

EXHIBIT A

The Honorable Jon S. Tigar

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AHMED, ABDUL, AMIR, SIDDIQA,
RAHMA TULLAH, FATIMA, and
MURSAL SADAT, on behalf of
themselves and all others similarly
situated

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; ALEJANDRO
MAYORKAS, in his official capacity as
Secretary of Homeland Security; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES (USCIS); UR MENDOZA
JADDOU, in her official capacity as
Director of USCIS; TED H. KIM, in his
official capacity as Associate Director of
the Refugee, Asylum and International
Operations Directorate at USCIS,

Defendants.

NO. 4:23-cv-01892-JST

**AMICUS CURIAE BRIEF OF
WASHINGTON, CONNECTICUT,
ILLINOIS, MARYLAND,
MASSACHUSETTS, MICHIGAN,
MINNESOTA, NEW YORK,
OREGON, AND THE DISTRICT
OF COLUMBIA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I. INTRODUCTION AND INTERESTS OF AMICI CURIAE

The States of Washington, Connecticut, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, Oregon, and the District Of Columbia (the Amici States) submit this brief to highlight the public interest in Defendants’ expeditious adjudication of Plaintiffs’ asylum applications according to Congress’ explicit directive.¹ As Defendants have failed to comply with that directive, the Amici States support Plaintiffs’ motion for preliminary injunction.²

Plaintiffs seek asylum after fleeing Afghanistan to resettle across the U.S. as part of Operation Allies Welcome (OAW).³ “Just like generations of newcomers throughout our history, they [would] have the opportunity to enrich the fabric of our Nation.”⁴ State officials nationwide responded to the announcement of OAW with strong commitments to welcome these new residents.⁵ And Congress acted to prevent delays by requiring Defendants to adjudicate their

¹ For simplicity, this brief includes collectively as “Plaintiffs” all those named in this action and those within the class for whom a motion for certification is pending. *See* ECF No. 44 at 2.

² ECF No. 41.

³ ECF No. 44 at 17; Alejandro Mayorkas, *Secretary Mayorkas Delivers Remarks on Operation Allies Welcome*, U.S. Dep’t Homeland Security (Sept. 10, 2021), <https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome> (“OAW is the ongoing effort . . . to bring vulnerable Afghans to the United States and support their resettlement.”).

⁴ Alejandro Mayorkas, *Secretary Mayorkas Delivers Remarks on Operation Allies Welcome*, U.S. Dep’t Homeland Security (Sept. 10, 2021), <https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome>.

⁵ *See, e.g., ICYMI: Inslee letter to President Biden reaffirms Washington’s support for Afghan refugees* (Aug. 26, 2021), <https://governor.wa.gov/news/2021/icymi-inslee-letter-president-biden-reaffirms-washingtons-support-afghan-refugees>; *Governor Newsom, Legislative Leadership Take Action to Support Afghan Refugee Arrivals in California* (Sept. 3, 2021), <https://www.gov.ca.gov/2021/09/03/governor-newsom-legislative-leadership-take-action-to-support-afghan-refugee-arrivals-in-california>; *Governor Walz and Lieutenant Governor Flanagan: Minnesota Stands Ready to Welcome Afghan Refugee Families* (Aug. 19, 2021), <https://mn.gov/governor/newsroom/press-releases/#/detail/appId/1/id/494725>; *Governor McKee Announces Afghan Relief RI Effort to Support Afghan Evacuees, Launches Fundraising Initiative with Rhode Island Foundation* (Nov. 8, 2021), <https://governor.ri.gov/press-releases/governor-mckee-announces-afghan-relief-ri-effort-support-afghan-evacuees-launches>; *Governor Polis, Partners Announce Afghan Evacuee*

1 asylum applications within 150 days.⁶ At initiation of this case, Defendants had only adjudicated
 2 11% of Afghan asylum applications submitted following the U.S. withdrawal from Afghanistan.⁷
 3 Two-and-a-half years later, all but Defendants have done their parts.

4
 5
 6 *Support Fund to Support New Coloradans* (Sept. 23, 2021),
 7 [https://www.colorado.gov/governor/news/6336-governor-polis-partners-announce-afghan-](https://www.colorado.gov/governor/news/6336-governor-polis-partners-announce-afghan-evacuee-support-fund-support-new-coloradans)
 8 [evacuee-support-fund-support-new-coloradans](https://www.colorado.gov/governor/news/6336-governor-polis-partners-announce-afghan-evacuee-support-fund-support-new-coloradans); *Governor says Maine is prepared to take in*
 9 *Afghan refugees*, Associated Press (Aug. 25, 2021), [https://apnews.com/article/maine-](https://apnews.com/article/maine-4997a6206214ee9cfb1088f493d32b2e)
 10 [4997a6206214ee9cfb1088f493d32b2e](https://apnews.com/article/maine-4997a6206214ee9cfb1088f493d32b2e); *The Governor's Office for New Americans and*
 11 *Governor Steve Sisolak Reiterate their Commitment to Welcoming Refugees to Nevada*
 12 (Aug. 19, 2021),
 13 [https://ona.nv.gov/uploadedFiles/onanvgov/content/News/Governor Steve Sisolak Reiterate](https://ona.nv.gov/uploadedFiles/onanvgov/content/News/Governor%20Steve%20Sisolak%20Reiterate%20their%20Commitment%20to%20Welcoming%20Refugees%20to%20Nevada.pdf)
 14 [their Commitment to Welcoming Refugees to Nevada.pdf](https://ona.nv.gov/uploadedFiles/onanvgov/content/News/Governor%20Steve%20Sisolak%20Reiterate%20their%20Commitment%20to%20Welcoming%20Refugees%20to%20Nevada.pdf); Charlie Baker
 15 (@MAGovArchive) TWITTER (Aug. 17, 2021, 7:25 AM),
 16 <https://twitter.com/MAGovArchive/status/1427637656616423435> (“Massachusetts is ready to
 17 assist Afghan refugees seeking safety and peace in America.”); *Oregon is ready to welcome*
 18 *Afghan refugees, Governor Brown & state leaders say*, KATU News (Aug. 18, 2021),
 19 [https://ktvl.com/news/local/oregon-is-ready-to-welcome-afghan-refugees-governor-brown-](https://ktvl.com/news/local/oregon-is-ready-to-welcome-afghan-refugees-governor-brown-state-leaders-say)
 20 [state-leaders-say](https://ktvl.com/news/local/oregon-is-ready-to-welcome-afghan-refugees-governor-brown-state-leaders-say); Governor JB Pritzker (@GovPritzker), TWITTER (Sept. 9, 2021, 1:30 PM),
 21 <https://twitter.com/govpritzker/status/1436064536008798219> (“Illinois is a welcoming state.”);
 22 Dan Boyd, *NM leaders offer to help Afghan refugees*, Albuquerque Journal (Aug. 20, 2021),
 23 [https://www.abqjournal.com/news/local/nm-leaders-offer-to-help-afghan-](https://www.abqjournal.com/news/local/nm-leaders-offer-to-help-afghan-refugees/article_740c147c-8586-5bc1-a984-c90b8ab8c719.html)
 24 [refugees/article_740c147c-8586-5bc1-a984-c90b8ab8c719.html](https://www.abqjournal.com/news/local/nm-leaders-offer-to-help-afghan-refugees/article_740c147c-8586-5bc1-a984-c90b8ab8c719.html); *Governor Lamont Statement*
 25 *on Welcoming Afghan Refugees* (Sept. 15, 2021), [https://portal.ct.gov/Office-of-the-](https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2021/09-2021/Governor-Lamont-Statement-on-Welcoming-Afghan-Refugees)
 26 [Governor/News/Press-Releases/2021/09-2021/Governor-Lamont-Statement-on-Welcoming-](https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2021/09-2021/Governor-Lamont-Statement-on-Welcoming-Afghan-Refugees)
Afghan-Refugees; *Gov. Evers Releases Statement Regarding Afghanistan and Refugee*
Reception at Fort McCoy (Aug. 17, 2021),
<https://content.govdelivery.com/accounts/WIGOV/bulletins/2ed2edd>; *Vermont Approved to*
Welcome 100 Afghan Refugees (Sept. 16, 2021), [https://governor.vermont.gov/press-](https://governor.vermont.gov/press-release/vermont-approved-welcome-100-afghan-refugees)
[release/vermont-approved-welcome-100-afghan-refugees](https://governor.vermont.gov/press-release/vermont-approved-welcome-100-afghan-refugees); *Gov. Ducey welcomes Afghan*
refugees to Arizona, 13 News (Aug. 19, 2021), [https://www.kold.com/2021/08/19/gov-ducey-](https://www.kold.com/2021/08/19/gov-ducey-welcomes-afghan-refugees-arizona)
[welcomes-afghan-refugees-arizona](https://www.kold.com/2021/08/19/gov-ducey-welcomes-afghan-refugees-arizona); *Governor Whitmer on Afghan Resettlement*
 (Aug. 20, 2021), [https://www.michigan.gov/whitmer/news/press-](https://www.michigan.gov/whitmer/news/press-releases/2021/08/20/governor-whitmer-on-afghan-resettlement)
[releases/2021/08/20/governor-whitmer-on-afghan-resettlement](https://www.michigan.gov/whitmer/news/press-releases/2021/08/20/governor-whitmer-on-afghan-resettlement). *See also*, Amanda Terkel and
 Kevin Robillard, *Only 2 Governors Are So Far Refusing To Take In Afghan Refugees*,
 HuffPost (Sept. 9, 2021), [https://www.huffpost.com/entry/states-afghan-](https://www.huffpost.com/entry/states-afghan-refugees_n_612d2b6ee4b0f562f3e128ef?l6q)
[refugees_n_612d2b6ee4b0f562f3e128ef?l6q](https://www.huffpost.com/entry/states-afghan-refugees_n_612d2b6ee4b0f562f3e128ef?l6q).

