

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JANE DOE,

Plaintiff,

– against –

UR M. JADDOU, et al.,

Defendants.

Case No.: 8:24-cv-650-TDC

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND
MEMORANDUM OF LAW IN SUPPORT

TABLE OF CONTENTS

Introduction..... 5

Statement of Facts..... 7

 I. Congress Explicitly Exempts Refugees from Documentation Requirements in the Refugee Act..... 7

 II. Defendants Treat Returning Refugees Without Refugee Travel Documents as Inadmissible. 8

 III. DHS Adjudicates Applications for Refugee Travel Documents for Resettled Refugees Seeking to Travel Abroad Before They Become Permanent Residents..... 9

 IV. Jane Doe is Unable to Resume Her Refugee Status in the United States Following her Refugee Travel Document Denial..... 11

 a. Jane Doe and Her Children Are Resettled in the United States but Must Hastily Return to Iraq. 11

 b. Jane Doe Applies for But Is Denied a Refugee Travel Document..... 12

 c. The Well-Documented Threats the Family Faces in Iraq and Their Efforts to Return to the United States. 14

Argument 16

 I. Plaintiff is Likely to Succeed on the Merits of Her Claim That Defendants’ Policy Violates the APA. 17

 a. Defendants’ Policy that Jane Doe is Inadmissible as a Refugee without a Refugee Travel Document is Ultra Vires and Contrary to Law..... 18

 b. Defendants’ Policy That Requires Jane Doe to Have a Refugee Travel Document to Return Under Her Refugee Status is Arbitrary and Capricious. 22

 II. Absent an Injunction, Plaintiff Faces Irreparable Harm Because of Defendants’ Policy. 26

 III. The Balance of the Equities Tips in Plaintiff’s Favor, and a Preliminary Injunction Serves the Public Interest. 28

Conclusion 29

TABLE OF AUTHORITIES

Cases

Bennett v. Spear,
520 U.S. 154 (1997)..... 17

Bowen v. Georgetown Univ. Hosp.,
488 U.S. 204 (1988)..... 22

Casa De Maryland v. U.S. Dep’t of Homeland Sec.,
924 F.3d 684 (4th Cir. 2019)..... 23

CASA de Maryland, Inc. v. Trump,
971 F.3d 220 (4th Cir. 2020)..... 18

Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.,
467 U.S. 837 (1984)..... 17, 18, 22

Guilford Coll. v. McAleenan,
389 F. Supp. 3d 377 (M.D.N.C. 2019)..... 27

HIAS, Inc. v. Trump,
985 F.3d 309 (4th Cir. 2021)..... 17

Int’l Refugee Assistance Project v. Trump,
883 F.3d 233 (4th Circ. 2018)..... 27

J.O.P. v. U.S. Dep’t of Homeland Sec.,
409 F. Supp. 3d 367 (D. Md. 2019) 27

Judulang v. Holder,
565 U.S. 42 (2011)..... 17, 23, 26

King v. Burwell,
759 F.3d 358 (4th Cir. 2014)..... 22

League of Women Voters of U.S. v. Newby,
838 F.3d 1 (D.C. Cir. 2016) 29

Maryland Dep’t of Health & Mental Hygiene v. Centers For Medicare & Medicaid Servs.,
542 F.3d 424 (4th Cir. 2008)..... 18

Mayor & City Council of Balt. v. Azar,
392 F. Supp.3d 602 (D. Md. 2019) 28, 29

Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.,
463 U.S. 29 (1983)..... 17, 22, 23, 26

Nken v. Holder,
556 U.S. 418 (2009)..... 28

Outdoor Amusement Bus. Ass'n v. Dep't of Homeland Sec.,
983 F.3d 671 (4th Cir. 2020) 22

Roe v. Dep't of Defense,
947 F.3d 207 (4th Cir. 2020)..... 28

Sierra Club v. W. Va. Dep't of Env't Prot.,
64 F.4th 487 (4th Cir. 2023)..... 23

Winter v. Nat. Res. Def. Council, Inc.,
555 U.S. 7 (2008)..... 17, 28

Statutes

5 U.S.C. § 706(2) 17, 18, 22, 23

8 U.S.C. § 1157 *passim*

8 U.S.C. § 1159(a) 8

8 U.S.C. § 1181 *passim*

8 U.S.C. § 1182 *passim*

8 U.S.C. § 1229a 24

Pub. L. No. 96-212, 94 Stat. 102 (1980)..... 5, 7, 19

Rules

62 Fed. Reg. 10312 (Mar. 6, 1997)..... 9, 24

8 C.F.R. § 207.9 24

8 C.F.R. § 223 *passim*

8 C.F.R. § 274a.12(a) (3), (4)..... 10

8 C.F.R. pt. 235 24

Introduction

Plaintiff Jane Doe is an Iraqi refugee abroad seeking to preliminarily enjoin Defendants' requirement to have a refugee travel document to return to the United States with her children. Plaintiff is requesting emergency relief because her children have permission to travel to the United States only before May 9, after which point they may permanently lose the ability to return under their still-valid refugee status. As a result, Plaintiff currently faces the decision of whether to send her minor children to the United States without a parent or keep her children in Iraq, where they face threats and insecurity.

