

EXHIBIT A

PROPOSED REVISIED ADJUDICATION PLAN

I. CLASS MEMBER IDENTIFICATION

Pursuant to the Court’s Order of February 5, 2020, class members in this matter are “all people who have (1) applied for an Afghan or Iraqi [Special Immigrant Visa (“SIV”)] pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8, 123 Stat. 807 (“AAPA”), and the Refugee Crisis in Iraq Act of 2007, Pub. L. No. 110-181, 222 Stat. 395 (“RCIA”), by submitting an application for [Chief of Mission (“COM”)] approval, and (2) whose applications have been awaiting government action for longer than nine months.”

The Adjudication Plan approved on June 14, 2020, applied to certain class members, including those who had applied for COM approval prior to August 19, 2019. Defendants reported on the progress of this limited class through a 14-step adjudication process (“AAP Class”). Given the limitations on the data systems in which Defendants maintain records for SIV applicants, which do not specifically identify whether and for how long an applicant has been at a government or an applicant-controlled step or part of step, the parties recognized that the AAP Class was both over- and underinclusive. In addition, because multiple systems are involved, tracking this same AAP Class from quarterly report to quarterly report proved to be difficult and unduly burdensome for Defendants. This resulted in discrepancies that required a significant amount of time and resources on the part of Defendants to resolve. In addition, since the Adjudication Plan was originally approved, the volume of SIV applications has grown significantly. The Court also has ordered the new methodology to include those applicants who joined the class after May 21, 2020. In light of

this prior experience and these new developments, for purposes of this Revised Adjudication Plan, Defendants will include all Afghan and Iraqi SIV applicants in their reporting.¹

II. REVISED ADJUDICATION PLAN STANDARDS

For individuals applying for Iraqi SIVs, Defendants Department of State and U.S. Citizenship and Immigration Services (“USCIS”) will endeavor to meet the performance standards below in section A. For individuals applying for Afghan SIVs, Defendant Department of State will endeavor to meet the performance standards below in section B, and for individuals with COM approval dates before July 20, 2022, and who filed I-360 petitions, USCIS will endeavor to meet the performance standards below in section C.

A. Refugee Crisis in Iraq Act of 2007

| Stage | Step | Description | Revised Adjudication Plan Performance Standard |
|--|-------------|---|--|
| COM application process, including appeals | 1 | Applicant submits a complete COM application or appeal package to State’s National Visa Center (“NVC”). | N/A: Applicant-Controlled |
| | 2 | NVC reviews documents for completeness. | NVC will complete review within 15 business days of receipt of the applicant’s submission (a submission is an application or an appeal, or additional documentation if such documentation was requested by NVC). |
| | 3 | NVC sends completed application or appeal package to the COM Designee for Iraq SIV applicants. | NVC will send the application or appeal to the COM Designee within 5 business days of determining the application or appeal to be documentarily complete. |
| | 4 | COM staff reviews the COM application, and the COM Designee makes a decision. The applicant is | The COM Designee will adjudicate a completed application or appeal within 60 calendar days of receipt from NVC. |

¹ The Iraq SIV program sunsetted in 2014 and is no longer accepting new applications.

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| | | automatically informed of the decision. | |
| Form I-360 Petition adjudication process | 5 | Applicant submits Form I-360 to USCIS | N/A: Applicant-Controlled |
| | 6 | USCIS adjudicates petition and sends to NVC if approved. | <p>Upon receipt of a petition from the applicant, USCIS will adjudicate the petition and send an approved petition to NVC within 60 calendar days unless USCIS issues a Request for Evidence (“RFE”) or a Notice of Intent to Deny (“NOID”) to the applicant.</p> <p>Upon receipt of a response to an RFE or a NOID, USCIS will adjudicate the petition and send an approved petition to NVC within 60 calendar days.</p> <p>Cases that require additional processing time to reconcile any national security concerns, see AAPA § 602(b)(4)(B); RCIA § 1242(c)(2), will be identified on the progress reports in the following manner: number of cases pending between 90-180 calendar days; number of cases pending between 181-240 calendar days; number of cases pending between 241 calendar days or more. For the purpose of progress reporting, the timeframes will be calculated starting from the date of receipt of the applicant’s petition. USCIS will request that third party agencies prioritize the vetting of these cases. USCIS cannot require a third-party agency to complete vetting in any particular timeframe.</p> <p>Based on these target timeframes, all cases awaiting USCIS adjudication as of the date of the beginning of each reporting period will be adjudicated before the end of the same reporting period, unless USCIS issued an RFE or a NOID or the case requires additional processing time to reconcile any national security concerns.</p> |
| Visa interview process, including pre- and | 7 | NVC sends an instruction packet to applicant requesting standard immigrant visa documentation, including Form DS-260. | Upon receipt of the petition from USCIS, NVC will send an instruction packet to the applicant within 15 business days. |