⁶ Extending Government Funding and Delivering Emergency Assistance Act,
 Pub. L. No. 117-43, § 2502(c)(2), 135 Stat. 344, 377 (2021).

⁷ ECF No. 1 ¶¶ 5, 54.

The Amici States have a strong interest in Plaintiffs’ integration into their communities. Without permanency, the services offered by States and local governments to stabilize and support asylees and refugees cannot fulfill their intended purpose—to foster integration. The temporary nature of Plaintiffs’ status in the U.S. stalls plans for the future, including reunification with loved ones who were separated from Plaintiffs during the evacuation and who face grave safety risks every day they remain in Afghanistan. Whether an injunction is in the public interest is one of the factors required for a preliminary injunction.⁸ The public interest weighs heavily in favor of preliminary injunction in this case.

II. ARGUMENT

A. Welcoming Asylees and Refugees Is Integral to the Amici States’ Values and Economies, and They Took Significant Steps to Welcome Fleeing Afghans

The Amici States have long histories of welcoming immigrants and refugees into our communities. In 1975, following the fall of Saigon, Washington set up and ran a resettlement program for Vietnamese refugees because “it just seemed like the right thing to do.”⁹ Nearly fifty years later, having welcomed almost 150,000 refugees in that time, Washington responded to the fall of Kabul by affirming its readiness to aid “those fortunate enough to reach safety outside of Afghanistan.”¹⁰ New York’s message was vivid, declaring “[t]he arms of the Statue

⁸ *E. Bay Sanctuary Covenant v. Garland*, 994 F.3d 962, 975 (9th Cir. 2020) (citing *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)).

⁹ Andrew Malcolm, *Gov. Evans Leads Washington State In Aiding Resettlement by Vietnamese*, New York Times (June 9, 1975), <https://www.nytimes.com/1975/06/09/archives/gov-evans-leads-washington-state-in-aiding-resettlement-by.html>; Andrew Malcolm, *Refugees Are Welcomed By One State, at Least*, New York Times (June 15, 1975), <https://www.nytimes.com/1975/06/15/archives/refugees-are-welcomed-by-one-state-at-least.html>. See also David Gutman, *As America prepares for Afghan refugees, how Washington once led the way*, Seattle Times (Aug. 31, 2021), <https://www.seattletimes.com/seattle-news/as-america-prepares-for-afghan-refugees-how-washington-once-led-the-way/>.

¹⁰ Letter from Jay Inslee, Governor, to Joseph Biden, President (Aug. 26, 2021), <https://governor.wa.gov/sites/default/files/2023-07/AfghanRefugeeLetterofSupport.pdf>.

1 of Liberty are open wide to you.”¹¹ Minnesota also stood ready to resettle and welcome Afghans
 2 “fleeing desperate situations and [who] need a safe place to call home.”¹²

3 OAW reflected the U.S. Refugee Admissions Program’s long-standing history of
 4 welcoming people seeking safety, security, and the ability to start new lives.¹³ As Defendant
 5 Mayorkas documented when he delivered his remarks about OAW, “[j]ust like generations of
 6 newcomers throughout our history, [Afghan refugees] will have the opportunity to enrich the
 7 fabric of our Nation.”¹⁴ Taking Washington as an example, the vitality of the state’s thriving
 8 economy is significantly due to immigrants.¹⁵ And among those immigrants, refugees “have
 9 contributed significantly to Washington’s economy and culture; they and their descendants are
 10 now inextricably connected with our future prosperity.”¹⁶ Fifteen percent of Washington
 11 business owners were born outside the U.S. and they “have a large impact on the economy
 12

13 ¹¹ Governor Kathy Hochul (@GovKatheyHochul), TWITTER (Aug. 19, 2021,
 14 7:34 AM), <https://twitter.com/GovKathyHochul/status/1428364835624869892?s=20>.

15 ¹² *Governor Walz and Lieutenant Governor Flanagan: Minnesota Stands Ready to*
 16 *Welcome Afghan Refugee Families* (Aug. 19, 2021), [https://mn.gov/governor/newsroom/press-](https://mn.gov/governor/newsroom/press-releases/#/detail/appId/1/id/494725)
 17 [releases/#/detail/appId/1/id/494725](https://mn.gov/governor/newsroom/press-releases/#/detail/appId/1/id/494725) (“Minnesotans believe in treating all people with respect
 18 and dignity, and we have a strong tradition of welcoming those who seek refuge and
 19 supporting them to rebuild their lives and become part of our communities.”); *STATEMENT:*
 20 *Gov. Carney on Gov. Markell’s Appointment as White House Operation Allies Welcome*
 21 *Coordinator* (Sept. 3, 2021), [https://news.delaware.gov/2021/09/03/statement-gov-carney-on-](https://news.delaware.gov/2021/09/03/statement-gov-carney-on-gov-markells-appointment-as-white-house-operation-allies-welcome-coordinator)
 22 [gov-markells-appointment-as-white-house-operation-allies-welcome-coordinator](https://news.delaware.gov/2021/09/03/statement-gov-carney-on-gov-markells-appointment-as-white-house-operation-allies-welcome-coordinator) (“Delaware is
 23 a welcoming state . . . These are Afghans who supported American service members over the
 24 last 20 years and are coming to America seeking better lives for their families. Delaware stands
 25 ready to support this effort in any way possible.”).