In the Refugee Act of 1980, Congress codified the United States' commitment to providing safety to those fleeing persecution and enacted a comprehensive framework for refugee admissions. Pub. L. No. 96-212, 94 Stat. 102 (1980) ("Refugee Act"). As part of this framework, Congress explicitly exempted refugees from documentation requirements that apply to other noncitizens seeking admission to the United States. It also created protections and benefits for resettled refugees, such as limiting the grounds for termination of refugee status, which together, have created enhanced safeguards for refugees across agency policies. Nevertheless, Defendants have a policy requiring resettled refugees to obtain a refugee travel document to resume their refugee status in the United States after temporary travel abroad.

Defendants' refugee travel document policy upends the well-established protections created by Congress. Under the Refugee Act, refugees may not be deemed inadmissible to the United States because of a lack of travel documents. 8 U.S.C. § 1157(c)(3); 8 U.S.C. § 1182(a)(7)(A); *see also* 8 U.S.C. § 1181(a), (c). Notwithstanding Congress' clear intent to exempt refugees from documentation requirements, Defendants assert that the "lack of a valid and unexpired refugee travel document renders a returning refugee . . . inadmissible, and he or

she may not be readmitted to his prior status without it.” Ex. C, Decl. of Kathryn C. Meyer (“Meyer Decl.”), Ex. 1, Memorandum of INS General Counsel, Bo Cooper, “Readmission of Refugees and Asylees Without Travel Documents” 5 (November 23, 1999) (“Cooper Memo”). Defendants’ regulations likewise require that refugees “must have a refugee travel document to return to the United States after temporary travel abroad[.]” 8 C.F.R. § 223.1(b). Even if a refugee abroad has still-valid refugee status—and contrary to Congress’ directive that refugee status can only be terminated if a noncitizen “was not in fact a refugee” when admitted to the United States, 8 U.S.C. § 1157(c)(4)—refugees like Jane Doe are functionally unable to access their status unless Defendants issue a refugee travel document. Defendants’ policy thus places the decision of whether a refugee’s status can be de facto terminated in the hands of a single officer adjudicating a refugee travel document application, without any further process or right to appeal that decision.

Jane Doe’s situation underscores the devastating consequences of Defendants’ policy. Ex. A, Decl. of Jane Doe (“Doe Decl.”). Jane Doe fled persecution in Iraq due to her father’s work as a translator for the United States and resettled in Virginia with her children. *Id.* ¶¶ 4-9. Her husband, who had stayed behind in Iraq, then received a death threat from the same Shiite militia that had killed her father and around the same time, his refugee application was denied. *Id.* ¶ 11. Jane Doe urgently arranged to travel to Iraq to comfort her husband and give her children what she believed might be their last opportunity to see their father. *Id.* ¶ 13. In accordance with agency regulations, she timely applied for refugee travel documents for herself and her children to return to the United States from abroad. *Id.* ¶ 17. But the agency delayed adjudicating the family’s applications for over five years, during which time Jane Doe and her children were forced to remain under threat in Iraq. *Id.* ¶¶ 15, 21. Only after bringing federal mandamus

litigation did Jane Doe finally receive decisions: Defendants approved her two minor children’s refugee travel documents but denied hers. *Id.* ¶¶ 22-25. Jane Doe now faces an excruciating choice: send her two minor children to the United States without a parent before their refugee travel documents expire in May, or keep her children in Iraq where they are threatened by the very Shiite militias they thought they had found refuge from in the United States. *Id.* ¶¶ 27-29. Defendants’ policy unlawfully deems Jane Doe to be inadmissible to resume her still-valid refugee status without an approved refugee travel document, and de facto terminates her refugee status without consideration for the procedural protections Congress created for refugees.

Plaintiff respectfully requests that the Court issue a preliminary injunction to stop Defendants from applying their unlawful refugee travel document policy to Jane Doe. As explained below, Plaintiff is likely to succeed on the merits of the claim that the policy is unlawful under the Administrative Procedure Act (“APA”) because it is ultra vires, contrary to law, and arbitrary and capricious. Jane Doe is already irreparably harmed by Defendants’ policy, which has prevented her from safely returning to the United States with her children and will continue to be harmed by the requirement to have a refugee travel document going forward. The balance of equities thus tips sharply in Plaintiff’s favor, and the public interest is served by requiring Defendants to comply with their obligations under federal law.

Statement of Facts

I. Congress Explicitly Exempts Refugees from Documentation Requirements in the Refugee Act.

Congress carefully crafted policies for refugee admissions in the Refugee Act of 1980. Pub. L. No. 96-212, 94 Stat. 102 (1980). The Refugee Act’s “comprehensive” provisions amended the Immigration and Nationality Act (“INA”) to provide “a permanent and systematic

procedure for the admission . . . of refugees of special humanitarian concern to the United States[.]” *Id.* § 101(b). Refugees have fled persecution in their country of origin and apply to resettle in the United States from abroad. After a lengthy application process, approved refugees fly to the United States and are welcomed by resettlement agencies who provide basic needs support such as housing and job assistance. The Refugee Act’s statutory framework affords refugees certain privileges and protections as part of this resettlement process, including an explicit exemption from documentation requirements that apply to other arriving noncitizens seeking admission to the United States. Under the Refugee Act, refugees are exempt from the “Documentation Requirement” inadmissibility ground that otherwise bars a noncitizen who lacks a “valid entry document” and “suitable travel document” as inadmissible. 8 U.S.C. § 1182(a)(7)(A); 8 U.S.C. § 1157(c)(3). And refugees are exempt from the requirement to “present[] a valid unexpired passport or other suitable travel document” in order to be admitted to the United States. 8 U.S.C. § 1181(a), (c).