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| post-interview | | | |
| | 8 | Applicant submits all required documentation, per the instruction packet, to NVC. | N/A: Applicant-Controlled |
| | 9 | NVC reviews documents for completeness, corresponding with applicant when additional documentation is needed. | Upon receipt of the Form DS-260 or further information requested by NVC, NVC will determine whether the case is documentarily complete within 15 business days of receipt. |
| | 10 | NVC schedules applicant for next available visa application interview at U.S. embassy or consulate. | After the NVC determines the case is documentarily complete, the NVC will offer the applicant the next available interview within 10 business days of making that determination. The NVC will schedule the interview within 60 calendar days of contacting the applicant unless the applicant requests a different interview location or interview time or unless there are reasonable circumstances for the delay as explained in the progress reports. |
| | 11 | Applicant is interviewed and biometrics are collected by consular officer on the scheduled appointment date. Administrative processing, if needed, is initiated following the interview. | After completion of the visa application interview, if the consular officer refuses the visa application under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing, the consular officer will initiate any administrative processing within 5 business days. If the applicant is required to provide any additional information or documentation, the consular officer will initiate any administrative processing within 5 business days of receipt of all necessary information or documentation. |
| | 12 | The applicant's case undergoes administrative processing. | All cases refused under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing that is solely within the Department of State's control will be completed within 90 calendar days. All cases refused under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing that is not solely within the Department of State's control, and which require additional processing time to reconcile any national security concerns, see |

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| | | | <p>AAPA § 602(b)(4)(B), RCIA § 1242(c)(2), will be identified in the progress reports in the following manner: number of cases pending greater than 120 calendar days; number of cases pending greater than 180 calendar days; and number of cases pending greater than one year.</p> <p>For the purpose of progress reporting, the beginning date for these cases is the date the consular officer placed the case in administrative processing.</p> <p>The Department of State will request that third party agencies expedite the processing of applicants. The Department of State cannot require a third-party agency to complete their actions in any particular timeframe.</p> |
| Visa issuance to eligible applicants | 13 | Upon completion of administrative processing, applicant is instructed to obtain a medical exam. The visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant. | N/A: Applicant-Controlled |

B. Afghan Allies Protection Act of 2009

| Stage | Step | Description | Revised Adjudication Plan Performance Standard |
|--|------|--|--|
| COM application process, including appeals | 1 | Applicant submits a COM application or appeal package to State's NVC. | N/A: Applicant-Controlled |
| | 2 | NVC reviews documents for completeness. | NVC will complete review within 15 business days of receipt of the applicant's submission (a submission is an application or an appeal, or additional documentation if such documentation was requested by NVC). |
| | 3 | NVC marks completed application or appeal as "document complete" and COM | NVC will mark the application or appeal as "document complete" as soon as the application or appeal is determined to be documentarily complete. |

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| | | staff process the application or appeal for review. | |
| | 4 | COM staff reviews the COM application or appeal package and DS-157 petition for special immigrant status, and the COM Designee makes a decision. The applicant is automatically informed of the decision. | COM staff will adjudicate 4,500 completed applications and/or appeals per quarter. |
| Visa interview process, including pre- and post-interview | 5 | NVC sends instruction packet to applicant requesting standard immigrant visa documentation, including Form DS-260. | Upon receipt of COM approval and Form DS-157 petition, NVC will send an instruction packet to the applicant within 15 business days. |
| | 6 | Applicant submits all required documentation, per the instruction packet, to NVC. | N/A: Applicant-Controlled |
| | 7 | NVC reviews documents for completeness, corresponding with applicant when additional documentation is needed. | Upon receipt of the Form DS-260 or further required information requested by NVC, NVC will determine whether the case is documentarily complete within 15 business days of receipt. |
| | 8 | Applicant informs NVC of alternate immigrant visa processing post where the applicant will be able to personally appear and make a visa application. An applicant may keep their case assigned to Kabul, however, such | N/A: Applicant-Controlled |

