married U.S. citizens and
9 employees of certain nonprofit organizations, and veterans. *See*
10 *generally id.* §§ 1430, 1439-40; 8 C.F.R. §§ 319.1, 319.4, 328.2, 329.2.
11
12

13 The naturalization application may be filed 3 months prior to five
14 years (3 years for those married to U.S. citizens) of continuous lawful
15 permanent resident status, 8 U.S.C. § 1445(a) defined by the 8 C.F.R. §
16 334.2(b) regulation as 90 days. In fact, USCIS has an early filing date
17 calculator their website accessed 7/24/2020 at
18 <https://www.uscis.gov/forms/uscis-early-filing-calculator>. USCIS has a
19
20 "Policy Manual," binding on their adjudications, which states the
21
22 following at Volume 12 Chapter 6 D 90-Day Early Filing Provision (INA
23
24

334), accessed 7/24/2020 at <https://www.uscis.gov/policy-manual/volume->

12-part-d-chapter-6: D. 90-Day Early Filing Provision (INA 334)

An applicant filing under the general naturalization provision may file his or her application up to 90 days before he or she would first meet the required 5-year period of continuous residence as an LPR.^[14] Although an applicant may file early according to the 90 day early filing provision, the applicant is not eligible for naturalization until he or she has reached the required five-year period of continuous residence as a lawful permanent resident (LPR).

USCIS calculates the early filing period by counting back 90 days from the day before the applicant would have first satisfied the continuous residence requirement for naturalization. For example, if the applicant would satisfy the five-year continuous residence requirement for the first time on June 10, 2010 USCIS will begin to calculate the 90-day early filing period from June 9, 2010. In such a case, the earliest that the applicant is allowed to file would be March 12, 2010 (90 calendar days earlier).

In cases where an applicant has filed early and the required three month period of residence in a state or service district falls within the required five-year period of continuous residence, jurisdiction for filing will be based on the three-month period immediately preceding the examination on the application.^[15]

27. Once an individual submits an application, USCIS must conduct a background investigation, *see* 8 U.S.C. § 1446(a); 8 C.F.R. § 335.1, which includes a full criminal background check by the Federal Bureau of Investigation, *see* 8 C.F.R. § 335.2. Such background investigation is initiated within 10 days of filing, where USCIS issues an “ASC” appointment in 21 days, where fingerprinting and other biometrics take place. Since every naturalization applicant has been a permanent resident

1 (except American Samoa nationals, and certain persons in active or ready
2 reserve military service), and needed to have such background
3 investigation conducted prior to be granted U.S. permanent resident status
4 (unless under 14 years of age) , checks are completed within one day in
5 99.9% of the cases. In other words, the interview notices can be issued in
6 one month of filing. To give adequate notice, USCIS gives 35 days
7 between interview notice date and interview date (41 days if the applicant
8 is scheduled in a neighboring USCIS Field Office, i.e., in this case,
9 Portland or Yakima). See Chart A proof. In fact, Seattle USCIS has
10 scheduled naturalization interviews within 2 ½ months (resulting in a 2
11 week oath delay, for those cases where applicants filed on 90th day prior to
12 the 3 or 5 year date). See discussion of this from the USCIS “Policy
13 Manual” in 25 above.
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19 28. After completing the background investigation, USCIS must
20 schedule a naturalization examination during which the applicant
21 meets with a USCIS examiner for an interview. 8 U.S.C. § 1446(b); 8
22 C.F.R. §§ 316.14, 335.2. Plaintiffs argue that systematically USCIS
23
24

1 is required to issue the interview notice within 90 days, since 99.9%
2 of the applicants have been clear in 1 month, and Congress adopted
3 the 90 day prior filing right to applicants in the adoption of 8
4 U.S.C.1445(a) to permit adequate time for USCIS to complete the
5 investigation. USCIS has adopted online filing of N400s (and payment of
6 the fee) and on-line tracking of the case, with uploading of new materials,
7 and could easily in one day complete investigation with on-line
8 biometrics, since they have already done the biometrics previously those
9 in U.S. permanent resident status. Plaintiffs have been waiting from 29
10 months to 15 months, and are all “skipped” and “cancelled” applicants
11 (filed before May 22, 2019), and still USCIS has yet to issuance the
12 naturalization interview notice for them, let alone those that filed between
13 May 22, 2019 and June 2020.

18 29. The applicant is tested with respect to English language
19 proficiency and knowledge of U.S. history and government. 8 U.S.C.
20 § 1423(a); 8 C.F.R. §§ 312.1, 312.2. At this examination, the
21 applicant signs the oath of allegiance before a USCIS officer. If the
22 applicant has complied with all requirements for naturalization,
23

1 USCIS "shall grant the application." 8 C.F.R. § 335.3(a).

2 30. The final step is generally an oath of allegiance to the United
3 States that the applicant must make in a "public ceremony." 8 U.S.C.
4 § 1448(a); 8 C.F.R. §§ 310.3, 337.1. USCIS may waive this
5 requirement for children and individuals with a "physical or
6 developmental disability or mental impairment." 8 U.S.C. § 1448(a).
7 Similarly, pursuant to 8 U.S.C. § 1448(c), USCIS may provide for
8 immediate administrative naturalization where an "expedited judicial
9 oath administration ceremony is impracticable."
10
11

12 31. Although 8 U.S.C. § 1421(a) provides that "[t]he sole authority to
13 naturalize persons as citizens of the United States is conferred upon
14 the [Secretary of Homeland Security]," 8 U.S.C. § 1421(a), the DHS
15 Secretary may delegate the authority to administer the oath to certain
16 DHS officials (including USCIS officials) and immigration judges "as
17 may be necessary for the efficient administration of the naturalization
18 program," 8 C.F.R. § 337.2(b).
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22 32. In recognition of the importance of naturalization, Congress
23 provided that oath ceremonies must be "conducted frequently and at
24

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1 regular intervals," *Id.* § 1448(d), which the agency has interpreted to mean,
2 "in all events at least once monthly where it is required to minimize
3 unreasonable delays." 8 C.F.R. § 337.2(a).
4

5 33. Furthermore, Congress authorized the U.S district courts and
6 certain state courts to administer the oath of allegiance. 8 U.S.C. §
7 1421(b).
8

9 34. Applicants may choose to take the oath of allegiance in an
10 administrative ceremony before USCIS or, if available, in a judicial
11 ceremony before this Court. 8 U.S.C. § 1421(b)(A). 35.
12

13 35. An applicant for naturalization is deemed a U.S. citizen as of the
14 date of the oath of allegiance. 8 C.F.R. § 337.9(a).
15

16 Since naturalization interviewing commenced on June 24, 2020, the oath
17 is being administrated by the same officer at the end of the
18 interview/examination for all approved cases, and for those cases
19 subsequently approved, the oath ceremonies are now being conducted
20 outside the Seattle and Portland USCIS buildings in mid-month, once a
21 month (only the 4 minute oath swearing-in is part of the ceremony).
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FACTS

34. Plaintiff are citizens of India, Kenya, Mexico and Ethiopia residing in Auburn, Fife, Brier, Woodinville, and Renton, WA, and have been U.S. Lawful Permanent Residents since their admission dates of . Their N-400, Application for Naturalization, was received by U.S. Citizenship and Immigration Services (USCIS) on 02/20/18, 03/07/18, 06/19/2018, 05/09/2019 and 05/22/19, and the ASC criminal and security checks were conducted within a month of such filings.

35. Plaintiffs' counsel filed a 7 page statistical and legal memo (attachment B) with a 7 page chart of his N-400 cases filed from June 11, 2015 through May 20, 2019 (attachment A) with Defendants District 41 Director Corsano and Seattle Field Director Munita (on May 19, 2020) in attempting to get defendants to conduct naturalizations interviews/"examinations" with Zoom or Webex (USCIS has such license and conducted virtual public meetings with such media on June 12, 2020-Seattle Field Office, June 19, 2020-Yakima and Spokane Field Offices, June 25, 2020, and Seattle Field Office -July 9, 2020), in order to protect their adjudicators, the applicants, and maintain/attain a rate

1 of 250 N-400 interviews a day. Instead defendants chose an interview method
2 where at most 90 cases are interviewed per day, and additionally exposing each
3 USCIS adjudicator every hour to a different applicant, with only 2 masks, a
4 desk plexiglass, and no ventilation, and 4-8 feet separating them. USCIS
5
6 Seattle has already one officer get Covid19 sick with symptoms due to their
7 interviewing methods from February 24-26, shutting the building for cleaning
8
9 from March 3 to 10, and then closure from March 18 to June 4, 2020.

10 36. Since January 27, 2020 through the present and continuing and ongoing,
11 counsel and clients of counsel, in appearing for interviews at Seattle USCIS,
12
13 work with or in close proximity to objects, surfaces, and/or Seattle USCIS
14 employees who may be infected with the novel coronavirus ("COVID-19").