II. Defendants Treat Returning Refugees Without Refugee Travel Documents as Inadmissible.

Resettled refugees in the United States are entitled to non-discretionary adjustment of status to lawful permanent residence after one year of residence. 8 U.S.C. § 1159(a); *see also* Ex. E, USCIS Policy Manual, Vol. 7, Part L, Ch. 5, § F, <https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-5> (current Mar. 7, 2024). But refugees may be faced with an urgent need to travel abroad before they have a green card in hand, such as when a family member overseas falls ill or needs immediate support.

Even though the Refugee Act explicitly states that refugees shall not be inadmissible because they lack a “valid entry document” and “suitable travel document,” 8 U.S.C. §

1182(a)(7)(A); 8 U.S.C. § 1157(c)(3), Defendants treat returning refugees without refugee travel documents as inadmissible to the United States. This policy is expressed in an agency memorandum, which states that the “lack of a valid and unexpired refugee travel document renders a returning refugee . . . inadmissible, and he or she may not be readmitted to his prior status without it.” Cooper Memo at 5.¹ It is also reflected in agency regulations requiring that refugees “*must* have a refugee travel document to return to the United States after temporary travel abroad[.]” 8 C.F.R. § 223.1(b) (emphasis added).

III. DHS Adjudicates Applications for Refugee Travel Documents for Resettled Refugees Seeking to Travel Abroad Before They Become Permanent Residents.

Refugees apply for a “refugee travel document” by filing a Form I-131 Application for Travel Document with USCIS. *See* Ex. F, USCIS, I-131 Application for Travel Document, <https://www.uscis.gov/i-131> (last updated Jan. 30, 2024). Initially, USCIS required that refugees apply for a refugee travel document “while in the United States and in valid refugee status[.]” 8 C.F.R. § 223.2(b)(2)(i). In 1997, USCIS amended its regulations to add discretionary authority for the agency to accept and adjudicate refugee travel document applications filed from abroad. 8 C.F.R. § 223.2(b)(2)(ii); *see* 62 Fed. Reg. 10312, 10315 (Mar. 6, 1997). For applications filed from abroad, the adjudicating officer must be satisfied that: the applicant “did not intend to abandon [their] refugee . . . status at the time of departure from the United States”; they “did not engage in any activities while outside the United States that would be inconsistent with continued refugee . . . status”; and they have been “outside the United States for less than 1 year

¹ Current USCIS officer trainings list the Cooper Memo as required reading and include an excerpt discussing “inadmissibility . . . created by the lack of a refugee travel document[.]” Meyer Decl., Ex. 2, USCIS Int’l Ops. Officer Training, Humanitarian and Significant Public Benefit Parole 4, 65 (Mar. 8, 2017); *see also id.*, Ex. 3, USCIS Int’l Ops. Officer Training, Humanitarian and Significant Public Benefit Parole 4, 67 (Draft Date Apr. 18, 2022).

since [their] last departure.” 8 C.F.R. § 223.2(b)(2)(ii)(A)-(C). USCIS has the discretion to approve or deny all requests for refugee travel documents. 8 C.F.R. § 223.2(e).

Approved refugee travel documents are valid for one year and may not be extended. 8 C.F.R. § 223.3(a)(2), (c). Refugees who return to the United States with a valid refugee travel document are readmitted under their refugee status, 8 C.F.R. § 223.3(d)(2), and can again access the unique protections and benefits that refugee status provides. For example, unlike other noncitizens admitted to the United States, refugees are automatically entitled to work authorization. 8 C.F.R. § 274a.12(a) (3), (4). And refugee status can only be terminated if an individual “was not in fact a refugee” when admitted to the United States—i.e., not due to changed conditions in the refugee’s country of origin or firm resettlement abroad. 8 U.S.C. § 1157(c)(4); Ex. G, USCIS Policy Manual, Vol. 7, Part L, Ch. 6, <https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-6> (current Mar. 7, 2024).

If, however, the agency exercises its discretion to deny a refugee travel document application, there is no appeal from that decision. *See* Ex. B, Affirmation of Karen Sebaski (“Sebaski Affirm.”) ¶ 21, *see also id.*, Ex. 1 at 4. Refugees can only file a motion to reopen or reconsider the denial if new facts have emerged or the decision was based on an incorrect application of law or policy based on the pre-existing evidence in the record. Defendants are not obligated to make a final decision on a motion to reopen or reconsider within a particular timeframe.

Refugees abroad who have been denied refugee travel documents may also apply for a discretionary grant of temporary humanitarian or significant public benefit parole to return to the United States under 8 U.S.C. § 1182(d)(5). But parole is an extraordinary measure that is granted

sparingly, and refugees returning with a grant of parole will not be formally readmitted to the United States under their prior refugee status.

IV. Jane Doe is Unable to Resume Her Refugee Status in the United States Following her Refugee Travel Document Denial.

a. Jane Doe and Her Children Are Resettled in the United States but Must Hastily Return to Iraq.