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| | | a case would not be considered pending government action unless and until the U.S. Embassy in Kabul is able to resume visa processing. | |
| | 9 | NVC schedules applicant for next available visa application interview at applicable U.S. embassy or consulate. | NVC will provide an interview date to the applicant within 60 calendar days. However, at posts where the demand for interview slots exceeds capacity, NVC will provide an interview date to the applicant within 60 calendar days of the availability being reported to NVC. |
| | 10 | Applicant is interviewed and biometrics are collected by consular officer on the scheduled appointment date. Administrative processing, if needed, is initiated following the interview. | After completion of the visa application interview, if the consular officer refuses the visa application under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing, the consular officer will initiate any administrative processing within 5 business days. If the applicant is required to provide any additional information or documentation, the consular officer will initiate any administrative processing within 5 business days of receipt of all necessary information or documentation. |
| | 11 | The applicant's case undergoes administrative processing. | All cases refused under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing that is solely within the Department of State's control will be completed within 90 calendar days. All cases refused under INA section 221(g) (8 U.S.C. § 1201(g)) for administrative processing that is not solely within the Department of State's control and which require additional processing time to reconcile any national security concerns, see AAPA § 602(b)(4)(B), RCIA § 1242(c)(2), will be identified in the progress reports in the following manner: number of cases pending greater than 120 calendar days; number of cases pending greater than 180 calendar days; and number of cases pending greater than one year. |

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| | | | <p>For the purpose of progress reporting, the beginning date for these cases is the date the consular officer placed the case in administrative processing.</p> <p>The Department of State will request that third party agencies expedite the processing of applicants. The Department of State cannot require a third-party agency to complete their actions in any particular timeframe.</p> |
| Visa issuance to eligible applicants | 12 | Upon completion of administrative processing, applicant is instructed to obtain a medical exam, if required. The visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant. | N/A: Applicant-Controlled |

C. Afghan Allies Protection Act of 2009: Form I-360 Petitions Reviewed By USCIS

| Stage | | Description | Revised Adjudication Plan Performance Standard |
|--------------|--|--|---|
| | | USCIS adjudicates petition and sends to NVC if approved. | <p>Upon receipt of a petition from the applicant, USCIS will adjudicate the petition and send an approved petition to NVC within 60 calendar days unless USCIS issues a Request for Evidence (“RFE”) or a Notice of Intent to Deny (“NOID”) to the applicant.</p> <p>Upon receipt of a response to an RFE or a NOID, USCIS will adjudicate the petition and send an approved petition to NVC within 60 calendar days.</p> <p>Cases that require additional processing time to reconcile any national security concerns, see AAPA § 602(b)(4)(B); RCIA § 1242(c)(2), will be identified on the progress reports in the following manner: number of cases pending between 90-180 calendar days; number of cases pending between 181-240 calendar days; number of cases pending between 241 calendar days or more. For the purpose of progress reporting, the timeframes will be calculated starting from the date of receipt of the applicant’s petition.</p> |

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| | | <p>USCIS will request that third party agencies prioritize the vetting of these cases. The parties understand that USCIS cannot require a third-party agency to complete vetting in any particular timeframe.</p> <p>Based on these target timeframes, the parties expect that all cases awaiting USCIS adjudication as of the date of the beginning of each reporting period will be adjudicated before the end of the same reporting period, unless USCIS issued an RFE or a NOID or the case requires additional processing time to reconcile any national security concerns.</p> |
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III. PROGRESS REPORTS

Beginning 90 days after approval of this Proposed Revised Adjudication Plan and every 90 days thereafter, Defendants shall file a progress report with the Court within 30 days of the end of the 90-day reporting period. The progress report will include Defendants’ performance under the Revised Adjudication Plan Standards in section II during the prior 90-day period. If Defendants’ performance does not meet the standard for any particular step, the progress report will include an explanation regarding why Defendants’ performance did not meet the standard and, if appropriate, include actions to be taken to improve performance to bring it in line with the standard. The template for the progress report is attached hereto.

If Defendants meet their standards for four consecutive quarters, Defendants shall thereafter file a progress report with the Court every 180 days (instead of every 90 days).