26 ¹³ “Since the passage of the Refugee Act in 1980, the United States has admitted more
 than 3.1 million refugees.” U.S. Dep’t of State, *Refugee Admissions: U.S. Refugee Admissions*
Program, <https://www.state.gov/refugee-admissions> (last visited July 20, 2023).

¹⁴ Alejandro Mayorkas, *Secretary Mayorkas Delivers Remarks on Operation Allies*
Welcome, U.S. Dep’t Homeland Security (Sept. 10, 2021),
[https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-](https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome)
[welcome](https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome).

¹⁵ Findings—2019 c 440 (2) in Wash. Rev. Code § 43.17.425.

¹⁶ Letter from Jay Inslee, Governor, to Joseph Biden, President (Aug. 26, 2021),
<https://governor.wa.gov/sites/default/files/2023-07/AfghanRefugeeLetterofSupport.pdf>.

1 through innovation and the creation of jobs.”¹⁷ This asset to “the overall prosperity and strength
 2 of Washington” creates “a substantial and compelling interest in ensuring the state of
 3 Washington remains a place where the rights and dignity of all residents are maintained and
 4 protected in order to keep Washington working.”¹⁸ On the East Coast, “[f]or generations,
 5 immigrants have come to New York and the U.S. seeking freedom and opportunity—their
 6 contributions defining and strengthening the fabric of our state and nation.”¹⁹ As of 2019, in New
 7 York, immigrants “account for nearly one-quarter of the state’s total population and make up
 8 more than one-fourth of its labor force.”²⁰ Refugees help curb population decline, boost the
 9 economy, contribute billions of dollars in taxes, “rebuild housing stock, open stores, take unfilled
 10 jobs and more”—helping to revitalize communities.²¹ Nationwide, immigrants accounted for
 11 18.1% of civilian labor force in 2022, according to the U.S. Department of Labor.²²

12 In Washington’s experience, Afghan refugees have resettled with “varied professional
 13 fields, including home care, retail, healthcare, financial planning, and transportation.”²³ And, 18
 14 months into the COVID-19 pandemic, Washington leaders recognized that many Afghans had
 15 “served as essential workers, protecting the health of Washingtonians and enabling life to
 16 continue.”²⁴

17 Findings—2019 c 440 (2) in Wash. Rev. Code § 43.17.425.

18 Findings—2019 c 440 (3) in Wash. Rev. Code § 43.17.425.

19 *Governor Hochul Announces \$2 Million in State Funding to Help Afghan Evacuees Resettle in New York State* (Dec. 7, 2021), <https://www.governor.ny.gov/news/governor-hochul-announces-2-million-state-funding-help-afghan-evacuees-resettle-new-york-state>.

20 American Immigration Council, *Immigrants in New York*, at 1 (2020), <https://www.americanimmigrationcouncil.org/research/immigrants-in-new-york>.

21 Scott Fein, *Refugees in Upstate New York: A Little-Known Success Story*, New York State Bar Ass’n Latest News (Oct. 2, 2021), <https://nysba.org/refugees-in-upstate-new-york-a-little-known-success-story>.

22 Bur. Of Labor Stats, *Foreign-Born Workers: Labor Force Characteristics — 2022*, U.S. Dep’t of Labor (May 18, 2023), <https://www.bls.gov/news.release/pdf/forbrn.pdf>.

23 Letter from Jay Inslee, Governor, to Joseph Biden, President (Aug. 26, 2021), <https://governor.wa.gov/sites/default/files/2023-07/AfghanRefugeeLetterofSupport.pdf>.

24 *Id.*

1 In recognition of all of this, states across the country readily and publicly affirmed our
 2 commitment as partners in welcoming evacuees from Afghanistan. Within a month of Kabul's
 3 fall to the Taliban, 37 states had affirmed their support.²⁵

4 State and local agencies mobilized to coordinate resettlement services, financial
 5 assistance, and housing.²⁶ Oregon committed to resettling 1,200 Afghan arrivals and its
 6 Legislature approved \$18 million for refugee resettlement and support.²⁷ Massachusetts set aside
 7 \$12 million for Afghan refugees.²⁸ Washington budgeted more than \$19 million for contracts
 8 with nonprofit providers of resettlement services for newly arriving refugees.²⁹ Afghans are
 9 currently the largest group of people resettling in Minnesota³⁰. Between September 2021 and
 10 September 2022, Minnesota welcomed 1,363 evacuees.³¹ Illinois created an Afghanistan

11
 12 ²⁵ Amanda Terkel and Kevin Robillard, *Only 2 Governors Are So Far Refusing To*
 13 *Take In Afghan Refugees*, HuffPost (Sept. 9, 2021), [https://www.huffpost.com/entry/states-](https://www.huffpost.com/entry/states-afghan-refugees_n_612d2b6ee4b0f562f3e128ef?l6q)
[afghan-refugees_n_612d2b6ee4b0f562f3e128ef?l6q](https://www.huffpost.com/entry/states-afghan-refugees_n_612d2b6ee4b0f562f3e128ef?l6q).

14 ²⁶ E.g., Letter from Jay Inslee, Governor, to Joseph Biden, President (Aug. 26, 2021),
<https://governor.wa.gov/sites/default/files/2023-07/AfghanRefugeeLetterofSupport.pdf>;
 15 *Governor Hochul Announces \$2 Million in State Funding to Help Afghan Evacuees Resettle in*
 16 *New York State* (Dec. 7, 2021), [https://www.governor.ny.gov/news/governor-hochul-](https://www.governor.ny.gov/news/governor-hochul-announces-2-million-state-funding-help-afghan-evacuees-resettle-new-york-state)
[announces-2-million-state-funding-help-afghan-evacuees-resettle-new-york-state](https://www.governor.ny.gov/news/governor-hochul-announces-2-million-state-funding-help-afghan-evacuees-resettle-new-york-state)
 17 (“With Afghan evacuees fleeing widespread instability in their own country, New York State is
 18 proud to take a leading role in the massive resettlement effort, and with this historic, first-of-
 its-kind investment, we will connect people with the support they need to flourish in their new
 home.”).

19 ²⁷ *Legislature approves \$18 million funding package for refugee resettlement and*
 20 *support*, Oregon Dep’t of Hum. Svcs. (Dec. 13, 2021),
<https://www.oregon.gov/odhs/news/news-releases/2021-12-13-afghan-refugee-funding.pdf>.

21 ²⁸ *Refugee Agencies Praise MA Legislature for Approving \$12 Million in Aid for Over*
 22 *a Thousand Afghan Arrivals*, Int’l Inst. Of New England (Dec. 9, 2021),
<https://iine.org/refugee-agencies-in-ma-praise-legislature-for-12-million>.