Jane Doe, her husband and their then-two children sought admission to the United States as refugees to escape threats to their lives in Iraq from Shiite militias. Doe Decl. ¶¶ 6-7. The militants threatened Jane Doe's family and murdered her father because of his work as a translator for the United States. *Id.* ¶¶ 4-5. The United States granted Jane Doe and their children's refugee applications, but deferred decision on Jane Doe's husband's application. *Id.* ¶ 8. Fearing for her and her children's safety and believing that her husband would be able to join them in the United States shortly thereafter, Jane Doe immigrated to the United States as a refugee in 2016 with the couple's two children. *Id.* ¶ 9.

Upon resettlement in the United States, Jane Doe was relieved to have her children out of harm's way. Jane Doe enrolled her children in school and began attending English classes. *Id.* ¶10. She also participated in a job training program as she considered potential career paths, enrolled her family in a healthcare program, and opened a bank account. *Id.*

Shortly after Jane Doe and her children were resettled as refugees, her husband received a death threat in the form of a letter with a bullet enclosed from the same Shiite militia that had killed her father. *Id.* ¶ 11. The militia's threat was also reminiscent of the threats her father received before he was killed and Jane Doe took the threat very seriously. *Id.* ¶¶ 11, 13. Around this time, USCIS denied her husband's refugee application. *Id.* ¶ 12. Fearing for her husband's

life and hoping to give her children an opportunity to see their father, perhaps for the last time, Jane Doe rushed to arrange travel to visit Iraq. *Id.* ¶ 13. Before departing, Jane Doe consulted with a legal representative about the requirements for returning to the United States after visiting Iraq. *Id.* ¶ 14. She learned that she would need to apply for travel documents, but the process could take several months,² and she could apply from abroad. *Id.* Due to the urgency of her husband's situation, Jane Doe departed before applying for travel documents with the intent of applying while in Iraq. *Id.*

b. Jane Doe Applies for But Is Denied a Refugee Travel Document.

Just a few weeks after arriving in Iraq, Jane Doe contacted the International Refugee Assistance Project for help in applying for travel documents to return to the United States. *Id.* ¶ 16. In July 2017, within one year of departing the United States as required by Defendants' regulations, Jane Doe submitted her family's refugee travel document applications to USCIS. *Id.* ¶ 17.

For several months, Jane Doe did not receive any word about her pending refugee travel document applications. The couple welcomed their third child in September 2017. *Id.* ¶ 31. Then in April 2018, USCIS issued a request for more evidence, which she timely responded to in May 2018. *Id.* ¶¶ 18-19. She also traveled to Baghdad with her children for an in-person interview with USCIS in June 2018. *Id.* ¶ 20. After the interview, Jane Doe waited almost five more years before USCIS took any substantive action on her travel document applications. *Id.* ¶ 21. During these years of waiting, Jane Doe's counsel submitted no less than five expedite requests,

² Median processing time for an I-131 travel document has ballooned over the last five years, from 2.8 months in Fiscal Year 2019 to 15.5 months in Fiscal Year 2024. Ex. J, USCIS, Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year (Jan. 31, 2024), available at <https://egov.uscis.gov/processing-times/historic-pt>.

detailing the family's urgent situation and escalating threats of violence in Iraq, and requesting that the agency decide her applications so she and her children could return to the United States.³ Sebaski Affirm. ¶¶ 4-9. Only after Jane Doe filed a lawsuit challenging USCIS's unreasonable delay in deciding her applications was USCIS finally spurred to act. *See id.* ¶¶ 16-21; Compl., *Doe v. Blinken*, No. 1:22-cv-02629 (D.D.C. Aug. 31, 2022), ECF No. 1. In response to the litigation, USCIS approved Jane Doe's daughter's application in December 2022 and later approved her son's application in April 2023. Sebaski Affirm. ¶¶ 18-19. But, in January 2023, USCIS denied Jane Doe's application. *Id.* ¶ 21. A few months later, Jane Doe filed a motion to reopen and reconsider the denial with USCIS—the only administrative avenue available to her to dispute the decision—but her motion remains pending to this day. *Id.* ¶¶ 22-29.

USCIS's denial of Jane Doe's travel document application reflects the lack of safeguards for refugees inherent in the adjudication process. For example, the adjudicating officer erroneously concluded that Jane Doe had engaged in activities inconsistent with continued refugee status by re-availing herself of government services (because she and her children sought to renew their expired passports), but this ignores the fact that Jane Doe's refugee claim was never based on persecution by the Iraqi government (rather non-government militia), such that any alleged re-availment of protections from the Iraqi government do not undermine her refugee claim. *Id.* ¶ 23; *see also id.* Ex. 1 at 4.

