

## **Exhibit 1**

to the Declaration of Deepa Alagesan in Support of Plaintiffs’  
Objections to Defendants’ Proposed Revised Adjudication Plan

*Afghan and Iraqi Allies Under Serious Threat Because of Their Faithful Service to  
the United States v. Blinken, et al.*, Case No. 18-cv-01388-TSC

**[PLAINTIFFS' PROPOSED] REVISED 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"). The Court has ordered the new methodology to include those applicants who joined the class after May 21, 2020.<sup>1</sup>

Class members covered by the Revised Adjudication Plan are all people who 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 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 whose applications have been awaiting government action for longer than 9 months, as of November 30, 2022, the date of the Court's order directing this revised adjudication plan. The following parameters will be used to identify class members:<sup>2</sup>

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

<sup>2</sup> The parties acknowledge that this methodology will result in over-inclusive class identification, but no class identification methodology will perfectly capture class members given the manner in which Defendants maintain records for SIV applicants and that any methodology will be over-inclusive and/or under-inclusive.

- (1) submitted Chief of Mission (“COM”) applications to the National Visa Center (“NVC”) prior to February 28, 2022 [*i.e.*, (CASE\_RECEIVE\_DTE) is earlier than February 28, 2022], and whose COM applications are pending, either on original review or on appeal, or approved;
- (2) submitted COM applications to the NVC prior to February 28, 2022 and whose COM applications were denied 120 days or fewer before the date that Defendants apply class identification tags [*i.e.*, (CASE\_RECEIVE\_DTE) is earlier than February 28, 2022 AND (NOT\_APPROVED\_DTE) is later than [(*Date Defendants apply class identification tags*) minus 120 days]], and therefore are still within the statutorily allotted 120-day time period for appealing the denial;
- (3) submitted I-360 petitions that are pending or were issued a notice of approval [*i.e.*, (I-360 Filing Date) is earlier than November 30, 2022]; or
- (4) are pre- or post- visa application interview [*i.e.*, whose NVC\_CREATE\_DATE is earlier than November 30, 2022], including those refused under INA section 221(g) for administrative processing.

## **II. REVISED ADJUDICATION PLAN STANDARDS**

For individuals applying for Iraqi SIVs, Defendants Department of State and U.S. Citizenship and Immigration Services (“USCIS”) will meet the performance standards below in section A. For individuals applying for Afghan SIVs, Defendant Department of State will 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 meet the performance standards below in section C.

A. Refugee Crisis in Iraq Act of 2007

<b>Stage</b>	<b>Step</b>	<b>Description</b>	<b>Revised Adjudication Plan Performance Standard</b>
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 calendar days (or 10 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 calendar days (or 3 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 automatically informed of the decision.	The COM Designee will adjudicate a completed application or appeal within 60 calendar days of receipt from NVC.
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.	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>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 post-interview	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 5 calendar days (or 3 business days).
	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 and notify the applicant within 15 calendar days (or 10 business days) of receipt.
	10	NVC schedules applicant for next available visa application interview at U.S. embassy or consulate.	<p>After the NVC determines the case is documentarily complete, the NVC will offer the applicant the next available interview within 10 calendar days (or 8 business days) of making that determination.</p> <p>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.</p>
	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.	<p>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 calendar days (or 3 business days).</p> <p>If the applicant is required to provide any additional information or documentation, the consular officer will initiate any administrative processing within 5 calendar days (or 3 business days) of receipt of all necessary information or documentation.</p>

	12	The applicant's case undergoes administrative processing	<p>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.</p> <p>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.</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 calendar days (or 10 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."	NVC will mark the application or appeal as "document complete" as soon as the application or appeal is determined to be documentarily complete.
	4	COM staff processes and 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 Designee will adjudicate a completed application or appeal and notify the applicant of the decision within 120 days of receipt from the NVC. The State Department will have until November 30, 2023, to begin complying with this performance standard.
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, or an approved Form I-360 petition from USCIS, NVC will send an instruction packet to the applicant within 5 calendar days (or 3 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 and notify the applicant within 15 calendar days (or 10 business days) of receipt. By no later than the time that NVC notifies the applicant that the case is documentarily complete, NVC will inform applicants of how they can request interview scheduling as provided in step 8.
	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 a case would not be considered pending government action unless and until the U.S. Embassy in Kabul is able to resume visa processing.	N/A: Applicant-Controlled

9	<p>NVC schedules applicant for next available visa application interview at applicable U.S. embassy or consulate.</p>	<p>After the NVC determines the application is complete, the NVC will offer the applicant the next available interview within 10 calendar days (or 8 business days) of making that determination or of the applicant completing step 8, whichever is later.</p> <p>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.</p>
10	<p>Applicant is interviewed and biometrics are collected by consular officer on the scheduled appointment date. Administrative processing, if needed, is initiated following the interview.</p>	<p>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 calendar days (or 3 business days).</p> <p>If the applicant is required to provide any additional information or documentation, the consular officer will initiate any administrative processing within 5 calendar days (or 3 business days) of receipt of all necessary information or documentation.</p>
11	<p>The applicant's case undergoes administrative processing.</p>	<p>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.</p> <p>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.</p> <p>For the purpose of progress reporting, the beginning date for these cases is the date the</p>