23 ²⁹ David Gutman, *Washington state ready to welcome 1,700 Afghan refugees*, Gov. Jay
 24 *Inslee says*, The Seattle Times (Oct. 22, 2021), [https://www.seattletimes.com/seattle-](https://www.seattletimes.com/seattle-news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1)
[news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1](https://www.seattletimes.com/seattle-news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1)

25 ³⁰ *Support For Afghan Refugees*, Univ. of Minn.,
 26 <https://immigration.umn.edu/afghanistan-support> (last visited July 20, 2023).

³¹ *Welcoming Afghan evacuees*, MN Dep’t Hum. Svcs., [https://mn.gov/dhs/people-we-](https://mn.gov/dhs/people-we-serve/children-and-families/services/refugee-assistance/afghan-evacuees)
[serve/children-and-families/services/refugee-assistance/afghan-evacuees](https://mn.gov/dhs/people-we-serve/children-and-families/services/refugee-assistance/afghan-evacuees) (last visited
 July 20, 2023).

1 Refugee Support Form to coordinate with individuals who were interested in assisting with the
2 resettlement of Afghan refugees in the state.³²

3 At the same time as government agencies prepared for Afghan arrivals, local
4 communities stepped up, too.³³ President Biden called for this community support, explaining
5 that “[s]o many of these Afghans stood bravely by U.S. troops in Afghanistan. And now the
6 United States, including veterans groups, refugee resettlement agencies, religious organizations,
7 and so many others, are standing with our Afghan allies. It exemplifies the best of America.”³⁴
8 In Washington, the response was “a groundswell of support . . . from companies, community
9 organizations, and individuals, all offering to contribute time and resources to the relief effort.”³⁵
10 Case workers met families at the airport to provide support from the start.³⁶ Airbnb and hotels
11 provided temporary housing.³⁷ Employers like Safeway initiated “spot-hiring” and hosted job
12

13 ³² *Afghan Refugee Support Form*, Ill. Dep’t of Hum. Svcs.,
14 <https://www.dhs.state.il.us/page.aspx?module=17&item=137705&surveyid=1588> (last visited
15 July 20, 2023).

16 ³³ E.g., Port of Seattle, “*Our work is just beginning*” *Port of Seattle, State, and South*
17 *Sound Partners Provide Update on Afghan Resettlement Efforts* (Feb. 16, 2022),
18 [https://www.portseattle.org/news/our-work-just-beginning-port-seattle-state-and-south-sound-](https://www.portseattle.org/news/our-work-just-beginning-port-seattle-state-and-south-sound-partners-provide-update-afghan)
19 [partners-provide-update-afghan](https://www.portseattle.org/news/our-work-just-beginning-port-seattle-state-and-south-sound-partners-provide-update-afghan) (describing the partnerships of Washington state and local
20 governments, businesses, and organizations to support resettlement for Afghan refugees);
21 *Hawaiian Airlines sends planes to help relocate Afghan refugees*, KHON2 (Sept. 1, 2021),
22 [https://www.khon2.com/local-news/hawaiian-airlines-sends-planes-to-help-relocate-afghan-](https://www.khon2.com/local-news/hawaiian-airlines-sends-planes-to-help-relocate-afghan-refugees)
23 [refugees](https://www.khon2.com/local-news/hawaiian-airlines-sends-planes-to-help-relocate-afghan-refugees); *Fact Sheet: Private Sector Leaders Are Stepping Up to Welcome Afghans*, The White
24 House: Briefing Room (Oct. 26, 2021), [https://www.whitehouse.gov/briefing-room/statements-](https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/26/fact-sheet-private-sector-leaders-are-stepping-up-to-welcome-afghans)
25 [releases/2021/10/26/fact-sheet-private-sector-leaders-are-stepping-up-to-welcome-afghans](https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/26/fact-sheet-private-sector-leaders-are-stepping-up-to-welcome-afghans).

26 ³⁴ Remarks by President Biden on Tropical Storm Henri and the Evacuation Operation
in Afghanistan, The White House: Briefing Room (Aug. 22, 2021),
[https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-](https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan)
[president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan](https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan).

³⁵ *ICYMI: Inslee letter to President Biden reaffirms Washington’s support for Afghan*
refugees (Aug. 26, 2021), [https://governor.wa.gov/news/2021/icymi-inslee-letter-president-](https://governor.wa.gov/news/2021/icymi-inslee-letter-president-biden-reaffirms-washingtons-support-afghan-refugees)
[biden-reaffirms-washingtons-support-afghan-refugees](https://governor.wa.gov/news/2021/icymi-inslee-letter-president-biden-reaffirms-washingtons-support-afghan-refugees).

³⁶ David Gutman, *Washington state ready to welcome 1,700 Afghan refugees*, Gov. Jay
Inslee says, The Seattle Times (Oct. 22, 2021), [https://www.seattletimes.com/seattle-](https://www.seattletimes.com/seattle-news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1)
[news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1](https://www.seattletimes.com/seattle-news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1).

³⁷ *Id.*

1 fairs specifically for Afghan refugees.³⁸

2 Support also came from universities and colleges across the country. Four education
3 organizations published a resource kit to help colleges and universities ensure that necessary
4 structures and support networks are in place to welcome Afghan students and scholars.³⁹ The
5 State University of New York opened its ten Educational Opportunity Centers for evacuees by
6 waiving its residency requirement for admission, providing free courses and certifications to
7 connect them to local job opportunities, and mentorship.⁴⁰ It also partnered with Buffalo State
8 and local agencies to reserve vacant dorm space for transitional housing for up to 100 evacuees
9 and excess laptops. The University of Delaware community mobilized to find homes for young
10 women who were college students living at Fort McCoy after escaping Afghanistan.⁴¹ The
11 University also recruited other colleges and “56 of the most vulnerable women, those with the
12 least amount of English language ability, [were] set to matriculate at universities around the
13 country.”⁴² The Nevada Governor’s Office for New Americans worked in collaboration with
14 Nevada State College, and Clark County to secure federal funding in order to provide temporary

15 ³⁸ Sebastian Robertson, *Safeway aiming to hire Afghan refugees in western Washington*
16 *- Next month, Safeway will host a job fair specifically for Afghan refugees. It’s an opportunity*
17 *that comes as the nation faces a workforce shortage*, King5 Community (Nov. 16, 2021),
18 [https://www.king5.com/article/news/community/safeway-aiming-to-hire-afghan-refugees-in-](https://www.king5.com/article/news/community/safeway-aiming-to-hire-afghan-refugees-in-western-washington/281-58102729-54c6-4e8a-b067-cb9094059dc2)
19 [western-washington/281-58102729-54c6-4e8a-b067-cb9094059dc2](https://www.king5.com/article/news/community/safeway-aiming-to-hire-afghan-refugees-in-western-washington/281-58102729-54c6-4e8a-b067-cb9094059dc2); *Career help now*
20 *available to Afghan refugees in Maine*, Goodwill (May 24, 2323),
21 <https://goodwillnne.org/news/career-help-now-available-to-afghan-refugees-in-maine>.