15 37. As of the date of this Complaint, tens of thousands of employees of the
16
17 United States of America and its public agencies have tested positive for
18 COVID-19. Eric Katz, More Than 39,000 Federal Employees Have Tested
19 Positive for COVID-19, GOVERNMENT EXECUTIVE (July 17, 2020),
20 [https://www.govexec.com/workforce/2020/07/more-37000-federal-
21 employees-have-tested-positive-covid-19/167014/](https://www.govexec.com/workforce/2020/07/more-37000-federal-employees-have-tested-positive-covid-19/167014/).
22
23

24 38. COVID-19 is a virus which when introduced into the body is likely to

1 cause serious disease or fatality. The Centers for Disease Control and
2 Prevention ("CDC") has determined that COVID-19 meets the definition for
3 "severe acute respiratory syndromes" as set forth in Executive Order 13295 , as
4 amended by Executive Orders 13375 and 13674, and, therefore, is a "
5 quarantinable communicable disease." See Attachment to OPM Memorandum
6 No. 2020-05, Coronavirus Disease 2019 (COVID-19): Additional Guidance
7 (March 7, 2020). COVID-19 can cause symptoms "ranging from mild illness to
8 severe illness" and death. See Coronavirus Disease 2019 (COVID-19),
9 Symptoms of Coronavirus, CENTERS FOR DIS EASE CONTROL AND
10 PREVENTION, [https://www.cdc.gov/coronavirus/2019-ncov/symptoms-](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)
11 [testing/symptoms.html](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html) (last updated May 13, 2020). More than 549,000 people
12 worldwide, including more than 140,000 in the United States, have died from
13 COVID-19. Coronavirus in the U S.: Latest Map and Case Count, N.Y. Times,
14 <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> (last
15 updated July 22, 2020 2:00 PM); Jin Wu et al., 153,000 Missing Deaths:
16 Tracking the True Toll of the Coronavirus Outbreak, N.Y. Times,
17 [https://www.nytimes.com/interactive/2020/04/21/world/coronavirus-](https://www.nytimes.com/interactive/2020/04/21/world/coronavirus-missing-deaths.html)
18 [missing-deaths.html](https://www.nytimes.com/interactive/2020/04/21/world/coronavirus-missing-deaths.html) (last updated July 9, 2020 2:10 AM). According to the

1 American Medical Association, "Official tallies of deaths due to COVID-19
2 underestimate the full increase in deaths associated with the pandemic[.]"

3 Daniel M. Weinberger, PhD; Jenny Chen, BS; Ted Cohen, MD, DPH; et al.,
4 Estimation of Excess Deaths Associated With the COVID-19 Pandemic in the
5 United States, March to May 2020, J. OF THE AM. MED. Ass 'N (July 1,
6 2020), available at [https:](https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2767980)
7

8 [//jamanetwork.com/journals/jamainternalmedicine/fullarticle/2767980](https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2767980). "The
9 number of people infected with the coronavirus in different parts of the United
10 States has been anywhere from two to 13 times higher than the reported
11 rates for those regions[.]" Apoorva Mandavilli, Coronavirus Infections
12 Much Higher Than Reported Cases in Parts of U S., Study Shows, N.Y.
13 TIMES (July 21, 2020),
14

15 [https://www.nytimes.com/2020/07/21/health/coronavirus-](https://www.nytimes.com/2020/07/21/health/coronavirus-infections-us.html?action=click&module=RelatedLinks&pg_type=Article)
16 [infections-us.html?action=click&module=RelatedLinks&pg_type=Article](https://www.nytimes.com/2020/07/21/health/coronavirus-infections-us.html?action=click&module=RelatedLinks&pg_type=Article).
17

18 39. "The virus that causes COVID-19 is thought to spread mainly from person
19 to person," " seems to be spreading easily and sustainably," and has been
20 characterized as a pandemic by the World Health Organization ("WHO"). See
21 Coronavirus Disease 2019 (COVID- 19), Frequently Asked Questions,
22

1 CENTERS FOR DISEASE CONTROL AND PREVENTION,

2 <https://www.cdc.gov/coronavirus/2019-ncov/faq.html> (last updated July 15,
3 2020) .

4
5 40. As the World Health Organization explained, "The disease spreads
6 primarily from person to person through small droplets from the nose or
7 mouth, which are expelled when a person with COVID-19 coughs, sneezes, or
8 speaks. People can catch COVID-19 if they breathe in these droplets from a
9 person infected with the virus... These droplets land on objects and surfaces
10 around the person such as tables, doorknobs and handrails. People can become
11 infected by touching these objects or surfaces, then touching their eyes, nose or
12 mouth." Q&A on coronaviruses (COVID-19), WORLD HEALTH
13 ORGANIZATION, [https://www.who.int/news-room/g-a-detail/q-a-](https://www.who.int/news-room/g-a-detail/q-a-coronaviruses)
14 [coronaviruses](https://www.who.int/news-room/g-a-detail/q-a-coronaviruses) (last updated Apr. 17, 2020).

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18 41. A person who is infected with COVID-19 may not present symptoms
19 immediately. Rather, there is an "incubation period" in which a person is
20 infected but has not begun to present symptoms. According to the World Health
21 Organization, "The time between exposure to COVID-19 and the moment when
22 symptoms start is commonly around five to six days but can range from 1 - 14
23

1 days." Q&A on coronaviruses (COVID-19), WORLD HEALTH
2 ORGANIZATION, [https://www.who.int/news-room/q-a-detail/g-a-](https://www.who.int/news-room/q-a-detail/g-a-coronaviruses)
3 [coronaviruses](https://www.who.int/news-room/q-a-detail/g-a-coronaviruses) (last updated Apr. 17, 2020).
4

5 42. An infected individual may spread COVID-19 before he or she begins to
6 present significant symptoms. As the World Health Organization explained,
7 "many people with COVID- 19 experience only mild symptoms. This is
8 particularly true at the early stages of the disease. It is possible to catch COVID-
9 19 from someone who has just a mild cough and does not feel ill. "Q&A on
10 coronaviruses (CO VID-19), WORLD HEALTH ORGANIZATION,
11 <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses> (last updated Apr.
12 17, 2020).
13 17, 2020).
14

15 43. Recent experimental studies have examined the stability of SARS-CoV-
16 2, showing that the virus remains infectious in aerosols for hours (12) and on
17 surfaces up to days (12, 13). Identifying airborne transmission as the dominant
18 route for the spread of COVID-19. Renyi Zhang, _View ORCID ProfileYixin
19 Li, Annie L. Zhang, _View ORCID ProfileYuan Wang, and Mario J. Molina
20 PNAS June 30, 2020 117 (26) 14857-14863; first published June 11,
21 2020 <https://doi.org/10.1073/pnas.2009637117>
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1 44. WHO, after being petitioned by the top 200+ experts on virus
2 transmission (<https://apnews.com/b98842206333b88c1fd82bab77e0851b>),
3 recognized that COVIS 19 aerosol can spread beyond the 6 foot social
4 distancing recommendation and infect persons in prolonged contact where
5 there is a lack of ventilation, the exact environment of conducting an interview
6 at USIS Seattle, where USCIS adjudicators operate in a sealed building, and
7 the distance between officer and N-400 applicant in most of the rooms is less
8 than 6 feet, and the officer must breath the air of a new USCIS N-400 applicant
9 every 45 minutes:
10
11

12
13 Outside of medical facilities, some outbreak reports related to indoor crowded
14 spaces (40) have suggested the possibility of aerosol transmission, combined with
15 droplet transmission, for example, during choir practice (7), in restaurants (41) or in
16 fitness classes.(42) In these events, short-range aerosol transmission, particularly in
17 specific indoor locations, such as crowded and inadequately ventilated spaces over
18 a prolonged period of time with infected persons cannot be ruled out. However, the
19 detailed investigations of these clusters suggest that droplet and fomite
20 transmission could also explain human-to-human transmission within these clusters.
21 Further, the close contact environments of these clusters may have facilitated
22 transmission from a small number of cases to many other people (e.g.,
23
24

superspreading event), especially if hand hygiene was not performed and masks were not used when physical distancing was not maintained.(43)

<https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>

**LEGAL ANALYSIS SUPPORTING APA, MANDAMUS,
DECLARATORY STATEMENT/JUDGEMENT, AND INJUNCTIVE
AND DAMAGES RELIEF**

45. Plaintiffs has been U.S. permanent residents for more than 3 or 5 years, and resided within the District for at least 3 months before filing the naturalization application. They are permitted to file such application three months early of the 3 or 5 year the continuous residency requirement of being U.S. Lawful Permanent Residents, pursuant to 8 U.S.C. 1445(a), the legal issue in this Complaint. While the statute is stated as months, the regulations defines this to be 90 days. 8 C.F.R. 334.2(b). The naturalization application (N-400) was filed on 02/20/18, 03/07/18, 06/19/2018, 05/09/2019 and 05/22/19 respectively, and security and criminal checks were all cleared within one month of filing.

47. Defendant USCIS (Citizenship & Immigration Services) has yet to schedule the naturalization examination/interview.

48. The maximum period from filing to decision at the naturalization

1 interview/"examination" is 125 days, if approvable at interview (since June
2 2020, USCIS is conducting the oath by the same officer that approved the N-400
3 naturalization application, just immediately after the interview), to 245 days, if
4 not approvable at interview, as is required by the naturalization statutes, which
5 allow 3 month early filing the naturalization application to have all checks done
6 plus 35 days for scheduling plus the 120 days that a decision must be made after
7 interview.
8
9

10 49. Seattle USCIS met the 125 day deadline from February 1991 through filings
11 of December 2016, and Seattle USCIS during such time adopted program to
12 reduce the naturalization backlog in 2008 when faced with an unprecedented
13 number of extra N-400 filing (due to a fee increase) and January to March 2016
14 (due to a lack of officers). Defendants should have adopted this program In
15 June 2017 when the delay time reached 240 days (8 months). The failure of
16 Defendants to adopt such program has now resulted in at least 18,400 persons in
17 Western WA not being naturalized (one year's worth of N-400 cases) and not
18 being able to vote in November 3, 2020, national presidential elections.
19
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21

22 50. The 90 day early filing and the 120-day adjudication limit was put into
23 place when Congress enacted the Immigration Act of 1990 (the "Act"). See
24

1 Immigration Act of 1990, Pub. L. 101-649, § 407, 104 Stat. 4978, 5044.

2 51. Unfortunately, the Act's legislative history does not discuss the 90-day or
3 120-day period. See *Manzoor v. Chertoff*, 472 F. Supp. 2d. 801, 807–808 (E.D.
4 Virg. 2007) (noting that while the Act was described in a committee and
5 conference report, neither mentioned the 120-day limit). But as the *Manzoor*
6 court notes, in 1989, the Committee on the Judiciary drafted a report discussing
7 the purpose of a proposed bill that would amend § 1447(b) so that it would read
8 as follows:
9
10

11 Where there has been a failure to make a determination under [§ 1446]
12 before the end of the 90-day period after the date on which the
13 examination is conducted under such section, the United States district
14 court for the district in which the applicant resides shall upon the demand
15 of the petitioner exercise exclusive jurisdiction over the matter.