In another example, USCIS found that the circumstances of Jane Doe's case did not merit a favorable exercise of discretion because the adjudicating officer determined that she had seen

³ During this time the only update Jane Doe received regarding her application was confirmation in 2021, after repeated inquiries by counsel, that her applications had been transferred to USCIS headquarters in the United States. Her counsel had independently learned in 2020 that the USCIS Rome Office had permanently closed, and the applications would be transferred, but did not receive official notice of this development. Sebaski Affirm. ¶¶ 12-15.

very little of her husband since returning to Iraq even though it was the reason she returned. *Id.* ¶ 24. But this finding was based on alleged statements from her two minor children during their interview that they had only seen their father a few times since returning and that their mother had only seen him for a few seconds in the car. *Id.*; *see also id.* Ex. 1 at 3. Setting aside the inappropriateness of relying on an interview of a 9- and 11-year-old child conducted while they were separated from their mother and by an interpreter who speaks a different dialect of Arabic, this finding was clearly erroneous because it was contradicted by the undisputed fact that at the time of her interview in 2018, Jane Doe had recently given birth to the couple's third child. *See id.* ¶ 24. This finding also disregarded the voluminous evidence of threats the family faces from the Shiite militia, which led Jane Doe and her husband to avoid seeing each other regularly so as not to put their lives at greater risk.³ *See infra*, Statement of Facts–Sec. IV(c). And while Jane Doe has requested USCIS to reconsider its denial by highlighting these errors and many others, the flawed adjudication of her travel document application underscores how Defendants' travel document policies fly in the face of the procedural protections for refugees that Congress enacted in the Refugee Act. *See infra*, Argument–Sec. I.

c. The Well-Documented Threats the Family Faces in Iraq and Their Efforts to Return to the United States.

The Shiite militia's threats against Jane Doe and her husband, which precipitated her visit to see her husband, have not abated since her return to Iraq. Doe Decl. ¶¶ 29-36. Because of the threats she has experienced, Jane Doe has relocated multiple times with her children to avoid detection. *Id.* ¶¶ 33, 35. To protect her family, Jane Doe keeps a low profile and rarely leaves the

³ The evidence of these threats was presented in the five expedite requests Jane Doe's counsel submitted to USCIS in July 2017, January 2019, March 2020, February 2021, and September 2021. Sebaski Affirm. ¶¶ 4-9.

house. *Id.* ¶ 35. She also decided not to enroll her children in school because the local public school does not have a security guard and she is afraid her children will not be safe. *Id.* ¶ 30.

The Shiite militants also threatened Jane Doe's husband with physical harm unless he separated from her and took their children away from her as a punishment. *Id.* ¶ 31. As a result, Jane Doe and her two eldest children have been separated for years; Jane Doe has only been able to see them sparingly. *Id.* The separation from her children has been extremely painful for Jane Doe. *Id.* ¶ 31.

In another incident, Jane Doe was picking up medication for asthma, which she has developed since returning to Iraq, at a local pharmacy when three armed men from the militia emerged from a truck and violently assaulted her. *Id.* ¶ 32. They accused her of spying for the U.S. government and warned her that her name had been put on a list due to her father's affiliation with U.S. forces in Iraq. *Id.* Jane Doe was left with bruises and scars on her arms, legs, and chest from this assault. *Id.*

For Jane Doe and her children, the constant threats they face and restrictions on their lives they must endure make living in Iraq untenable. *Id.* ¶¶ 29-37. It was always Jane Doe's intention to return to the United States when she left to visit Iraq, and she has spent most of the last six years using every tool at her disposal to do so. *Id.* ¶¶ 14-28; *see also* Sebaski Affirm. Although Jane Doe continues to have valid refugee status, under Defendants' current policies, she cannot return to the United States unless she obtains a refugee travel document. Jane Doe applied for such a document and her application complied with all USCIS requirements, but after years of advocating to receive a decision, USCIS denied her application. Sebaski Affirm ¶¶ 4-9, 12-21. Jane Doe has sought to reopen and reconsider this denial, but USCIS has not responded to her request. *Id.* ¶¶ 22-28.

This leaves Jane Doe and her children in an impossible situation: per Defendants' policies, the children's refugee travel documents are only valid for one year, until May 9, 2024, after which they too will lose the ability to travel back to the United States. *Id.* ¶¶ 20, 27; 8 C.F.R. § 223.3(a)(2), (c).⁴ But Jane Doe is fearful and pained at the idea of sending her two eldest minor children to the United States without a parent or legal guardian. The family is thus forced to remain in Iraq, where they continue to experience the very persecution that entitled them to refugee status to begin with. For Jane Doe, living in Iraq is no life at all—she lives in constant fear that Shiite militants will harm or kill her for her connections to the United States, particularly now that the United States is bombing these militants in Iraq, and she is separated from her two eldest children. Doe Decl. ¶¶ 31, 36; Ex. D, Helene Cooper & Alissa J. Rubin, *U.S. Strike in Baghdad Kills Iranian-Backed Militia Commander*, N.Y. Times (Feb. 7, 2024), <https://www.nytimes.com/2024/02/07/us/politics/us-strike-iraq-milita.html>. Jane Doe feels as though her life has been put on hold; meanwhile, she waits with anxiety as May 9 approaches at which time her children, like her, may lose their only opportunity to resume their refugee status in the United States.

Argument

This Court should grant Plaintiff's motion because Plaintiff is (1) likely to succeed on the merits of her claim, (2) likely to suffer irreparable harm absent an injunction, (3) the balance of hardships weighs in Plaintiffs' favor, and (4) an injunction serves the public interest. *HIAS, Inc.*

⁴ This week, Jane Doe plans to submit an application for humanitarian parole for her youngest child, born after her return to Iraq, seeking permission for her to return to the United States with Jane Doe and the two older children in the event they are approved to travel together. Sebaski Affirm. ¶¶ 10-11, 30. This is the second such humanitarian parole application for her youngest child; USCIS denied the first application, filed in 2018, as a matter of discretion. *Id.*

v. Trump, 985 F.3d 309, 315–16, 318-319 (4th Cir. 2021) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)).