			<p>consular officer placed the case in administrative processing.</p> <p>The Department of State will request that third party agencies expedite the processing of class members. The Department of State cannot require a third-party agency to complete their actions in any particular timeframe.</p>
<p>Visa issuance to eligible applicants</p>	<p>12</p>	<p>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.</p>	<p>N/A: Applicant-Controlled</p>

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

<b>Stage</b>	<b>Description</b>	<b>Revised Adjudication Plan Performance Standard</b>
	<p>USCIS adjudicates petition and sends to NVC if approved.</p>	<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</p>

			<p>purpose of progress reporting, the timeframes will be calculated starting from the date of receipt of the applicant’s petition.</p> <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 20 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' performance does not meet the standard, and Plaintiffs on a good faith basis do not believe that Defendants' explanation or revised plan for adjudicating delayed applications is sufficient, 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 noncompliance until after this meet and confer.

**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].

**I. Class Member Breakdown<sup>1</sup>**

Refugee Crisis in Iraq Act of 2007

A. Report

	<b>Number of Class Members at the beginning of reporting period (as of Month DD, Year)</b>	<b>Number of Class Members at the end of reporting period (as of Month DD, Year)</b>	<b>Number of Class Members entering the step during the reporting period</b>	<b>Number of Class Members completing the step during the reporting period</b>	<b>Number of Class Members beginning and ending the reporting period in the step</b>
<b>Step 4</b>	[x]	[x]	[x]	[x]	[x]
<b>Step 6</b>	[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)	[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)  [y] (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)  [z] (awaiting government action)  [z] (awaiting applicant action)

<sup>1</sup> The parties acknowledge that this report may include SIV applicants outside of the Court’s class definition that the parties have nonetheless agreed to treat as class members because no class identification methodology can perfectly capture class members given the manner in which Defendants maintain records for SIV applicants.

	[a] (national security cases pending between 90 to 180 days)  [b] (national security cases pending between 181 to 240 days)  [c] (national security cases pending greater than 241 days)	[a] (national security cases pending between 90 to 180 days)  [b] (national security cases pending between 181 to 240 days)  [c] (national security cases pending greater than 241 days)			[a] (national security cases pending between 90 to 180 days)  [b] (national security cases pending between 181 to 240 days)  [c] (national security cases pending greater than 241 days)
<b>Step 10</b>	[x] (awaiting interview scheduling)  [y] (awaiting interview)	[x] (awaiting interview scheduling)  [y] (awaiting interview)	[x]	[x]	[x] (awaiting interview scheduling)  [y] (awaiting interview)
<b>Step 12</b>	[x] (Total number of cases in administrative processing)  [a] (national security cases pending greater than 120 days)  [b] (national security cases pending greater than 180 days)  [c] (national security cases pending greater than 1 year)	[x] (Total number of cases in administrative processing)  [a] (national security cases pending greater than 120 days)  [b] (national security cases pending greater than 180 days)  [c] (national security cases pending greater than 1 year)	[x]	[x]	[x] (Total number of cases in administrative processing)  [a] (national security cases pending greater than 120 days)  [b] (national security cases pending greater than 180 days)  [c] (national security cases pending greater than 1 year)

					cases pending greater than 1 year)
<b>Step 13</b>				[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]



Afghan Allies Protection Act of 2009

A. Report

	<b>Number of Class Members at the beginning of reporting period (as of Month DD, Year)</b>	<b>Number of Class Members at the end of reporting period (as of Month DD, Year)</b>	<b>Number of Class Members entering the step during the reporting period</b>	<b>Number of Class Members completing the step during the reporting period</b>	<b>Number of Class Members beginning and ending the reporting period in the step</b>
<b>Step 4</b>	[x]	[x]	[x]	[x]	[x]
<b>Step 9</b>	[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)
<b>Step 11</b>	[x] (Total number of cases in administrative processing)  [a] (national security cases pending greater than 120 days)  [b] (national security cases	[x] (Total number of cases in administrative processing)  [a] (national security cases pending greater than 120 days)  [b] (national security cases	[x]	[x]	[x] (Total number of cases in administrative processing)  [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 1 year)	pending greater than 180 days)  [c] (national security cases pending greater than 1 year)			pending greater than 180 days)  [c] (national security cases pending greater than 1 year)
<b>Step 12</b>				[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.]

Form I-360 Petitions Reviewed by USCIS

A. Report

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

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]