16 See H.R. Rep. No. 101-187, at 34 (1989)).

17 52. The report explains that “[t]he bill provides that the applicant may petition
18 the court after 90 days of the interview on an application if a decision. has not
19 been made on the case.” *Id.* at 14 (emphasis added). The report continues: “[i]t
20 is expected that INS will move expeditiously after full investigation of the facts
21 to calendar cases for examination and decision.” *Id.* This makes it clear that the
22 term “examination” referred to the USCIS’s interview of an applicant.
23

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1 53. When Congress later established a 120-day limit in 1990, it used virtually
2 identical language as that used in the proposed 1989 legislation. Compare id. at
3 34, with Immigration Act of 1990 § 407, 104 Stat. at 5044. The justification to
4 change from judicial to administrative naturalization in this Act, was that some
5 USCIS jurisdictions were experiencing two or more year delays. The delays are
6 now at 15 1/2 months and N-400 applicants filing now will see their interview at
7 least 23 1/4 months from now, unless action is taken by this Court. A Court
8 order is needed to enforce an orderly naturalization delay reduction program.

11 54. Immigrants pay though filing fees for the entire Defendant/Petitioner USCIS
12 operation including all 18,900 USCIS employees (except for 250 employees with
13 the everify type programs which actually should be an DHS ICE function),
14 including the asylum office, and such USCIS should offer an expedited fee for N-
15 400 applicants (as allowed by statute, but only applied so far to employment and
16 religious based petitions), to insure that naturalization adjudication are finished
17 within the 4 month period. The act allows increases to the \$725 filing fee in order
18 to hire more officers to maintain the deadline (of 4 months).

22 55. Chief Judge Martinez's ruling in this counsel's case of Hussain Al Gazawi v.
23 Michael B. Mukasey, et al., Case No. C06-1696RSM (Ex. #28, 09/28/2008) found

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1 that " The Court will not tolerate Defendants' delay tactics any further. The
2 Immigration Act of 1990 was intended to streamline the citizenship process, not
3 delay it."

4
5 56. But for lack of action of defendants, plaintiffs would have been naturalized by
6 now, and granted citizenship.

7 57. Plaintiffs have exhausted all administrative remedies. To date, Defendants'
8 have failed to issue the examination/interview date.

9
10 58. Defendants' refusal to timely administer the naturalization interview
11 /"examination" has caused plaintiffs hardship. Plaintiffs want to vote in the
12 November 3, 2020 elections. United States citizenship confers
13 fundamental rights and privileges, including, but not limited to, the right to
14 vote; access additional grants, scholarships, and public benefits; hold
15 certain offices; travel internationally; confer automatic citizenship on
16 children under eighteen (18) years of age; petition for certain family
17 members to immigrate to the United States; and apply for certain
18 government and private sector jobs.

19
20 59. The Administrative Procedures Act, 5 U.S.C. §§ 555(b), 702, and
21 706(l), requires that applications be processed in a reasonable time, and 8 U.S.C.

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1 1445(a) requires interview/"examinations" notice be issued within 90 days of filing
2 the naturalization application, and 8 U.S.C. § 1447(b), requires USCIS to adjudicate
3 a naturalization application within 120 days after interview (in addition, usually up
4 to 35 days is given for notice of the interview). Delays beyond this total 125 days
5 for approvable cases at interview (80% of the cases) but maximum 245 days (for
6 the 20% that are not approvable at interview) is unreasonable as a matter of law.
7

8 **FIRST CAUSE OF ACTION**

9
10 60. Plaintiffs re-allege and incorporate by reference, as if fully set forth herein, the
11 allegations in paragraphs 1-49 above.
12

13 Defendants failure to timely set a date for petitioners/plaintiffs' naturalization
14 interview/"examination" beyond this total 125 days for approvable cases at
15 interview (80% of the cases) and delays in issuing a final decision beyond 245 days
16 (for the 20% that are not approvable) is unreasonable as a matter of law and
17 constitutes an unreasonable failure to act in violation of the Administrative
18 Procedures Act, 5 U.S.C. §§ 555(b), 702, and 706(l).
19
20

21 **SECOND CAUSE OF ACTION**

22 61. Plaintiffs re-allege and incorporates by reference, as if fully set forth herein,
23 the allegations in paragraphs 1-49 above.
24

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62. Defendants' failure to set a date for Petitioners/Plaintiffs' naturalization interview/"examination" within 125 days of filing and delays in issuing a final decision beyond 245 days (for the 20% that are not approvable) violates the "modern" Mandamus Act as codified at 28 U.S.C. § 1361, allowing Court "Action to compel an officer of the U.S. to perform his duty."

THIRD CAUSE OF ACTION

63. Plaintiffs re-allege and incorporate by reference, as if fully set forth herein, the allegations in paragraphs 1-49 above.

64. Defendants' refusal to adjudicate Plaintiffs' application within a reasonable time violates Congress' enumerated powers of the Constitution. Since Congress establishes "an uniform Rule of Naturalization", as authorized by Art. I, Sec. 8, cl. 4 of the Constitution, it is the Defendants' duty to implement and enforce the law Congress makes, specifically finish the adjudication in 8 months from filing, and increasing/decreasing the \$725 filing fee, to hire more officers in the event the 8 month deadline can not be met, after subtracting the monies diverted to the 3000 member Asylum Office and the 1500-3000 member FDNS (fraud unit), in that paying such units is not the responsibility of the filing fee fund. Plaintiffs have a clear right to the relief requested. Defendants have a

1 clear duty to adjudicate the naturalization application of Petitioner/Plaintiffs in
2 the 8 month period of time and they have means to increase/decreasing the filing
3 fees if necessary, or reducing their expenses by off-loading the payments made
4 to the Asylum Office and the FDNS to the general fund of the DHS (and offer
5 an expedited filing fee to N-400 applicants of \$175 which was the driving
6 expense to go to Yakima and Portland), and there is no other adequate remedy
7 available.
8
9

10 **RELIEF UNDER THE DECLARATORY JUDGMENT ACT**

11 65. Plaintiffs re-allege and incorporate by reference, as if fully set forth herein, the
12 allegations in paragraphs 1-49 above.
13

14 66. The Declaratory Judgment Act of 1934, 28 U.S.C. §§ 2201-2202, enables
15 parties to obtain declaratory relief not otherwise available, as described above and
16 in the prayer for relief. Specifically, the \$725 filing fee (or \$405 reduced filing
17 fee) should be refunded for USCIS not meeting the maximum 8 month statutory,
18 and USCIS ordered to refund the fees through their refund Form G-266 Request for
19 Refund of Fee, in each N-400 applicant whose case does not have a decision in 245
20 days.
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24 **PRAYER FOR RELIEF**

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1 WHEREFORE, plaintiffs prays for the following relief:

2 A. Direct that the Defendants to require Seattle USCIS to immediately schedule
3 and conduct petitioners/plaintiffs' naturalization examinations/interviews, but prior
4 to the national presidential election date of 11/03/2020.
5

6 B. Schedule a judicial naturalization hearing and direct Defendants to order
7 USCIS to appear and conduct plaintiffs' naturalization interview/"examination."
8

9 C. Order Defendants to order Seattle USCIS to conduct all applicant's
10 naturalization interview/"examinations" so that all decisions on the naturalization
11 applications are completed within 245 days of filing, including using Zoom/Webex
12 to conduct interviews/"examinations."
13

14 D. Direct USCIS that, upon oathing plaintiffs or any N-400 applicant residing
15 within the jurisdiction of this Court (the jurisdiction of USCIS Seattle and the WA
16 State part of USCIS Portland), to immediately transmit a piece of paper to the
17 applicant that has the following language:
18

19 Registering to vote only takes 3 minutes. Go to www.votewa.gov . You only
20 need the information on your WA State Driver's License (WSDL) or WA State
21 Identification Card (WSID) (please use up-to- date address). The website uses
22 the signature on your WSDL or WSID to register.
23

1 E. Direct Seattle Field Director to follow the order of her USCIS District
2 Director **NOT** to allow non-family/non-household interpreters and
3 attorneys/accredited representations in the same room of USCIS adjudicators
4 through national elections of November 3, 2020.
5

6 F. Place the Seattle Field Operations in Court Receivership and order Defendants
7 to order Seattle USCIS to adopt a orderly program to reduce the naturalization
8 backlog, until the maximum 125/245 day naturalization statutory deadlines are met,
9 including offering expedited fees to N-400 applicants (\$175 which was the driving
10 expense to Yakima and Portland) and increasing/decreasing the \$725 filing fee (if
11 such is necessary after off-loading the expenses for the Asylum Office and FDNS
12 from the filing fee fund to the DHS general fund), and restraining Defendants and
13 Seattle USCIS from scheduling any other kind of case for interviewing (except
14 those that meet the USCIS expedited criteria) for interview, until the approvable
15 (80%) naturalization cases are at 125 days from filing to oath, except that spousal
16 adjustments be allowed to be scheduled after the 22 month after marriage.
17
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21 G. Order that the \$725 (or \$405) filing fees be refunded for USCIS not meeting
22 the maximum 8 month statutory, and USCIS ordered to refund the fees through
23 their refund Form G-266 Request for Refund of Fee, in each N-400 applicant whose
24

1 case does not have a decision by 245 days.