22 ³⁹ *Higher Ed Associations Release Resource Kit On Hosting Afghan Students and*
23 *Scholars*, American Council on Education (Oct. 4, 2021), [https://www.acenet.edu/News-](https://www.acenet.edu/News-Room/Pages/Resource-Kit-Afghan-Students-Scholars.aspx)
24 [Room/Pages/Resource-Kit-Afghan-Students-Scholars.aspx](https://www.acenet.edu/News-Room/Pages/Resource-Kit-Afghan-Students-Scholars.aspx).

25 ⁴⁰ *Governor Hochul Continues Her Pledge to Afghan Evacuees by Opening Up*
26 *Educational and Housing Opportunities While Assembling Local Partners to Provide*
27 *Immediate Resources to Evacuees in Need* (Oct. 14, 2021),
28 [https://www.governor.ny.gov/news/governor-hochul-continues-her-pledge-afghan-evacuees-](https://www.governor.ny.gov/news/governor-hochul-continues-her-pledge-afghan-evacuees-opening-educational-and-housing)
29 [opening-educational-and-housing](https://www.governor.ny.gov/news/governor-hochul-continues-her-pledge-afghan-evacuees-opening-educational-and-housing).

30 ⁴¹ Diane Stopyra, *UD Welcomes Afghan Refugees: 15 Afghan women will start at the*
31 *University by studying at UD’s English Language Institute*, UD Daily (Dec. 3, 2021),
32 [https://www.udel.edu/udaily/2021/december/afghan-refugees-women-english-language-](https://www.udel.edu/udaily/2021/december/afghan-refugees-women-english-language-institute-students-afghanistan)
33 [institute-students-afghanistan](https://www.udel.edu/udaily/2021/december/afghan-refugees-women-english-language-institute-students-afghanistan).

34 ⁴² *Id.*

1 housing to Afghan families, as the State and partners looked through solutions to transition the
 2 families into more permanent residences.⁴³ Families were able to live on-campus in apartment-
 3 style dorms, thanks to a \$60,000 grant from Clark County’s rescue plan funds.⁴⁴

4 Individuals joined “sponsor circles” to share in supporting arriving families.⁴⁵ And,
 5 Vietnamese Americans signed up to host or sponsor Afghan refugee families, recognizing “the
 6 feeling of history repeating itself.”⁴⁶ Jefferey Vu, a Boeing engineer, shared “I really think it’s
 7 our moment to pay it forward, pay forward those acts of kindness that we received when our
 8 families arrived in 1975.”⁴⁷

9 Community support also came from current military service members and veterans.⁴⁸

10
 11 ⁴³ Sophia Perricone, *Nevada State College to temporarily house Afghan refugees on*
 12 *campus*, Fox5 KVVU-TV (Jan. 13, 2022), <https://www.fox5vegas.com/2022/01/14/nevada-state-college-temporarily-house-afghan-refugees-campus>.

13 ⁴⁴ *Id.*

14 ⁴⁵ Maggi Johnson, *It takes a village: Helping refugees as part of a ‘sponsor circle’*, The
 15 Seattle Times: Opinion (May 20, 2022), <https://www.seattletimes.com/opinion/it-takes-a-village-helping-refugees-as-part-of-a-sponsor-circle> (I watched the Afghan crisis unfold, that
 16 feeling of, “I should do something to help” finally spilled over some inner threshold.).

17 ⁴⁶ Thanh Tan, *Viets4Afghans: Driven by my parents’ legacy*, The Seattle Times:
 18 Opinion (Sept. 7, 2021), <https://www.seattletimes.com/opinion/viets4afghans-driven-by-my-parents-legacy>.

19 ⁴⁷ Suzanne Phan, *Local Vietnamese Americans host, sponsor Afghan refugee families*,
 20 KOMONews (Aug. 22, 2021), <https://komonews.com/news/local/local-vietnamese-americans-host-sponsor-afghan-refugee-families>.

21 ⁴⁸ *E.g.* Letter from Retired Flag Officers to Congressional Leaders (Dec. 17, 2022),
 22 <https://drive.google.com/file/d/108o7wQBf3IuiHtW3tWWkzyy-IT8uIyuu/view> (“each of us
 23 was honored to see up close the dedication of our military and civilian personnel standing
 24 shohna-ba-shohna, or shoulder-to-shoulder, with our Afghan allies to fight for a better future
 25 for both the United States and Afghanistan. It is for them, American veterans and Afghan
 26 allies, and in the interest of U.S. national security, that we write to you today.”); Jake
 Whittenberg, *Veterans group helping relocate Afghan refugees to western Washington - “Task
 Force Pineapple” is finding safe haven for Afghan families who partnered with allies during
 the U.S. War in Afghanistan*, King5 Local News (Nov. 11, 2021),
<https://www.king5.com/article/news/local/task-force-pineapple-afghan-refugees-western-washington/281-25ca2f0b-48cc-4aa6-9f6d-be0203cda19e>; Kayla Blau, *Afghan refugees face
 resettlement barriers after escaping Taliban regime*, Real Change (Feb. 2, 2022),
<https://www.realchangenews.org/news/2022/02/02/afghan-refugees-face-resettlement-barriers-after-escaping-taliban-regime> (Many U.S. veterans who worked closely with translators and

One veteran-led global disaster response volunteer organization worked across the U.S., including in some Amici States, partnering with local communities to help transition families into their new homes with move-in support, assembling furniture, building temporary housing units, and other aid.⁴⁹ “[V]eteran volunteers who served in Afghanistan, are continuing to support Afghan families, taking this opportunity to give back to the families for supporting them during their service.”⁵⁰ Individual veterans in Washington and Oregon helped their former military interpreters and families escape Afghanistan.⁵¹ Veterans also helped connect families with local resettlement resources.⁵²

Defendants’ own statements confirm their requests for support from Amici States and the communities within them. As OAW’s title rightly reflects, these Afghans are *allies*. They are “individuals who have assisted the United States in Afghanistan,” as well as including “other

government workers in Afghanistan are now stepping up to make good on promises to support and protect them. However, they are facing roadblocks from the U.S. government during attempts to evacuate more Afghans, even though Afghan allies are facing grave danger due to their cooperation with U.S. troops.).

⁴⁹ *United We Welcome Afghan Families*, Team Rubicon, <https://teamrubiconusa.org/resettlement> (last visited July 20, 2023) (reporting 2,085+ volunteers deployed, 3,399+ Afghan individuals served, and 631+ home set ups and move in assistance).

⁵⁰ *Id.* at *Continuing the mission*.

⁵¹ Drew Mikkelsen, *JBLM veteran helps his former interpreter and family escape from Afghanistan: The relocated Afghan family of seven is now living peacefully in Thurston County*, King5: Local News (Dec. 13, 2021), <https://www.king5.com/amp/article/news/local/jblm-veteran-helps-his-former-interpreter-and-family-escape-from-afghanistan/281-f2ad3c0e-87a5-4d40-ae8d-9cdc23e41322>; Alexis Weisend, *Lane County nonprofits to help resettle Afghan refugees*, Daily Emerald (Sept. 16, 2021), https://www.dailymerald.com/news/lane-county-nonprofits-to-help-resettle-afghan-refugees/article_6c09c4ca-13d6-11ec-943f-67364aa4deb6.html.