I. Plaintiff is Likely to Succeed on the Merits of Her Claim That Defendants’ Policy Violates the APA.

Plaintiff is likely to succeed on the merits of the claim that Defendants’ refugee travel document policy violates the Administrative Procedure Act (“APA”) for two reasons. First, it is ultra vires and contrary to law because Congress “unambiguously expressed [its] intent” to exempt refugees from the documentation requirement inadmissibility ground in the Refugee Act. *See Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 842-43 (1984). And second, Defendants’ policy is arbitrary and capricious because it “failed to consider an important aspect of the problem,” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42-43 (1983), and is not the product of “reasoned decisionmaking,” *Judulang v. Holder*, 565 U.S. 42, 53 (2011).

Under the APA, this court shall “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” or “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right[.]” 5 U.S.C. § 706(2). Defendants’ application of its policy to bar Jane Doe from resuming her refugee status without a refugee travel document is final agency action under the APA because it is the “consummation of the agency’s decisionmaking process” and is an action which determines her “rights or obligations” or from which “legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (internal quotation marks omitted).

a. Defendants’ Policy that Jane Doe is Inadmissible as a Refugee without a Refugee Travel Document is Ultra Vires and Contrary to Law.

Defendants’ policy that treats Jane Doe as inadmissible without a refugee travel document violates the APA because it is “not in accordance with law” and “in excess of statutory . . . authority[.]”. 5 U.S.C. § 706(2)(A), (C). Courts evaluate such claims of ultra vires agency action under the two-part framework established by the Supreme Court in *Chevron*, 467 U.S. at 842-43. *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 236–37 (4th Cir. 2020) (applying *Chevron* analysis to APA § 706(2)(A) “not in accordance with law” claims); *Maryland Dep’t of Health & Mental Hygiene v. Centers For Medicare & Medicaid Servs.*, 542 F.3d 424, 428 (4th Cir. 2008) (applying *Chevron* to APA § 706(2)(C) claims). The first consideration is “whether Congress has directly spoken to the precise question at issue.” *Chevron*, 467 U.S. at 842. If “the intent of Congress is clear, that is the end of the matter” and the court “must give effect to the unambiguously expressed intent of Congress.” *Id.* at 842-43. But where the statute is “silent or ambiguous with respect to the specific issue,” a court proceeds to step two of the analysis and asks whether the agency’s action is “based on a permissible construction of the statute.” *Id.* at 843.

Here, the Court need reach only step one. Congress has directly spoken to the precise question of whether refugees are required to have travel documents when seeking admission to the United States and has unambiguously expressed that they are *not*. The INA enumerates grounds under which, as a general matter, noncitizens may be deemed inadmissible to the United States. 8 U.S.C. § 1182 – Inadmissible Aliens. One such inadmissibility ground pertains to “Documentation Requirements,” which deems noncitizens seeking admission to the United States to be inadmissible if they are “not in possession of a valid unexpired immigrant visa,

reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality . . .”. 8 U.S.C. § 1182(a)(7)(A). Congress subsequently created a comprehensive framework for refugee admissions to the United States with the Refugee Act. Refugee Act of 1980. Pub. L. No. 96-212, 94 Stat. 102 (1980); *see also* 8 U.S.C. § 1157 Annual Admission of Refugees and Admission of Emergency Situation Refugees. Under the Refugee Act, Congress explicitly exempted refugees from the INA’s general Documentation Requirement inadmissibility ground, stating in no uncertain terms: “The provisions of paragraph[] . . . (7)(A) of section 1182(a) of this title shall not be applicable to any [refugee] seeking admission to the United States[.]” 8 U.S.C. § 1157(c)(3). Congress thus makes clear on the face of the statute that refugees seeking admission should not be deemed inadmissible for a lack of valid travel documents. *Id.*; 8 U.S.C. § 1182(a)(7)(A).

To further eliminate any risk of ambiguity, Congress also exempted refugees from the parallel documentation requirements for admission. As a baseline, the INA requires that a non-citizen seeking admission to the United States “(1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality . . .”. 8 U.S.C. § 1181(a). But the Refugee Act amended this provision to clarify that these documentation requirements for admission “shall not apply” to refugees. 8 U.S.C. § 1181(c) (exempting any “[non-citizen] whom the Attorney General admits to the United States under section 1157 of this title.”).

Defendants’ policy that Jane Doe is inadmissible to resume her refugee status without a refugee travel document is evident in the Cooper Memo, which prescribes that “[t]he lack of a