2 be viewed as “damages,” since Defendants have breached their contractual duty to
3 complete adjudication in the statutory 8 months, and order USCIS to return the
4 filing fees paid back to naturalization applicants through USCIS’s refund Form G-
5 266 Request for Refund of Fee.
6

7
8 H. Declare, based on Chief Judge Martinez's ruling in this counsel's case of
9 Hussain Al Gazawi v. Michael B. Mukasey, et al., Case No. C06-1696RSM (Ex.
10 #28, 09/28/2008) that " The Court will not tolerate Defendants’ delay tactics any
11 further. The Immigration Act of 1990 was intended to streamline the citizenship
12 process, not delay it."
13

14
15 I. For reasonable costs and attorneys' fees; and

16 J. For such other relief as the Court may deem just and proper.
17

18 Dated this July 28th, 2020,
19 LAW OFFICES OF BART KLEIN
20 s/Bart Klein
21 Bart Klein
22 Attorney for Petitioner, WSBA #10909
23
24

VERIFICATION

Bart Klein, the attorney for the Plaintiffs and Plaintiffs (see different signing dates of Plaintiffs), under penalty of perjury, hereby verify that the statements made in this Complaint are true and correct to the best of their knowledge.

Dated this 28th day of July, 2020.

s/ Bart Klein
Bart Klein, WSBA#10909

s/ _____, dated 07/28/2020
Plaintiff

USCIS Seattle Field Office, Memo by Bart Klein, Law Offices of Bart Klein 5-19-2020:

Thoughts on Reopening on June 4, 2020

Wait Periods Between Filing the I485 and N400 to interview, and Then to Oath Ceremony (For N400 Cases).

Legal Reasoning for Court Enforcement of N400 Applicants Being Oathed in 4-7 Months after Filing.

Thoughts on Reopening:

The nation has seen that 6 foot spacing with masks works in combatting this Covid 19 virus, and the only that will work for at least a minimum 2 years before there is a vaccine that is effective enough. And if such social distancing and masks is not done, you get sick, or you have a really good chance of getting sick, especially if you are like me, over 60 years of age and a BMI over 30. Getting sick like the flu- two weeks of "fluid" misery- is one thing. But dying or your vital organs being disabled due to Covid 19 is something different. **But even if USCIS Seattle can enforce this 6 feet spacing (and masks) from the parking lot to the waiting room, the interviewing rooms in Seattle USCIS are too small, with the distance between officer and applicant/attorney being 3-5 feet (asylum rooms with their 3 hour interviews are at 3 feet). Seattle USCIS Field Office would need to tear their walls between rooms in order to open on the projected June 4, 2020, date, that is if they want to comply with the 6 feet social distancing rules.** It is a lot safer to get on a plane, with their 99.7% air filters and their 6 feet attempted spacing than show up for 45-60 minute interviews at USCIS Seattle. What about the interviewing officers. They would be like the meat packing workers being forced back to work, with working spaces less than 6 feet. USCIS interviewing officers would have it worse, in that every hour they would have a new person to be infected from, or they would infect you or me, if they were sick. Note, of course as you know, that the majority of infected Covid 19 persons are asymptomatic. And there is "no" on the spot litmus paper testing to reject employees or applicants from entering the USCIS Seattle building if they showed positive for the virus, at least yet, but not before the 11032020 elections. Normally, every national election year, USCIS tries to naturalize as many persons as possible.

There is a solution. See the attached 05-14-2020 opinion articles of Forbes Inc magazine and the Washington Post newspaper advocating video technology (Zoom, etc) for at least N400 interviewing and oath ceremonies (one person being interviewed, as opposed to I485 two persons being interviewed), similar to professional interviewing and USCIS second refugee interviewing. Perhaps [the Heroes Bill could be amended to add video naturalization interviews to oaths] to be signed into law. **The present USCIS [NW] District Director has been very innovative (since her days when she was the first author of the 100 page I9 manual) in getting persons interviewed, continuing a tradition of fast case completion of Seattle District Directors since Richard Smith in the early 80s) . Perhaps she can be convinced to be the first to try video interviewing interviews and oaths, or be forced through court action. This is my supporting "expert" memo how forced court action can be done.**

Wait Periods Between Filing the I485 and N400 to interview, and Then to Oath Ceremony (For N400 Cases)

Prior to January 2017, our Offices for years (from 1991) tracked that the adjudication of I485 green card cases took **5-7 months from filing to interview**, and N400 naturalization cases took from **2 ½- 5 months from filing to interview** (when such cases reached 6 2/3 months, officers were transferred – from within the NW in 2008 and everywhere in the US in 2016- to USCIS Seattle to reduce the waiting period, within 3 months, back to the time listed above). Our Office's detailed charts (from 5-15-2015 to present for N400s and from 05-15-2017 to present for I485s) document that on **March 18, 2020, when the USCIS field offices closed** (where interviews are conducted), the wait time for the relative based I485 green card cases remained at **16 1/3 months or longer** (since 06-07-2017), while the Seattle N400 cases which had increased to 15 1/3 months showed a decrease to **10 1/3 months (and 7 months)**.

This was due to a controversial but innovative implementation of the USCIS [NW] District Director decision to transfer ½ of the USCIS Seattle N400 case load (18,000 per year) to the USCIS Portland field office (with 460 a month also going to the USCIS Yakima field office). In other words, instead of Officers detailing to Seattle from NW Field Offices under the Director's supervision, as what happened in 2008 and 2016 (with also officers from Guan to Miami coming in 2016, see Attachment A N400 Chart page 1), the applicants were sent to the nearest adjacent USCIS Field Office. On June 6, 2018, Our Offices sued on behalf for N400 clients for such detailing of officers to Seattle; instead, commencing on July 22, 2019, N400 applicants were detailed to the field offices in Portland and Yakima. Same exact result, a rapid decrease in delay from filing to interview (for the Seattle applicants to traveled to Portland, a slight decrease for those that traveled to Yakima-see Chart pages 5-7) , but more travel costs to the clients/applicants.

As a direct result of the June 6, 2018 litigation, USCIS stopped doing I485 cases commencing on 7-11-2018 (last scheduled on 8-15-2018) and "only" interviewed N400 cases from mid August to the end October 2019, so that 4600 more persons were eligible to vote on 11-06-2018 , than if such "exclusive N400 interviewing had not taken place. The N400 wait period decreased from 15 1/3 months to 13 months in that period in those 9 weeks. But then the situation was reversed, only "exclusively" I485 cases for 9 weeks, and the N400 wait period reverved back to 15 1/3 weeks, with I485 being further behind than prior to mid-August 2018, i.e., the delay increasing from 14 ½ months to 16 1/3. See Chart pages 3-5. Note, approximately 2/3 of the interview caseload is N400s, but such interviews take 30% less time (35-50 minutes) than I485/I130-I140-I360 green card interviews (60 minutes). The number of delayed N400 cases is 18,000 cases (one year's worth, cases delayed beyond 4 months) 1/2). See USCIS.gov tools: immigration and naturalization data.

When our Offices sued in June 2018, it was never expected that USCIS Seattle would just shuffle the deck (first only N400 cases, and then only I485) to do the same number of cases, instead of detailing officers from the NW in 2008 and then all the US in 2016 to do more cases to reduce the wait time. It did meet the goal of USCIS that in national election years that they make a push to naturalize persons. From the 11/06/2018 to date, our Offices has been quite open that N400 and I485 applicants move validly to the geographic jurisdictions of USCIS Field Offices of Portland or Yakima (or Spokane), in order to complete their cases in 3-7 months instead of waiting 15 1/3 plus months by remaining in the jurisdiction of the Field Office of Seattle.

To be more clear, due to such transfer of ½ of Seattle N400 case load to Portland and Yakima, the 15 month 1/3 N400 wait period (a stunning increase from the 2 ½ - 5 month period from 1991 to January 2017) was reduced to the 7 month period of USCIS Portland field office for persons residing in Federal Way/Renton and south to Portland (in only 3 months, i.e., a 2 3/4 months decrease per month, without increasing the wait period of regular Portland cases, since USCIS Portland increased their interviewing officers from 12.5 to 20 persons). But for those N400 persons residing north of such line, the decrease has been only ½ month decrease per month and in March was at 10 1/3 months. Our Office asked that numerous of our "northern" Seattle cases to be interviewed in Portland, but such Portland Office denied each request. This lack of reduction to 7 months (for the "northern" N400 cases and the relative based I485 cases) was due to USCIS Seattle insistence that the employment green card applications be completed from filing to interview in 5-9 months (at 5 months in March 2020, commenced in August 2017-February 2018), which seems incredible now that the Administrative just banned such cases from coming to the US (for 60 days so far since April 22, 2020, and possibly much longer).

There are also new USCIS system-wide problems (since 1-20-2017), more specifically [the rapid increase of FDNS fraud officers to 3000 matching the number of asylum officers, who almost now exclusively do border credible fear interviews], which are CBP/ICE duties, that are/should be "100%" funded by the "central government" IRS payments by the public. Our Offices has brought up that fact that our clients pay \$200,000 in such N400/I485 filing fees per year, and that one Seattle USCIS officer could complete the interviews in 3 weeks, i.e., it could be argued that a \$188,000 refund is due our clients per year per year assuming it costs \$200,000/year to support 1 USCIS interviewing/adjudicating officer.