If Defendants’ performance does not meet the standard, and Plaintiffs on a good faith basis believe that Defendants have not substantially complied with the Revised Adjudication Plan, within fourteen (14) days after filing of the progress report, Plaintiffs must notify Defendants in writing, specifying the basis for Plaintiffs’ challenge to Defendants’ performance. Within fourteen (14) days of receipt of Plaintiffs’ correspondence—or at another time mutually agreed upon by the

parties—the parties will meet and confer to attempt to resolve any differences. No party may file an enforcement motion or otherwise seek judicial relief related to the allegations of substantial noncompliance until after this meet and confer, and failure by a party to meet any of the above deadlines constitutes waiver of the right to seek judicial relief with respect to an allegation.

TEMPLATE PROGRESS REPORT

Defendants submit this Progress Report as required under the Court’s Order of [DATE].

This Progress Report is for the period of [Month Day, Year] to [Month Day, Year] and includes reporting on all Afghan and Iraqi SIV applicants and not just those who are class members in *Afghan Allies & Iraqis v. Blinken*.

I. Refugee Crisis in Iraq Act of 2007

A. Report

| | Number at the beginning of reporting period (as of Month DD, Year) | Number at the end of reporting period (as of Month DD, Year) | Number entering the step during the reporting period | Number completing the step during the reporting period | Number beginning and ending the reporting period in the step |
|---------------|---|---|--|---|---|
| Step 4 | [x] | [x] | [x] | [x] | [x] |
| Step 6 | [x] (Total number of petitions pending at the beginning of the reporting period (as of Month DD, Year)) [y] awaiting government action [z] (awaiting applicant action) [a] (national security cases pending between 90 to 180 days) [b] (national security cases pending between 181 to 240 days) | [x] (Total number of petitions pending a final action at the end of the reporting period (as of Month DD, Year)) [y] (awaiting government action) [z] (awaiting applicant action) | [x] (Number of petitions received during the reporting period) | [x] (Total number of petitions approved, denied, or administratively closed during the reporting period) [y] (approved) [z] (denied) [a] (administratively closed) | [x] (Total number of petitions received before the reporting period and pending final action as of the end of the reporting period) [y] (awaiting government action) [z] (awaiting applicant action) [a] (national security cases pending between 90 to 180 days) [b] (national security cases pending between 181 to 240 days) |

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| | [c] (national security cases pending greater than 241 days) | | | | [c] (national security cases pending greater than 241 days) |
| Step 10 | [x] (awaiting interview scheduling) | [x] (awaiting interview scheduling) | [x] | [x] | [x] (awaiting interview scheduling) |
| | [y] (awaiting interview) | [y] (awaiting interview) | | | [y] (awaiting interview) |
| Step 12 | [x] (Total number of cases in administrative processing) | [x] (Total number of cases in administrative processing) | [x] | [x] | [x] (Total number of cases in administrative processing) |
| | [a] (national security cases pending greater than 120 days) | [a] (national security cases pending greater than 120 days) | | | [a] (national security cases pending greater than 120 days) |
| | [b] (national security cases pending greater than 180 days) | [b] (national security cases pending greater than 180 days) | | | [b] (national security cases pending greater than 180 days) |
| | [c] (national security cases pending greater than 1 year) | [c] (national security cases pending greater than 1 year) | | | [c] (national security cases pending greater than 1 year) |
| Step 13 | | | | [x] (visas issued) | |

B. Performance Standards

1. Standards Met

For the period of this Progress Report, Defendants met the performance standards in the Revised Adjudication Plan for Steps [list steps].

2. Standard Not Met

For the period of this Progress Report, Defendants did not meet the performance standards in the Revised Adjudication Plan for Steps [list steps]

a. Step [list Step Number]

- i. Performance Standard [list Standard]
- ii. Actual Performance [list Performance]
- iii. Explanation [explain why Defendants did not meet standard and, if appropriate, actions to bring performance back in line with the standard.]