valid and unexpired refugee travel document renders a returning refugee . . . inadmissible, and he or she may not be readmitted to his prior status without it.” Cooper Memo at 5; *see also id.* at 3 (discussing a refugee’s “inadmissibility to the United States created by the lack of a valid refugee travel document.”). The Memo also ties refugees’ inadmissibility in these circumstances to the INA’s documentation requirement inadmissibility ground, 8 U.S.C. § 1182(a)(7)—precisely the inadmissibility ground that Congress exempted refugees from. *See id.* at 2 (“Refugees . . . with expired refugee travel documents are inadmissible under section 212(a)(7)⁵ of the Immigration and Nationality Act”). Only when a returning refugee presents a “valid refugee travel document” does the memo instruct officers to be “mindful” of the inadmissibility grounds that do not apply to refugees. *Id.* at 3 (“When a refugee who presents a valid refugee travel document is examined for admissibility, the inspecting officer should be mindful of section 207(c)(3)⁶ of the Act. This provision sets forth the grounds of inadmissibility under section 212(a) of the Act that are not applicable to refugees[.]”). Current USCIS officer training materials list the Cooper Memo as required reading and include an excerpt that describes a non-citizen’s “inadmissibility to the United States created by the lack of a refugee travel document[.]” Meyer Decl., Ex. 2, USCIS Int’l Ops. Officer Training, Humanitarian and Significant Public Benefit Parole 4, 65 (Mar. 8, 2017) (“2017 USCIS Humanitarian Parole Training Module”); *see also id.*, Ex. 3, USCIS Int’l Ops. Officer Training, Humanitarian and Significant Public Benefit Parole 4, 67 (Draft Date Apr. 18, 2022).

⁵ Codified at 8 U.S.C. § 1182.

⁶ Codified at 8 U.S.C. § 1157(c)(3). This provision also exempts refugees from the “Public Charge” and “Labor Certification and Qualification for Certain Immigrants” inadmissibility grounds in INA 212(a), codified at 8 U.S.C. § 1182(a)(4)-(5).

Defendants' unlawful policy is similarly reflected in agency regulations governing processing and adjudication of refugee travel document applications ("refugee travel document regulations"), 8 C.F.R. § 223 *et seq.* See also Cooper Memo at 2 (citing 8 C.F.R. § 223). This regulation requires that "a person who holds refugee status . . . *must* have a refugee travel document to return to the United States after temporary travel abroad[.]" 8 C.F.R. § 223.1(b) (emphasis added). The refugee travel document regulations notably cite the INA's documentation requirements, 8 U.S.C. §§ 1181-82, as statutory authority while conspicuously omitting any reference to 8 U.S.C. § 1157, the provision that contains Congress' exemption of refugees from the requirements of 8 U.S.C. §§ 1181-82.

Regulations governing immigration officers' treatment of noncitizens seeking admission at a port of entry further illuminate Defendants' policy that refugees without valid refugee travel documents are inadmissible to resume their status. If a returning non-citizen without a refugee travel document claims to have been previously admitted as a refugee, the regulation instructs the immigration official to verify with agency records that refugee status was in fact granted and has not been terminated. 8 C.F.R. § 235.3(b)(5)(iii). If their refugee status is verified, the immigration officer does not then simply proceed to readmit the refugee under their prior status; instead, the officer is instructed to consider whether the refugee is eligible to apply for a refugee travel document at the port of entry. *Id.* Only after deciding as a matter of discretion to accept a refugee travel document application, "shall [the officer] readmit the refugee." *Id.* But if the refugee is ineligible to apply for a refugee travel document at the port of entry, for example because they have been outside the United States for more than one year, the officer may initiate removal proceedings under section 240 of the INA. *Id.*; see also 8 C.F.R. 223.2(b)(2)(ii).

“It is axiomatic that an administrative agency's power to promulgate legislative regulations is limited to the authority delegated by Congress.” *Outdoor Amusement Bus. Ass'n v. Dep't of Homeland Sec.*, 983 F.3d 671, 684 (4th Cir. 2020) (quoting *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988)). The Refugee Act leaves no room for ambiguity about Congress’s intent to exempt refugees from documentation requirements that apply to other noncitizens seeking admission. *See Chevron*, 467 U.S. at 842. The “plain meaning of the statute” is clear that refugees such as Jane Doe shall not be deemed inadmissible to the United States without travel documents, nor must they have valid travel documents to be deemed admissible. *See King v. Burwell*, 759 F.3d 358, 367 (4th Cir. 2014) (internal quotation marks omitted), *aff'd*, 576 U.S. 473 (2015); 8 U.S.C. § 1182(a)(7)(A); 8 U.S.C. § 1157(c)(3); 8 U.S.C. § 1181(a), (c). And where, as here, “the intent of Congress is clear, that is the end of the matter[.]” *Chevron*, 467 U.S. at 842. Defendants’ application of the policy that deems Jane Doe inadmissible to resume her refugee status without a valid refugee travel document is thus ultra vires and contrary to law in violation of the APA and must be set aside. *See* 5 U.S.C. § 706(2)(A), (C).

b. Defendants’ Policy That Requires Jane Doe to Have a Refugee Travel Document to Return Under Her Refugee Status is Arbitrary and Capricious.

Defendants’ policy that requires Jane Doe to have a refugee travel document to resume her refugee status in the United States after travel abroad is also arbitrary and capricious in violation of the APA. 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious where it “relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *State Farm*, 463 U.S. at 43. Courts undertake a

“searching and careful inquiry” to assess if the agency “considered the relevant factors and whether a clear error of judgment was made.” *Casa De Maryland v. U.S. Dep’t of Homeland Sec.*, 924 F.3d 684, 703 (4th Cir. 2019) (internal quotation marks omitted). To survive this review, the agency must “articulate a satisfactory explanation for its action.” *State Farm*, 463 U.S. at 43. A court will not merely “rubber stamp an agency’s decision,” *Sierra Club v. W. Va. Dep’t of Env’t Prot.*, 64 F.4th 487, 501 (4th Cir. 2023) (internal quotation marks omitted), and will set aside agency action that is not the product of “reasoned decisionmaking,” *Judulang*, 565 U.S. at 53.