But just this last week, USCIS is asking for a \$1.2B one time appropriations from Congress to cover the 60% decrease in filing fees due to the virus. The different USCIS ombudsman director have documented that filings fees covered 99.5% of USCIS costs to operate. But now that amount has changed to 97.5% since USCIS decided to factor in what they call USCPB/ICE contributions forgetting to subtract the 50% of FDNS investigative costs and 100% of the asylum office costs of operation that USCIS absorbs of behalf of USCPB/ICE.

In addition to running out of money, and not being able to pay employees (furloughing them), USCIS, and especially the Seattle USCIS leadership has yet to describe how they are going to physically interview applicants when they reopen on their projected June 4, 2020 date.

Note how the attached N400 Chart page 6 shows a Seattle maximum 240 N400 - with 27 I485 interview day in the 3rd week of February 2020, compared to the usual 90 N400 cases per day needing to be completed per 4 day work week to keep up with the n400 filings. The USCIS Seattle Office was jammed that day with 1300 passing through security, a record. It was standing room only. There were 2 oath ceremonies with 100+ oath takers, and the ASC room had scheduled a record number of persons. This can not happen now.

USCIS Seattle tried already to limit the number of persons/cases interviewed when they reopened from March 11-17, 2020, and it did not work. The seating chairs got spread out to 3 feet only, persons in the line only separated by 1 foot, and the stairs were still crowded. Though Governor Inslee had declared an emergency on February 29, 2020, especially about large crowds (and Microsoft and other tech companies had ordered its employees to work from home, starting from March 1). But not USCIS Seattle when they reopened on March 10, and continued with the large crowds. Each client wanted and

did show up other than one case got postponed immediately with Covid 19 symptoms. Persons were wanting to naturalize even with the risk as then know. I Bart Klein viewed the risks differently, being high risk due to age and BMI, and did not show up other than briefly to transfer a N400 case on the 12th to the Office's primary USCIS covering attorney, with the same attorney covering 6 N400 cases on the 17th, the last day before USCIS nationally closed for interviews in-person.

Seattle USCIS Field Office closed from March 2/3 to 10, 2020 due an infected employee working in the building from February 24-26, 2020. On February 25, 2020, I Bart Klein has interviews at USCIS Seattle including one of the "asylum" rooms where the distance between officer and client/myself is only 3 feet. The leadership at Seattle USCIS has never explained why the employee did not report his Covid 19 symptoms on Monday the 24th after visiting his relatives at the country's first Covid 19 (a nursing home in Kirkland WA) hotspot for one-two weekend, and why such USCIS Field Office leadership did not shut down the Seattle building on Wednesday the 26th when the test came back positive, and waited till mid day on March 2, 2020, to close. But what is most astonishing is that the Seattle USCIS leadership decided to reopen on March 11, in the face of every other institution where large crowds gathered being shut down or shutting down, in face of unable to maintain the 6 feet distancing. That same March 11, 2020, day, the Immigration Court shut down due to the Covid 19 and has been closed since through at least June 12, 2020. I Bart Klein was granted the first Covid 19 motion by such Seattle WA court during the jammed MCH (arraignment) on the March 10th afternoon, and allowed to represent the client while standing outside on the sidewalk of such court building.

So the question becomes, why should we trust the USCIS leadership and especially the USCIS Seattle leadership with our health. Attached is the affidavit submitted in Federal Court by our Office's Immigration Court ICH/Trial "covering" attorney, where the Immigration Judge and the USDHS deportation attorney are too scared to show up in Tacoma's small bedroom immigration court, and show up by video, while the defense attorney and clients are jammed in the court room, with nobody wearing masks (including the guards), except the defense attorney. How will showing up at Seattle USCIS on June 4, 2020, be any different than that scenario.

Legal Reasoning for Enforcement of N400 Applicants Being Oathed in 4-7 Months after Filing

Form I485 green card cases are allowed a maximum two year period between filing and adjudication, as ruled by the different U.S. Federal Judges in the Western District of Washington defining "delay unreasonable as a matter of law," pursuant to the federal Administrative Procedures Act of 1946. This is the fastest time among the different Federal Judges in the nation. But it is unclear whether such Federal Judges would still adhere to such 2 year "unreasonable" ruling in the face of virus governmental shutdowns. There is immigration statutory support for such 2 years limit but only for marriage cases.

The law for them was changed in 1986, whereupon applicants would receive a "conditional" permanent resident status, if green card benefits are granted in less than two years of the marriage. In such cases, applicants are given a "greed card" plastic card/stamp with a two year expiration, whereupon, if the applicant does not file a form I751 within 90 days of the 2 year period (or if filed, USCIS rules that there are not sufficient reasons to extend the card/status), the USCIS with "appeal" to the Immigration Judge (years later) could terminate the underlying permanent resident status. What is most innovative (our Office argued forcefully for this at a June 3 2018 USCIS Seattle stakeholders meeting) is that USCIS Seattle on January 15, 2020, scheduled such I751 cases (which now take 19 months) **together** with the

N-400 application for Seattle interviews so that such N-400 application was interviewed between 4-7 ¾ months of filing the N400 application. See last page 7 of the N400 chart. The naturalization statute allows such persons married to US citizens to file for the N-400 application at 2 years 9 months instead of waiting 4 years 9 months (assuming 3 years of legal marriage at filing), **In other words, USCIS Seattle Field Office had complied with, [for one day in] January 15, 2020, the congressional intent and immigration statutory “deadlines” that persons married to U.S. citizens be naturalized immediately (1-4 ¾ months) after three years of being a permanent resident for 3 years. See N400 Chart page 7.**

Unlike I485 cases, the N400 naturalization cases are bound by statute deadlines which can be enforced (at least I Bart Klein believe they can be enforced) by [the “modern”] mandamus [act/APA unreasonable delay]/declaratory action (since the immigration statutory “deadlines” do not indicate how such “deadlines” should be enforced). If these laws (and USCIS practices) were enforced, the period of time from N400 filing to oath swearing for those 80% approved and approvable at interview is from 125 days to 206 days, i.e., 4 months 5 days to 6 months 26 days. This means if the N-400 is filed now, the N400 applicant has a 70% (80%-10%) chance of being oathed in time for the national elections on 11/3/2020, if the statutes and normal scheduling practices are enforced by the courts, or if USCIS voluntarily go back to their practices prior to January 2017, when N400 interviews, since 1991, were being scheduled between 2 1.2 to 5 months of filing. USCIS has the money and staffing. But USCIS would need to only do N400 cases (and the usual 27 I485 cases) until the 11/3/2020 elections, but for 4 months starting on July 6 to election day of 11-03-2020, and considering the delays and limitations of the “virus” in-person interviewing and oath taking, such must be done by video. See again the attached 05-14-2020 opinion articles of Forbes, Inc magazine and the Washington Post newspaper advocating such a solution.

My lawsuits state that USCIS must oath persons within these 7 months for those 80% of the naturalization cases, specifically 125 days (4 months and 5 days) for those cases oathed on the same day of their interview (if their interview time is before 11:15) and 206 days (six months 26 days) when an oath ceremony is not available that same day (if their interview is after 11:15 and USCIS takes the maximum statutory time to schedule the oath ceremony). Since 2015, our Offices have advocated, in writing to USCIS-at USCIS liaison meeting-in the courts, next oath ceremony (usually next day) for those approved at the N400 interview, but the oath ceremony is not available that day. This is the legal reasoning for those 80% for cases approved or approvable at N400 interview:

All naturalization cases may be filed, by statute adopted in 1991, within three months before the continuous period of 3 or 5 years is reached (i.e. 90 days), with the interview being scheduled exactly 35 days later in Seattle USCIS (or exactly 41 days for those Seattle USCIS jurisdiction cases being scheduled at Portland or Yakima USC), and then the N400 being approved at interview and oath ceremony same day for 60% of the total cases interviewed (125/131 days – 4 months and 5-11 days), and another 20% of the total cases being approved within 30 days and then oathed within the 45 days “judicial” oath ceremony statutory deadline (200/206 days - 6 months and 20-26 days).

For those cases not approved or approvable after the interview is commenced, there is a deadline statute of USCIS making a decision within 120 day with such deadline being enforced by a statutory cause of action, Section 1447b. When statutory cause of action is elected (by filing of a lawsuit) that case gets transferred to the U.S. Federal Judge for de novo adjudication. About ½ of the cases not approved or not approvable at interview are ultimately denied (10% of all naturalization total cases),

most due to the lack of English speaking, writing, reading or understanding. USCIS posts the 90% approval every month on their USCIS website under "tools: immigration and citizenship data."

For those cases that are denied, the N-336 administrative appeal deadline period is a regulatory 180 days. These Offices have enforced such regulatory deadline on more than one occasion, based on an almost precedent case the Offices won at the 9th Circuit in 2005 that regulatory deadlines may be enforced by court action. Through this Office's litigation filed on June 5, 2018, the average period for N-336s came down from 11 months to 5 ½ months, in one month. Any denials from such N-336 hearings, may be taken to Federal District Court for a de novo trial. This rarely happens (twice a year from 18,000 cases adjudicated per year by the USCIS Seattle Field Office), unless it is legal issue, since it is almost always faster to just file the N400 again, than appeal it through the USCIS N-336 administrative "Hearing on a Decision" and finally the U.S. District Court "Petition for Review" trial.