⁵² Drew Mikkelsen, *JBLM veteran helps his former interpreter and family escape from Afghanistan: The relocated Afghan family of seven is now living peacefully in Thurston County*, King5: Local News (Dec. 13, 2021), <https://www.king5.com/amp/article/news/local/jblm-veteran-helps-his-former-interpreter-and-family-escape-from-afghanistan/281-f2ad3c0e-87a5-4d40-ae8d-9cdc23e41322>; Andrew Overbeek, *A veteran who served in Afghanistan now helps Afghan refugees resettle: Offering Afghan Allies a Warm Welcome*, Bethany.org, <https://bethany.org/resources/a-veteran-who-served-in-afghanistan-now-helps-afghan-refugees-resettle> (last visited July 20, 2023).

1 vulnerable Afghans, such as journalists and vulnerable women and girls.”⁵³ Defendant Mayorkas
 2 recognized these unique circumstances for those evacuated from Afghanistan to the U.S. through
 3 OAW—“We have a moral imperative to protect them, to support those who have supported this
 4 Nation.”⁵⁴ His statement was consistent with the position already set by President Biden, “we
 5 will welcome these Afghans, who helped us in the war effort over the last 20 years, to their
 6 new home in the United States of America. Because that’s who we are. That’s what America
 7 is.”⁵⁵ And, as the named Plaintiffs’ backgrounds demonstrate, many of the resettled Afghans
 8 have experience and skills that will immediately benefit Amici States, including in areas like
 9 medicine, journalism, translation, education, government service, and international
 10 relations.⁵⁶

11 **B. Defendants’ Inaction Is Blocking Amici States From Realizing the Significant** 12 **Economic and Societal Benefits of Immigrant Integration**

13 But neither resettled Afghans nor the Amici States are receiving the benefits promised
 14 by OAW’s expedited processing timeline. Through OAW, nearly 90,000 Afghans have arrived
 15 in the United States.⁵⁷ Defendants have received congressional funding and support for resettling
 16 them.⁵⁸ Yet, as of April 3, 2023, Defendants had only adjudicated 1,700 out of 15,697

17 ⁵³ Alejandro Mayorkas, *Secretary Mayorkas Delivers Remarks on Operation Allies*
 18 *Welcome*, U.S. Dep’t Homeland Security (Sept. 10, 2021),
 19 <https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome>.

20 ⁵⁴ *Id.*

21 ⁵⁵ Remarks by President Biden on Tropical Storm Henri and the Evacuation Operation
 22 in Afghanistan, The White House: Briefing Room (Aug. 22, 2021),
 23 <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan>.

24 ⁵⁶ ECF No. 1 ¶¶ 16-22.

25 ⁵⁷ Bureau of Population, Refugees, and Migration, *Refugee Admissions: Afghan*
 26 *Arrivals under the U.S. Refugee Admissions Program*, U.S. Dep’t of State,
<https://www.state.gov/afghan-arrivals-under-the-u-s-refugee-admissions-program> (last visited
 July 20, 2023).

⁵⁸ ECF No. 1 ¶¶ 45-46, *citing* Extending Government Funding and Delivering
 Emergency Assistance Act, Pub. L. No. 117-43, § 2502(c)(2), 135 Stat. 344, 377 (2021).

1 applications for asylum.⁵⁹ This delay—which prevents Plaintiffs from stabilizing their
 2 immigration status—harms the Amici States.

3 It is well established that, without stable immigration status, Plaintiffs cannot achieve
 4 permanence in their new communities. “Permanent residence gives immigrants the assurance to
 5 invest in their lives and careers and to find ways to contribute to their new country.”⁶⁰
 6 Establishing employment, especially in highly skilled areas of expertise, is a challenge if not
 7 impossible without stable immigration status.⁶¹ Stable housing is also vital to successful
 8 resettlement, yet hard to maintain without economic stability.⁶² Simply put, the ability to put
 9 roots “where [refugees] can settle down, get their families situated — if they have children, get
 10 into the school systems and get their lives off the ground,” is key to integration.⁶³ But any
 11 commitments that would ordinarily require long-term planning are inherently unattainable when
 12 planning in increments of no more than two years at a time—the maximum period of
 13 humanitarian parole Defendants grant to fleeing Afghans.⁶⁴

14 And while all asylees and refugees come to the U.S. having experienced danger or
 15 persecution, the circumstances bringing Plaintiffs here are particularly acute—they came fleeing
 16 for their lives in violence-infused pandemonium, leaving their loved ones, possessions, and
 17

18
 19 ⁵⁹ ECF No. 1 ¶ 54.

20 ⁶⁰ Gelatt and Meissner, *Straight Path to Legal Permanent Residence for Afghan*
Evacuees Would Build on Strong U.S. Precedent, Migration Policy Institute (March 2022),
 21 <https://www.migrationpolicy.org/news/afghan-adjustment-commentary>.

22 ⁶¹ ECF No. 41 at 14-15.

23 ⁶² Gelatt and Meissner, *Straight Path to Legal Permanent Residence for Afghan*
Evacuees Would Build on Strong U.S. Precedent, Migration Policy Institute (March 2022),
 24 <https://www.migrationpolicy.org/news/afghan-adjustment-commentary>.

25 ⁶³ Denkmann and Gasca, *One year later, Afghan refugees in WA still need support to*
put down roots, KUOW (Aug. 16, 2022), [https://www.kuow.org/stories/one-year-later-afghan-](https://www.kuow.org/stories/one-year-later-afghan-refugees-in-wa-still-need-support-to-put-down-roots)
 26 [refugees-in-wa-still-need-support-to-put-down-roots](https://www.kuow.org/stories/one-year-later-afghan-refugees-in-wa-still-need-support-to-put-down-roots).

⁶⁴ *Afghan Re-Parole FAQs*, U.S. Citizenship and Immigration Svcs. (June 8, 2023),
[https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-](https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans/afghan-re-parole-faqs)
[certain-afghans/afghan-re-parole-faqs](https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans/afghan-re-parole-faqs).

1 records behind.⁶⁵ As a result, they are navigating trauma while also arriving in Amici States
 2 socioeconomically vulnerable, with many likely also experiencing language barriers, cultural
 3 isolation, and presenting physical and mental health needs.⁶⁶

4 For these reasons, the Amici States place an emphasis on providing resources that move
 5 resettled migrants toward permanency. Washington, for example, supports its refugees and
 6 humanitarian parolees through its Promoting Refugee Integration, Mobility and Empowerment
 7 (PRIME) Program; providing a continuum of community based, comprehensive, and client
 8 centered services.⁶⁷ Washington law requires its Department of Social & Health Services to
 9 facilitate immigrants' applications for naturalization.⁶⁸ Other states have similar programs,
 10 recognizing that stability is the first step toward success in our communities. Oregon connects
 11 arrivals to "quality and easy-to-navigate resources, from meals to job supports to connections
 12 with faith-based organizations;" its Office of Resilience and Emergency Management provides
 13 "short-term food and shelter" and its "Self Sufficiency Programs . . . provide case management
 14 services, rental assistance, immigration and legal services, and interpretation classes."⁶⁹
 15 Minnesota provides "the resources and stable foundation [refugees] need to rebuild their lives,
 16
 17
 18

19 ⁶⁵ ECF No. 1 ¶¶ 16-21.