II. Afghan Allies Protection Act of 2009

A. Report

| | Number at the beginning of reporting period (as of Month DD, Year) | Number at the end of reporting period (as of Month DD, Year) | Number entering the step during the reporting period | Number completing the step during the reporting period | Number beginning and ending the reporting period in the step |
|----------------|--|--|--|---|--|
| Step 4 | [x] (new applications and reapplications, excluding appeals) | [x] (new applications and reapplications, excluding appeals) | [x] (new applications and reapplications, excluding appeals) | [x] (new applications and reapplications) [y] (appeals) | [x] (new applications and reapplications) [y] (appeals) |
| Step 9 | [x] (awaiting interview scheduling) [y] (awaiting interview) [z] (awaiting interview scheduling at post where demand exceeds capacity) [a] (awaiting interview at post where demand exceeds capacity) | [x] (awaiting interview scheduling) [y] (awaiting interview) [z] (awaiting interview scheduling at post where demand exceeds capacity) [a] (awaiting interview at post where demand exceeds capacity) | [x] | [x] | [x] (awaiting interview scheduling) [y] (awaiting interview) [z] (awaiting interview scheduling at post where demand exceeds capacity) [a] (awaiting interview at post where demand exceeds capacity) |
| Step 11 | [x] (Total number of cases in administrative processing) | [x] (Total number of cases in administrative processing) | [x] | [x] | [x] (Total number of cases in administrative processing) |

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|----------------|---|---|--|--------------------|---|
| | [a] (national security cases pending greater than 120 days) | [a] (national security cases pending greater than 120 days) | | | [a] (national security cases pending greater than 120 days) |
| | [b] (national security cases pending greater than 180 days) | [b] (national security cases pending greater than 180 days) | | | [b] (national security cases pending greater than 180 days) |
| | [c] (national security cases pending greater than 1 year) | [c] (national security cases pending greater than 1 year) | | | [c] (national security cases pending greater than 1 year) |
| Step 12 | | | | [x] (visas issued) | |

B. Performance Standards

1. Standards Met

For the period of this Progress Report, Defendants met the performance standards in the Revised Adjudication Plan for Steps [list steps].

2. Standard Not Met

For the period of this Progress Report, Defendants did not meet the performance standards in the Revised Adjudication Plan for Steps [list steps]

a. Step [list Step Number]

i. Performance Standard [list Standard]

ii. Actual Performance [list Performance]

iii. Explanation [explain why Defendants did not meet standard and, if appropriate, actions to bring performance back in line with the standard.]

III. Form I-360 Petitions Reviewed by USCIS

A. Report

| | Number at the beginning of reporting period (as of Month DD, Year) | Number at the end of reporting period (as of Month DD, Year) | Number entering the step during the reporting period | Number completing the step during the reporting period | Number beginning and ending the reporting period in the step |
|--|---|--|--|--|--|
| | <p>[x] (Total number of petitions pending at the beginning of the reporting period (as of Month DD, Year))</p> <p>[y] (awaiting government action)</p> <p>[z] (awaiting applicant action)</p> <p>[a] (national security cases pending between 90 to 180 days)</p> <p>[b] (national security cases pending between 181 to 240 days)</p> <p>[c] (national security cases pending greater than 241 days)</p> | <p>[x] (Total number of petitions pending a final action at the end of the reporting period (as of Month DD, Year))</p> <p>[y] (awaiting government action)</p> <p>[z] (awaiting applicant action)</p> | <p>[x] (Number of petitions receipted during the reporting period)</p> | <p>[x] (Total number of petitions approved, denied, or administratively closed during the reporting period)</p> <p>[y] (approved)</p> <p>[z] (denied)</p> <p>[a] (administratively closed)</p> | <p>[x] (Total number of petitions receipted before the reporting period and pending final action as of the end of the reporting period)</p> <p>[y] (awaiting government action)</p> <p>[z] (awaiting applicant action)</p> <p>[a] (national security cases pending between 90 to 180 days)</p> <p>[b] (national security cases pending between 181 to 240 days)</p> <p>[c] (national security cases pending greater than 241 days)</p> |

B. Performance Standard

1. Standard Met

For the period of this Progress Report, Defendants met the performance standards in the Revised Adjudication Plan for Steps [list steps].

2. Standard Not Met

For the period of this Progress Report, Defendants did not meet the performance standards in the Revised Adjudication Plan for Step [list step]

a. Step [list Step Number]

i. Performance Standard [list Standard]

ii. Actual Performance [list Performance]

iii. Explanation [explain why Defendants did not meet standard and, if appropriate, actions to bring performance back in line with the standard.]