USCIS Seattle has taken, possibly due to litigation pressure of this Office (filed 485 Federal Court cases since 1990 against "Immigration,"-next attorneys, 151,91,71,31 cases, and at maximum, only 6 attorneys have N400 cases pending at the same time in federal court, of the 600 WA State AILA immigration attorneys), steps to decrease such waiting times from 15 months to 7 months by, for example, transferring the southern ½ of the Seattle USCIS N400 caseload to Portland USCIS and decreasing the N400 interview times from 50 minutes to 35 minutes in some cases, using the senior and fraud/national security USCIS officers in initial interview of the 20% of the cases that are not approved or not approvable at interview, and hiring more officers. As the Chief Federal District Judge Martinez (oaths the 500 persons at the Seattle Center on July 4, the best oath ceremony by far in the U.S. as documented by a 2011 movie of such ceremonies by House Speaker Pelosi's daughter Alexandra, titled Eyes of Immigrants), ruled in a 2007 case of this Office, Al Gazawi v. Michael B. Mukasey, et al., Case No. C06-1696RSM (Ex. #28,09/28/2008):

" The Court will not tolerate Defendants' delay tactics any further. The Immigration Act of 1990 was intended to streamline the citizenship process, not delay it."

According to the Congressional History of such amendments, the need for such amendments was that some USCIS/INS field offices were taking up to 2 years to schedule an interview in 1989-90, which is what 1-2 such USCIS field offices are now taking, though being alleviated by the transferring of cases to other field offices (as described a procedure developed by this NW District Director). Yakima was at 3-5 months before the Seattle transferring, and Spokane and Helena and Boise are still at such rapid times. Again, see the data at USCIS.gov, tools: immigration and citizenship data. It is worth thinking of validly moving your residence to such places, if you are not willing to wait up to 2 years for a Seattle USCIS interview.

In conclusion, our Offices have also described the actual time from filing to interview for I485 green card and also N400 naturalization applications, and the laws and policies that could force the interview waiting time to become shorter, including our Offices' litigation. We also hope that once we obtain permanent resident status for you, you will hire us for the naturalization process. At the July 4, 2019, Seattle Center oath ceremony, Chief District Judge Martinez announced to the 500 N400 being oathed by him, that finally after 40 years of being a permanent resident, his father decided to file the N400 for his citizenship. Please do not wait forty years.

Note, Chief District Judge Martinez, could voluntarily assume exclusive jurisdiction over oath ceremonies for residents of the western part of WA state, just as the US District Court of Idaho has over the

residents of Idaho. Thus there is another avenue of relief for those Seattle Field Office residents (including those WA state residents being interviewed in Portland) whose oath ceremony was cancelled in March 2020. The US District Court of the eastern part of WA state appears to have a non-exclusive jurisdiction over oath ceremonies with USCIS, and states that it oaths 1000 (of the 2500) persons a year from Eastern WA. See the Court's website which also has informs persons how to apply for naturalization. I Bart Klein understand that this eastern WA Court has offered to oath persons if USCIS is unable.

Our Offices strongly suggest that applicants file any petition or application now, since it appears from a 5-17-2020 New York Times article, that USCIS, in need of \$.2B in funds, will adopt the proposed filing fees increase of \$725 to \$1170 for the N400 (without fee waiver or reduced fee of \$425), \$1225 to \$2340 for the I485, \$495 to \$765 for DACA, and most controversial become 1 of the 4 countries that will now charge for filing asylum claims and its first employment authorization request, from \$0 to \$545. USCIS is also discussing a 10% surcharge on top of these increases.

Part of this \$1.2B deficit was self-induced by refusing to continue the usual policy of H1B premium processing (filed on April 1, 2020) which would provided an additional \$1410 per case (\$80M), but USCIS also reports a reduction of 60% petition/application filings. This Administration increased the USCIS workforce from 15,200 to 18,800, which 18,800 workforce could now be used to reduce the waiting time (case completion) instead of case denial.

By just doing (250) N400s case (per day - 150 in Seattle, 75 Seattle cases in Portland, and 25 Seattle cases in Yakima (with the usual 27 I485 cases per day) would allow USCIS Seattle to meet both goals (have persons oathed by the 11032020 elections if they filed by May 2020), since 90% of the N400 cases are approval, 80% approved or approvable at interview (note most of the N400 denials are lack of English ability). USCIS has by law as indicated above, 120 days to complete the denial (i.e., after the elections).

Using video technology (such as Zoom etc) would be most appropriate to avoid the health concerns of in-person interviewing, since N400s are a one person examination, similar to the videoing of professional examinations and USCIS refugee second interviews (I485 interviews are almost always 2 persons interviews, even employment based I485, since 33% of such employment based applicants appear to be married). In addition, only with video technology can the 250 N-400 (plus 27 I485) per day interview schedule be maintained or achieved (from July 6, 2020-November 3, 2020) to meet the statutory, regulatory, and standard practices deadline requirement of an 4-7 months from filing the N400 to oath swearing-in.

s/Bart Klein 
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RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting	Case Received Case Adjudicated
05/11/15	12/15/15	7		26716711	NBC*005884113			
05/20/15	12/23/15	7		93438841	NBC*005904022			
10/09/15	01/12/16	4		78670109	NBC*169003670			
06/18/15	01/13/16	7	1-3/16 Surge Starts: 10 very	203155672	NBC*005988826			
06/26/15	01/25/16	7	experienced officers from	92045408	NBC*005997527			
07/06/15	01/27/16	6 2/3	outside the NW (from Guam to	95458107	NBC*006023445			
07/10/15	01/28/16	6 2/3	Miami) came to assist, including	96745226	NBC*006031454			
07/20/15	02/02/16	6 2/3	very senior former Seattle	201199661	NBC*006053323			
08/14/15	02/09/16	6 3/4	officers, resulting in	29972409	NBC*006119326			
08/14/15	02/10/16	6 3/4	naturalizations being increased	98176062	NBC*006127375			
09/11/15	02/22/16	5 1/2	from 60-200 per day; N400	99809312	NBC*006187724			
09/14/15	02/23/16	5 1/4	delays were thus reduced 7 to 3	60468669	NBC*006192896			
09/18/15	02/24/16	5 1/4	months from filing to interview	79811285	NBC*006208990			
10/09/15	03/01/16	4 3/4	family adjustment were also	47354644	NBC*006264969			
10/06/15	03/02/16	4 3/4	reduced from 7 to 5 mnths to	72131252	NBC*006278567			90 received
10/23/15	03/08/16	4 1/2	interview-also officers from	200429294	NBC*006319339			200 adjudicated
10/23/15	03/08/16	4 1/2	within NW (Spokane, Yakima,	47325072	NBC*006295698			
11/27/15	03/29/16	4	Portland, Anchorage) were	70527235	NBC*006376001			
11/27/15	03/30/16	4	transferred to help	56560711	NBC*006401842			
05/06/15	04/07/16	11		98818791	NBC*005865863			
02/04/15	04/25/16	14 2/3		96560930	NBC*005611254			
11/27/15	05/16/16	5 1/2		87075968	NBC*006376000			
03/02/16	06/16/16	3 1/2		58693834	NBC*006650323			
05/25/16	09/01/16	3 1/4		45184500	NBC*006871243			
06/01/16	09/07/16	3		28237383	NBC*006891369			
06/06/16	10/18/16	4 1/2		47776341	NBC*006884490			
07/01/16	11/03/16	4		60165993	NBC*006912509			
06/27/16	11/28/16	5		55079362	NBC*006905685			
07/22/16	11/28/16	4		210120742	NBC*006924851			
08/29/16	12/05/16	3 1/4		87029499	NBC*006949197			
07/07/16	01/03/17	6	3 weeks delay per month	61951552	NBC*006914854			
07/07/16	01/03/17	6	3 weeks delay per month	61951551	NBC*006914853			
08/01/16	01/23/17	5 1/2	3 weeks delay per month	62001833	NBC*006930129			

90 received

RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting	Case Received Case Adjudicated
08/01/16	01/23/17	5 1/2	3 weeks delay per month	62001833	NBC*006930129			
08/29/16	02/13/17	5 1/2	3 weeks delay per month	57535835	NBC*006967441			
04/18/16	03/27/17	11 1/4	3 weeks delay per month	35666558	NBC*006798324			
06/01/16	04/18/17	10 1/2	3 weeks delay per month	79806744	NBC*006888545			
06/09/14	06/21/17	24 1/2	3 weeks delay per month	75108629	NBC*005087837			
11/30/16	07/12/17	8 1/2	3 weeks delay per month	56135958	NBC*007202389			
12/05/16	07/18/17	8 1/2	2 weeks delay per month	96739416	NBC*0072117807			
12/07/16	07/24/17	8 1/2	2 weeks delay per month	62367762	NBC*007258821			
12/12/16	07/31/17	8 1/2	2 weeks delay per month	29615140	NBC*007241421			
12/19/16	08/28/17	8 1/3	2 weeks delay per month	88858095	NBC*007270129			
01/23/17	10/24/17	9	2 weeks delay per month	77838511	NBC*007380937			
01/27/17	11/20/17	9 3/4	2 weeks delay per month	89057956	NBC*007394260			
02/09/17	11/28/17	9 3/4	2 weeks delay per month	78454393	NBC*007439542			
02/09/17	11/28/17	9 3/4	2 weeks delay per month	99323024	NBC*007439556			
02/06/17	02/03/18	12	2 weeks delay per month	47061088	NBC*007483598			
03/01/17	02/27/18	12	2 weeks delay per month	98173890	NBC*007525996			
03/01/17	02/27/18	12	<u>First In-Status Employment</u>	93211222	NBC*007516597			
			<u>Based AOS I-485 Interviewed.</u>					
03/13/17	04/03/18	12 2/3	2 weeks delay per month	97545583	NBC*007572203			
03/13/17	04/10/18	13	2 weeks delay per month	96722171	NBC*007639490			
03/30/17	05/08/18	13 1/4	2 weeks delay per month	59893486	NBC*007672833			
04/19/17	06/29/18	14 1/3	2 weeks delay pr mnth <u>N400</u>	62452675	NBC*007724697			
			<u>Delay Lawsuit Filed 6-5-18</u>					
			<u>Served Email to DD- Dep DD-</u>					
			<u>FD Seattle FO 6-7-18. IF YOU</u>					
			<u>FILE N400 NOW, PROJECTED</u>					
			<u>YOU WILL MISS THE</u>					
			<u>NOVEMBER 2020 ELECTIONS</u>					
			<u>AND EVEN THE 2024 ELECTIONS</u>					
			<u>IF 2 WEEKS DELAY PER MONTH</u>					
			<u>CONTINUES</u>					
04/24/17	07/11/18	14 1/2	2 weeks delay per month	203387387	NBC*007744012			
04/24/17	07/10/18	14 1/2	2 weeks delay per month	204003425	NBC*007744013			
05/04/17	07/31/18	15	2 weeks delay per month	200516103	NBC*007777351			
						05/04/18	18,000 prevented voting on 11-06-2018 if n400 cases are only increased to 90 per day/200 days a year to match number being filed. 21,000 if 2 weeks delay per month continues	90 received 60 adjudicated

RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting	Case Received Case Adjudicated
05/04/17	08/04/18	15	2 weeks delay per month	62867512	NBC*007777352	06/30/18		
05/04/17	08/04/18	15	2 weeks delay per month	207077499	NBC*007777344	06/30/18		
05/12/17	08/21/18	15 1/3	neutral	95566603	NBC*095566603	07/17/18	18,000 based on	90 received
			<u>LAST DATE 07-11-18</u>				18,000/yr (15 1/3 mnths) 4 mnth max to decision if 90 cases per day/200 per year	adjudicated
			<u>FAMILY BASED FILED NOTICE ISSUED FOR LAST 081518 AOS</u>					
			<u>ADJUSTMENT INTERVIEW.</u>					
			<u>FILED 1485 06/02/2017</u>					
05/12/17	08/21/18	15 1/3	neutral	62451234	NBC*007803549	07/17/18		
05/12/17	08/21/18	15 1/3	neutral	204018682	NBC*007803543	07/17/18		
05/12/17	11/06/18	17 3/4	<u>uscis LOST file</u>	204618683	NBC*007803542	10/02/18		
05/18/17	08/29/18	15 1/3	neutral	91720123	NBC*007823968	07/24/18		
06/01/17	09/11/18	15 1/3	neutral	207013772	NBC*007861018	08/03/18		
06/14/17	09/24/18	15 1/3	neutral	99067873	NBC*007886706	08/20/18		
06/14/17	09/24/18	15 1/3	neutral	210095483	NBC*007887122	08/20/18		
06/14/17	09/24/18	15 1/3	neutral	45564613	NBC*007886707	08/20/18		90 received
06/19/17	09/24/18	15 1/4	1 mnth decrease/mnt <u>BLOCKED FROM VOTING 110618 due to refusal to adopt next ceremony oath policy</u>			08/20/18		adjudicated
06/19/17	09/25/18	15 1/4	1 mnth decrease/mth <u>VOTING</u> <u>Counsel requested next ceremony day oaths from Deputy FD for N-400 applicants that received "afternoon appointments, ie, from 1050 am to 215 pm" from 9-24-18 to 10-24-18 but USCIS Seattle Field Director 10-2-18 refused and instead assigned them to November oath dates</u> <u>BLOCKING THEM FROM THE ABILITY TO REGISTER TO VOTE THROUGH OCTOBER 29 18 TO ALLOW THEM TO VOTE 110618</u>	204665342	NBC*007897351	08/20/18		

RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting 110618	Case Received Case Adjudicated
07/20/17	10/10/18	14 2/3	2 mths decrease/mth <u>VOTING</u>	25184089	NBC*006053323	09/05/18		
07/25/17	10/11/18	14 1/2	2 mths decrease/mth <u>VOTING</u>	89417628	NBC*007997553	09/06/18		
07/26/17	10/11/18	14 1/2	2 mths decrease/mth <u>VOTING</u>	79917843	NBC*007994829	09/06/18		
07/28/17	10/11/18		<u>Litigation Threat Allows</u>	62892921	NBC*008019023	09/06/18	<u>Litigation Threat</u>	<u>90 received</u>
			<u>VOTING and still doing EB5</u>				<u>Reverses denial of</u>	<u>200adjudicated</u>
		14 1/3	<u>5-18 I485 Filings but no Family</u>				<u>Next Ceremony</u>	
		14 1/3	<u>Based AOS since 6-2-17 Filings</u>				<u>Oath Policy</u>	
07/28/17	10/11/18	14 1/3	<u>Afternoon NOWVOTING110618</u>	79812391	NBC*008006904	09/06/18		
08/04/17	10/15/18	14 1/4	2 mths decrease/mth <u>VOTING</u>	207253118	NBC*008037593	09/11/18		
08/04/17	08/21/18	12 1/2	2 mths decrease/mth <u>VOTING</u>	204107197	NBC*204107197	08/11/18		
08/10/17	10/16/18	14 1/4	2 mths decrease/mth <u>VOTING</u>	63875568	NBC*008042033	09/11/18		
08/10/17	10/16/18	14 1/4	<u>Afternoon NOWVOTING110618</u>	88548828	NBC*008042017	09/11/18		
12/26/17	10/23/18		<u>Afternoon NOWVOTING110618</u>	212624742	IOE0903467800	09/19/18		
08/30/17	10/24/19	13 3/4	<u>Afternoon NOWVOTING110618</u>	28652727	NBC*008106161	09/20/18		
08/30/17	10/24/18	13 3/4	<u>Afternoon NOWVOTING110618</u>	25380965	NBC*025380965	09/20/18		
09/07/17	10/25/18	13 1/2	3 mths decrease/mth <u>VOTING</u>	89118193	NBC*008105313	09/20/18		
09/07/17	10/25/18	13 1/2	3 mths decrease/mth <u>VOTING</u>	203142138	NBC*008121814	09/20/18		
09/07/17	10/25/18	13 1/2	3 mths decrease/mth <u>VOTING</u>	203142137	NBC*008121813	09/20/18		
09/07/17	10/25/18	13 1/2	3 mths decrease/mth <u>VOTING</u>	203387388	NBC*008105318	09/20/18		
09/07/17	10/25/18	13 1/2	3 mths decrease/mth <u>VOTING</u>	89118192	NBC*008105314	09/20/18	<u>13400 persons</u>	<u>90 received</u>
							<u>prevented from</u>	<u>200adjudicated</u>
							<u>voting on 11/6/18;</u>	
							<u>4/8 mnths lawsuit</u>	
							<u>decreased number</u>	
							<u>7,600 from</u>	
							<u>projected 21000 on</u>	
09/21/17	11/05/18	13 2/3		98784212	NBC*008148665	10/02/18		<u>90re/135adj</u>
10/04/17	11/09/18	13 1/4	1 mths decrease/mth	73417906	NBC*008173323	10/03/18		<u>90re/135adj</u>
10/16/17	11/15/18	13	1 mths decrease/mth	89560208	NBC*008199395	10/11/18		<u>90recd 145 adj</u>
11/07/17	07/24/18	8 1/2	<u>Experimental IOE 5 mnths early</u>	62824953	IOE0903259363	06/19/18		<u>75 re/0 adj</u>
11/15/17	01/21/19	14 1/4	<u>STOPPED N400 FOR 9 WEEKS</u>	61759842	IOE0903295991			<u>75 re/0 adj</u>
11/15/17	01/21/19	14 1/4	2 weeks delay per month	204034753	IOE0903295994			<u>75 re/0 adj</u>
11/16/17	01/28/19	14 1/2	2 weeks delay per month	87050864	IOE0903300519			<u>75 re/0 adj</u>
12/07/17	02/28/19	14 3/4	neutral	204161058	IOE0903375132			
12/16/17	03/06/19	14 3/4	neutral	95415069	IOE0903401871			

RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting	Case Received Case Adjudicated
01/05/18	04/02/19	14 3/4	CIS Cancel Rescheduled	205335909	IOE9859404910		18,000 if only	
01/08/18	04/02/19	14 3/4	neutral	87285531	IOE0903496609		is maintained 90 cases	
01/30/18	04/15/19	14 1/2	neutral	207035815	IOE09036??7969		matching 90 new case	
01/30/18	04/15/19	14 1/2	neutral	78640718	IOE0903637975		at 4 days a week (15	
01/30/18	04/15/19	14 1/2	neutral	200737901	IOE0903637943		to	
02/06/18	04/17/19	14 1/2	CIS Cancel NOT RESCHEDULED	63985473	IOE0903749691		interview)	
02/07/18	04/23/19	14 1/2	neutral	87324975	IOE0903813005	03/18/19		
02/07/18	04/23/19	14 1/2	neutral	99785967	IOE0903813000	03/18/19		
02/20/18			NOT YET SCHEDULED SEATTLE	63985569	IOE0904003709			
02/28/18	05/07/19	14 1/4	neutral	77159173	IOE0904117189			
02/28/18	05/07/19	14 1/4	neutral	98365685	IOE0904117190			
02/28/18	05/07/19	14 1/4	neutral	87886948	IOE0904114552			
03/07/18	05/15/19	14 1/4	CL Reopen0519 NOT RESCHEDULED	203012197	IOE0904210095			
03/19/18	05/21/19	14	neutral	99357203	IOE0904280816			
03/22/18	06/03/19	14 1/3	neutral	204720020	IOE0904361724			
03/22/18	06/03/19	14 1/3	neutral	92781248	IOE0904354519			
03/22/18	05/24/19	14	neutral	73448798	IOE0904349475			
04/02/18	06/06/19	14 1/4	neutral	98822447	IOE0904489135	05/01/19		
04/14/18	07/08/19	14 3/4	neutral	58951861	IOE9572428727	06/03/19		
04/27/18	07/22/19	14 3/4	FO PORTLAND	29969489	IOE0904575104	06/12/19		Auburn/Pacific
05/09/18	07/26/19	14 3/4	neutral 74 yrs	79970110	IOE0904657824	06/14/19		Sammamish
05/14/18	07/24/19	14 5/8	FO	78165291	IOE0904620223	06/12/19		Federal Way
05/31/18	07/29/19	14	3 mths decreases/mth PORTLAND	26724012	IOE3598531889	06/20/19		Steilacoom
06/19/18			NOT YET SCHEDULED SEATTLE	204201387	IOE0904844192			Brier
07/09/18	08/13/19	13 1/4	3 mths decreases/mth PORTLAND	95563078	IOE0905054867	07/08/19		Fife I-942
07/13/18	10/28/19	15 1/2	NEUTRAL	210 042 467	IOE0904982063	09/23/19		Seattle
07/16/18	10/30/19	15 1/2	NEUTRAL	73448572	IOE0905013008	09/25/19		Renton
07/19/18	11/04/19	15 1/2	NEUTRAL	88554323	IOE0905033647	09/30/19		Lynnwood
08/04/18	11/14/19	15 1/3	NEUTRAL	78792190	IOE0905111634	10/10/19		Lynnwood I-912
08/09/18	11/18/19	15 1/3	NEUTRAL	72404320	IOE0905148697	10/10/19		Kingston
09/04/18	08/28/19	11 3/4	3 mths decreases/mth PORTLAND	78649105	IOE0905348865			Kingston
09/04/18	08/28/19	11 3/4	3 mths decreases/mth PORTLAND	78649105	IOE0905348865			Seattle
09/04/18	12/03/19	15	1/3 mth decrease/mtn SEATTLE	78649106	IOE0905348866	10/29/19		

RECEIPT DATE N400	Interview Date N400	Mnths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting	Case Received Case Adjudicated
09/04/18	12/03/19	15	1/3 mth decrease/mtn SEATTLE	78649107	IOE0905348861	10/29/19		Seattle
09/04/18	12/03/19	15	NEUTRAL	92995080	IOE0905348878	10/29/19		Seattle
09/10/18	12/04/19	14 3/4	NEUTRAL	13771378	IOE0905355823	10/30/19		Seattle
09/06/18			NOT YET SCHEDULED SEATTLE		IOE0905355825			Mercer Island
10/01/18	12/11/19	14 1/3	NEUTRAL	207007496	IOE0905458176	11/06/19		Shoreline
10/04/18	12/11/19	14 1/4	NEUTRAL	94325267	IOE0905483503	11/06/19		Edmonds
10/10/18	01/09/20	15	Failed Civics Rescheduled 07/09/;	62896159	IOE0905551802	12/03/19		Seattle
10/15/18	09/11/19	10 3/4	3 mths decreas/mth PORTLAND			08/01/19		Centralia
10/19/18	09/12/19	10 3/4	3 mths decreas/mth PORTLAND			08/01/19		Federal Way
11/12/18	09/17/19	10	3mths decreas/mth PORTLAND	204481355	IOE0905653540	08/08/19		Orting
11/19/18	12/05/19	12 1/2	1/2 mth decreas/mth YAKIMA	89303715	IOE0905735129	12/01/19		Granite Falls
11/23/18	06/29/20	19 1/4	SKIPPED CASE SCHEDULED 06/29/	61954010	IOE0905753750	06/29/20		SeaTac
12/06/18	01/29/20	13 1/2	1/2 mth decreas/mnth Seattle	63729361	IOE0905847606	12/20/19		Everett
12/11/18			NOT YET SCHEDULED SEATTLE	207109702	IOE0905829157			Mill Creek
12/17/18	02/04/20	13 1/2	1/2 mnth decreas/mnt SEATTLE	60461032	IOE0905913317	12/31/19		Seattle
12/24/18	01/03/20	12 1/2	Neutral YAKIMA	204962395	IOE 0905949475	12/03/19		Sammamish
12/24/18	01/03/20	12 1/2	Neutral YAKIMA	206535062	IOE 0905949476	12/03/19		Sammamish
12/24/18	01/06/20	12 1/2	Neutral YAKIMA	204962396	IOE0905949477	12/03/19		Sammamish
01/22/19	02/11/20	12 1/2	Neutral YAKIMA/Seattle	204962397	IOE0906017624	01/07/19	"Yakima" in Seattle	Sammamish
01/22/19	02/11/20	12 1/2	Neutral YAKIMA/Seattle	204962398	IOE0906017626	01/07/19	"Yakima" in Seattle	Sammamish
01/22/19	02/11/20	12 1/2	Neutral YAKIMA/Seattle	204962399	IOE0906017625	01/07/19	"Yakima" in Seattle	Sammamish
01/30/19	03/09/20	13 1/3	SEATTLE SKIPPED V19 CANCELLED	207831649	IOE0906061630	02/06/20	Portland" in Seattle	Federal Way
01/30/19	02/19/20	12 3/4	1/2 mnth decreas/mnt SEATTLE	96488550	IOE0906060104	01/15/20	240 N400-27 1485+	Everett
01/30/19	02/20/20	12 3/4	1/2 mnth decreas/mnt SEATTLE		IOE0906060103	01/16/20	2 Oath Ceremony	Everett
02/12/19	02/21/20	12	1/2 mnth decreas/mnt SEATTLE	204310199	IOE0906132529	01/16/20	Prior I751 Approval	Seattle
03/06/19	03/03/20	12	SEATTLE V19 CANCELLED TWICE	75703753	IOE0906356517	01/28/20		Seattle
03/06/19	03/04/20	12	SEATTLE V19 CANCELLED TWICE	200801112	IOE0906255032	01/28/20		SeaTac
03/06/19	10/16/19	7 1/3	3 mths decreas/mth PORTLAND	97886030	IOE0906255031	09/04/19		Lakewood
03/06/19	10/16/19	7 1/3	3 mths decreas/mth PORTLAND	63687872	IOE0906353546	09/04/19		Des Moines
03/15/19	12/17/19	9	Kent going Portland 09-12-2019	87059000	IOE0906312086	11/06/19		Kent
03/25/19	10/29/19	7 1 1/2	mths dec/mth PORTLAND	204068765	IOE0906370767	09/18/19		Lakewood
04/11/19	11/14/19	7	Kent going Portland 09-12-2019	207251392	IOE9508432744	10/02/19		Kent
05/23/19	01/06/20	7 1/2	NEUTRAL	63727150	IOE0906718399	11/23/19		Auburn
05/23/19	01/07/20	7 1/2	NEUTRAL	63727151	IOE0906718398	11/23/19		Auburn

RECEIPT DATE N400	Interview Date N400	Minths To Int.	Acceleration: Weeks/Month	A#	Receipt Number	Notice	# N400 Prevented From Voting 110320	Case Received Case Adjudicated
04/29/19	03/04/20	10 1/3	SEATTLE V19 CANCELLED TWICE	70550458	IOE0906581575	01/29/20		Seattle
04/29/19	03/17/20	10 2/3	2/3 mnth decrea/mnthSeattle	207058347	IOE0906581576			Seattle
04/29/19			NOT YET SCHEDULED SEATTLE	207901071	IOE0906582037			Bothel
04/30/19	03/17/20	10 2/3	SEATTLE V19 CANCELLED	207077499	IOE0906588232			Arlington
05/01/19			NOT YET SCHEDULED SEATTLE	207968191	IOE0906595815		Portland" in Seattle	Kent
05/01/19	03/17/20	10 2/3	2/3 mnth decrea/mnthSeattle	75106487	IOE0906595816			Marysville
05/03/19			NOT YET SCHEDULED SEATTLE	63545353	IOE0906711391			SeaTac
05/07/19	03/19/20	10 1/2	SEATTLE V19 CANCELLED	88859943	IOE0906627765			Seattle
05/09/19	03/19/20	10 1/3	SEATTLE V19 CANCELLED	72483131	IOE0906641694			Renton
05/09/19	03/19/20	10 1/3	SEATTLE V19 CANCELLED	78491490	IOE0906641691			Woodenville
05/20/19			NOT YET SCHEDULED SEATTLE	214006208	IOE0906702628		Portland" in Seattle	University Place
05/22/19	01/15/20	7 3/4	319 I751 Sea NOT RESCHEDULED	206585077	IOE9359124092		I751 filed 02/26/18	Renton
08/21/19	03/17/20	7	Neutral Portland V19 CANCELLED	210180971	IOE0907295590			Summer
08/22/19	01/15/20	5 3/4	319 I751 Sea Rescheduled 6-25-2	65039217			I751 filed 02/26/18	Renton
09/10/19	01/15/20	4	Section 319 I751 same day Seattl	65078703	IOE0907106084		I751 filed 09/10/18	Lynnwood I-912

18,000 Prevented
From Voting 110320
1 yr Worth Since 1-17
if maintain 90/day &
15 mnths(11+4) from
filing to interview....
Law if enforced or
followed requires
daily interviews 4
days/wk-N400: 75
Seattle in Portland,
25 Seattle in Yakima
150 Seattle in
Seattle, I.e., to be
at 4-6 months wait
on 11-03-2020