20 ⁶⁶ *Id.*; David Gutman, *Washington state ready to welcome 1,700 Afghan refugees, Gov. Jay Inslee says*, The Seattle Times (Oct. 22, 2021), <https://www.seattletimes.com/seattle-news/washington-state-ready-to-welcome-1700-afghan-refugees-gov-jay-inslee-says/?amp=1>.

21 ⁶⁷ Off. Of Refugee & Immigrant Assistance, *Economic Services Administration Briefing Book for State Fiscal Year 2022*, Wash. St. Dep't of Social & Health Svcs., at 3 (Jan. 1, 2023), https://www.dshs.wa.gov/sites/default/files/ESA/briefing-manual/2022Refugee_Immigrant.pdf. *See also*, <https://www.kuow.org/stories/one-year-later-afghan-refugees-in-wa-still-need-support-to-put-down-roots>.

24 ⁶⁸ Wash. Rev. Code § 74.08A.130 (2009).

25 ⁶⁹ *Special Session Report 2021*, Oregon Dep't of Hum. Svcs. Legislative Summary: December 2021 Special Session, <https://www.oregon.gov/odhs/about/legislativeinformation/2021-end-of-session-special-session.pdf> (last visited July 20, 2023).
 26

1 achieve their highest potential and contribute to our state.”⁷⁰ Its regional resettlement networks
 2 provide academic and career coaching, classes to help navigate public transit and college prep,
 3 and “low-cost legal help and status change application for permanent residency and
 4 citizenship.”⁷¹ The District of Columbia Office of Refugee Resettlement works with local service
 5 providers to provide eligible populations, including refugees, asylees, and Afghans who received
 6 Special Immigrant Visas or humanitarian pole, “support services . . . including employment
 7 services, cash assistance, health assistance, medical screenings, case management, youth
 8 programming, and more.”⁷² Illinois operated a Refugee Program which, in connection with a
 9 variety of charitable and non-profit organizations, “facilitates relocation and social service
 10 assistance to people who are victims of political and religious persecution that have been granted
 11 the legal right to rebuild their lives in the United States.”⁷³ Illinois’ program “procures
 12 community-based services which include adjustment counseling, orientation, English as a
 13 Second Language, vocational training, job readiness, [] job placement,” mental health services,
 14 and health screenings.⁷⁴

15 In sum, Plaintiffs’ asylum applications are a critical step towards the goals of integration
 16 and stabilization. But those goals, as well as the Amici States’ efforts to support resettling
 17 Afghans, are significantly hampered by Defendants’ failure to timely process their asylum
 18 applications.

21
 22 ⁷⁰ *Refugee resettlement: Program overviews at Program facts*, MN Dep’t of Hum.
 23 Svcs., <https://mn.gov/dhs/partners-and-providers/program-overviews/refugee-resettlement> (last
 24 visited July 20, 2023).

25 ⁷¹ *Id.* at *Resettlement network services*.

26 ⁷² *Refugee Assistance*, DC Dep’t of Hum. Svcs., <https://dhs.dc.gov/service/refugee-assistance> (last visited July 20, 2023).

⁷³ *Refugee Program*, Ill. Dep’t of Hum. Svcs., <https://www.dhs.state.il.us/page.aspx?item=137611> (last visited July 20, 2023).

⁷⁴ *Id.*

C. Defendants’ Continued Delay in Adjudicating Plaintiffs’ Applications Is Contrary to the Public Interest

When refugees are delayed in achieving permanency, the communities who have welcomed them wait with them in limbo.⁷⁵ Humanitarian parole is an uncertain immigration status that provides no direct path to permanent residency or citizenship and expires in two years.⁷⁶ Here, Defendants’ conduct ran out the clock such that Plaintiffs could not get long-term immigration status before their parole ended. Instead of accelerating the already unlawfully delayed adjudications, Defendants granted themselves an extension by creating a “re-parole” process whereby they will “accept and consider, on a case-by-case basis, re-parole requests.”⁷⁷ This period of re-parole does not cure the harms to Afghan refugees and Amici States that result from the processing delay, for at least two reasons.

First, as discussed above, economic and social stability require true permanence for resettling Afghans, something that cannot be achieved in two-year increments.⁷⁸ But second, and most obviously, the allies left in Afghanistan who are family members of Plaintiffs will not find

⁷⁵ Maggi Johnson, *It takes a village: Helping refugees as part of a ‘sponsor circle’*, The Seattle Times: Opinion (May 20, 2022), <https://www.seattletimes.com/opinion/it-takes-a-village-helping-refugees-as-part-of-a-sponsor-circle> (“Overwhelmed” and “stretched beyond belief” are words you hear these days to describe the usual resettlement agencies.”); Geoff Ziezulewicz, *A year later, vets accept that they can’t save every Afghan ally*, Military Times (Aug. 30, 2022), <https://www.militarytimes.com/flashpoints/afghanistan/2022/08/30/a-year-later-vets-accept-that-they-cant-save-every-afghan-ally>.

⁷⁶ 8 U.S.C. § 1182(d)(5). *See also*, Camilo Montoya-Galvez, *36,000 Afghan evacuees lack pathway to permanent legal status in the U.S.*, CBS News (Jan. 29, 2022), <https://www.cbsnews.com/amp/news/afghan-evacuees-lack-pathway-to-permanent-legal-status-in-the-u-s>.

⁷⁷ *Id.*; *Re-Parole Process for Certain Afghans*, U.S. Citizenship and Immigration Svcs. (June 8, 2023), <https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans>.

⁷⁸ Gelatt and Meissner, *Straight Path to Legal Permanent Residence for Afghan Evacuees Would Build on Strong U.S. Precedent*, Migration Policy (March 2022), <https://www.migrationpolicy.org/news/afghan-adjustment-commentary>.

1 safety until Plaintiffs' asylum claims are processed.⁷⁹ Only then will Plaintiffs whose
2 applications are granted be able to petition for their family members.

3 National leaders have emphasized the dangers to vulnerable individuals remaining in
4 Afghanistan. In November 2021, for example, all 24 women U.S. Senators highlighted for
5 President Biden the serious harms facing women and girls in Afghanistan, stating "women and
6 girls are now suffering the predation of a Taliban regime with a track record of brutalizing,
7 isolating, and denying them life and liberty."⁸⁰ Similarly, in letters dated July 19, 2023, 52
8 organizations representing the public and nine States wrote the following to Defendants:

9 Taliban soldiers beat and torture Afghans deemed to have broken Taliban edicts
10 or worked with the former government. Public floggings and executions are on
11 the rise. A former teacher, whose father-in-law worked for the previous
12 government and whose family lived in fear of retribution, applied for
13 humanitarian parole in late 2021, with no answer as of August 2022. She
14 described: "Our only hope was getting approved in humanitarian parole... We
15 are in our homes. We don't go out. We don't go shopping. We don't go to the
16 park. We don't go anywhere. We just stay at home; we're in a very bad
17 situation, economic and mental situation. And we do not know how long we
18 can continue to stay safe." Women and girls live under extreme institutionalized
19 gender-based discrimination, creating a widespread mental health crisis and an
escalation of suicides. These threats are real, and constant. You must act with
urgency.

20 Each day your agencies fail to take action leaves Afghans at risk and in limbo,
21 and is a betrayal of both the commitments the Biden Administration made in
22 2021 and the purpose of HP to provide an expedited process. We urge you to
23 explore every possible option and use every available tool to meet the
24 commitment to "safely, securely and effectively welcom[e] our Afghan allies
and Afghans at-risk."⁸¹

20 ⁷⁹ ECF No. 1 ¶¶ 5, 16-22; *see also Agency Failures Make Obtaining Humanitarian*
21 *Parole Almost Impossible for Afghans*, American Immigration Council (March 16, 2023),
<https://www.americanimmigrationcouncil.org/foia/uscis-failures-afghans-parole> (last visited
22 July 20, 2023).

23 ⁸⁰ All Women Senators Bipartisan Letter to President: Protect Afghan Women and
24 Girls (Nov. 4, 2021),
<https://www.cantwell.senate.gov/imo/media/doc/afghanistan%20women%20girls%20letter%20to%20biden.pdf>.

25 ⁸¹ Letter from Bob Ferguson, Wash. Att'y Gen., and partnering organizations to
26 Alejandro Mayorkas, Secretary of Homeland Security, and Ur M. Jaddou, Director of USCIS
(July 19, 2023), [https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/DHS-](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/DHS-USCIS%20Ltr%20WA%20AG-)
[USCIS%20Ltr%20WA%20AG-](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/DHS-USCIS%20Ltr%20WA%20AG-)

1 Afghan-Americans and Afghan refugees in Amici States worry intensely about those
 2 who did not make it out of Afghanistan. In February 2022, a well-known leader and advocate in
 3 Washington, Aneelah Afzali shared, “[a]s an Afghan-American with family still trying to
 4 evacuate Kabul, the past few months have been traumatic and heartbreaking.”⁸² Similarly, an
 5 Afghan army officer who resettled in Seattle after being warned about the Taliban’s takeover by
 6 a coworker still worries about the women left behind over a year later, saying “[t]he Taliban said
 7 women are not human and your duties should be at home and have so many babies, and no school
 8 for them.”⁸³

9 Children are also being deeply affected by prolonged family separation. In Washington,
 10 a 10-year old named Mansoor asked daily if he could return to Afghanistan after being separated
 11 from his parents and siblings.⁸⁴ Months later, Mansoor mostly [sat] by himself and rarely
 12 play[ed] with the other children.”⁸⁵ Similarly, a 15-year-old named Saddam—also living with a
 13
 14
 15

16 [Organizations%20Re%20Afghan%20Humanitarian%20Parole.pdf](#); Letter from State
 17 Attorneys General to Alejandro Mayorkas, Secretary of Homeland Security, and Ur M. Jaddou,
 18 Director of USCIS (July 19, 2023), [https://agportal-
 s3bucket.s3.amazonaws.com/uploadedfiles/Another/DHS-
 USCIS%20Ltr%20Re%20Afghan%20Humanitarian%20Parole.pdf](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/DHS-USCIS%20Ltr%20Re%20Afghan%20Humanitarian%20Parole.pdf).

19 ⁸² Kayla Blau, *Afghan refugees face resettlement barriers after escaping Taliban*
 20 *regime*, Real Change (Feb. 2, 2022),
[https://www.realchangenews.org/news/2022/02/02/afghan-refugees-face-resettlement-barriers-
 after-escaping-taliban-regime](https://www.realchangenews.org/news/2022/02/02/afghan-refugees-face-resettlement-barriers-after-escaping-taliban-regime).

21 ⁸³ Julie Calhoun, *Former Afghan army officer who resettled in Seattle reflects on*
 22 *fleeing the Taliban one year later - Three days after the Taliban took control of Afghanistan,*
 23 *Setara Wafa fled to the U.S. and a year later is helping other refugees navigate their new*
home, King5: Seattle (Sept. 15, 2022),
[https://www.king5.com/amp/article/news/local/seattle/afghan-army-officer-resettled-seattle-
 afghanistan-taliban/281-94a98948-59e7-4141-8963-cb4919b9e62e](https://www.king5.com/amp/article/news/local/seattle/afghan-army-officer-resettled-seattle-afghanistan-taliban/281-94a98948-59e7-4141-8963-cb4919b9e62e).

24 ⁸⁴ Cooke, Rosenberg, and Wasson, *Insight: ‘When are my parents coming?’ – 1,300*
 25 *Afghan children evacuated to U.S. in limbo*, Reuters (Nov. 10, 2021),
[https://www.reuters.com/world/when-are-my-parents-coming-1300-afghan-children-
 evacuated-us-limbo-2021-11-10](https://www.reuters.com/world/when-are-my-parents-coming-1300-afghan-children-evacuated-us-limbo-2021-11-10).

26 ⁸⁵ *Id.*

1 relative in Washington—dealt “with the shock of forced displacement on top of the anguish of
2 not knowing if [his] parents [were] safe;” asking when his parents are coming.⁸⁶

3 Members of the public in Amici States also continue to struggle to meet the needs of
4 Plaintiffs sitting in limbo here, as well as the allies and vulnerable Afghans desperately waiting
5 abroad for approval to enter the U.S.⁸⁷ There can be no serious question that additional delay in
6 processing Plaintiffs’ applications will further traumatize residents of Amici States whose family
7 members remain in significant danger every day that they cannot come to the U.S. That
8 unnecessary trauma is squarely contrary to the public interest.⁸⁸

9 III. CONCLUSION

10 Amici States continue to stand ready to honor our commitments to help resettle Afghan
11 allies who join our communities as part of OAW. Therefore, Amici States respectfully request
12 that the Court grant Plaintiffs’ motion for preliminary injunction.

13 DATED this 20th day of July, 2023.

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16 //

19 ⁸⁶ *Id.* (Sadam’s family was gone when he returned from getting water at the airport in
20 Kabul.)

21 ⁸⁷ Denkmann and Gasca, *One year later, Afghan refugees in WA still need support to*
22 *put down roots*, KUOW (Aug. 16, 2022), [https://www.kuow.org/stories/one-year-later-afghan-](https://www.kuow.org/stories/one-year-later-afghan-refugees-in-wa-still-need-support-to-put-down-roots)
23 [refugees-in-wa-still-need-support-to-put-down-roots](https://www.kuow.org/stories/one-year-later-afghan-refugees-in-wa-still-need-support-to-put-down-roots); Gelatt and Meissner, *Straight Path to*
24 *Legal Permanent Residence for Afghan Evacuees Would Build on Strong U.S. Precedent*,
25 Migration Policy Institute (March 2022), [https://www.migrationpolicy.org/news/afghan-](https://www.migrationpolicy.org/news/afghan-adjustment-commentary)
26 [adjustment-commentary](https://www.migrationpolicy.org/news/afghan-adjustment-commentary).

⁸⁸ *See, e.g., Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (“Faced with . . .
preventable human suffering, we have little difficulty concluding that the balance of hardships
tips decidedly in plaintiffs’ favor.”); *Golden Gate Rest. Ass’n v. City & Cnty. of San Francisco*,
512 F.3d 1112, 1125 (9th Cir. 2008) (considering whether “otherwise avoidable human
suffering . . . and possibly death” may result if equitable relief is not granted).

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED this 20th day of July, 2023.

/s/ Tiffany Jennings
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