Here, Defendants’ policy is arbitrary and capricious because it “failed to consider an important aspect of the problem,” *State Farm*, 463 U.S. at 43: by requiring Jane Doe to have a refugee travel document to resume her refugee status in the United States and discretionarily denying her such a document, Defendants have de facto terminated her refugee status. This policy stands in stark contrast with the protections afforded to resettled refugees to ensure they are not inappropriately stripped of refugee status, including safeguards against termination of status, removal without process at a port-of-entry, and being stranded abroad.

The Refugee Act narrowly limits Defendants’ authority to terminate refugee status to circumstances where an individual “was not in fact a refugee” when admitted to the United States. 8 U.S.C. § 1157(c)(4). The USCIS Policy Manual echoes that the “sole basis” on which the agency can terminate an individual’s refugee status is a finding that “the noncitizen was not a refugee within the meaning of the [INA] at the time of his or her admission[.]” Ex. G, USCIS Policy Manual, Vol. 7, Part L, Ch. 6, *available at* <https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-6> (current Mar. 7, 2024). After admission, Defendants do not require resettled refugees to continue to satisfy the refugee definition to maintain their status. Refugees are thus

still eligible to adjust status to lawful permanent residency even if changed circumstances in their country of origin ameliorate the risk of persecution or they have subsequently been firmly resettled in another country. Ex. H, USCIS Policy Manual, Vol. 7, Part L, Ch. 2, *available at* <https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-2> (current Mar. 7, 2024). This protection is unique to refugees; asylees, in contrast, must continue to meet the definition of a refugee to adjust status to lawful permanent residency. Ex. I, USCIS Policy Manual, Vol. 7, Part M, Ch. 2, *available at* <https://www.uscis.gov/policy-manual/volume-7-part-m-chapter-2> (current Mar. 7, 2024). And if Defendants do seek to terminate a refugee's status, refugees have the benefit of procedural safeguards: the agency must provide written notice of its intent to terminate status and the refugee has thirty days "to present written or oral evidence to show why the [noncitizen's] refugee status should not be terminated." 8 C.F.R. § 207.9.

Defendants also provide enhanced procedural protections for previously resettled refugees who arrive at a United States port of entry but are deemed ineligible to apply for a refugee travel document at the border. Such refugees may not be summarily expelled through expedited removal and instead face removal proceedings under INA 240. 8 C.F.R. § 235.3(b)(5)(iii). In these removal proceedings a refugee may be represented by counsel, present evidence, cross-examine witnesses, and appeal an adverse decision. 8 U.S.C. § 1229a. When enacting this regulation, Defendants expressed that this additional process allows verified refugees the benefit of "a full evidentiary hearing . . . before an immigration judge to address the heavily fact-based issues of abandonment of status or other issues concerning loss of status." Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10314 (Mar. 6, 1997) (to be codified at 8 C.F.R. pt. 235). Due to "the greater interests and ties to the United States normally at stake for such [noncitizens] compared to those arriving without any previous status,"

Defendants thus found it appropriate that “refugees be accorded the protections inherent in proceedings under section 240 of the Act” *Id.* at 10315.

Although imperfect, Defendants’ parole policy likewise recognizes that previously resettled refugees “have been accorded a legal status presumably for compelling reasons,” thus it can be appropriate to facilitate a refugee’s return to the United States when “stranded overseas due to the absence or expiration of a refugee travel document.” 2017 USCIS Humanitarian Parole Training Module at 65; *see also* Cooper Memo at 3. In such circumstances, refugees may apply for a discretionary grant of parole from the agency—in practice, however, this option frequently remains out of reach. Defendants’ policies make clear that parole is “extraordinary measure, sparingly utilized to bring inadmissible aliens into the United States due to a compelling emergency.” Cooper Memo at 4 (internal quotation marks omitted). A refugee’s general need to return to the United States “after failing to secure the appropriate travel document . . . or failing to return within the validity period of a travel document” does not, in and of itself, constitute grounds for parole. 2017 USCIS Humanitarian Parole Training Module at 67. And as explained *supra*, Statement of Facts—Sec. III, humanitarian parole is no substitute for refugee status.

Defendants’ policy requiring Jane Doe to have a refugee travel document is thus arbitrary and capricious because it ignores the rationale underlying the myriad other agency protections for resettled refugees: that refugees have been granted permanent refuge in the United States for compelling reasons and Defendants may not take that status away without appropriate process and consideration. Under Defendants’ policy, the officer who decided to discretionarily deny Jane Doe’s refugee travel document application has, in effect, summarily terminated her ability to resume her refugee status while “fail[ing] to consider” the procedural protections she would

have been entitled to if she were facing termination proceedings in the United States or removal proceedings at a port of entry. *See State Farm*, 463 U.S. at 43. Defendants' refugee travel document policy, which serves as a loophole to permanently exclude previously resettled refugees without adequate process, is thus not the product of "reasoned decisionmaking" and must be set aside. *See Judulang*, 565 U.S. at 53.

II. Absent an Injunction, Plaintiff Faces Irreparable Harm Because of Defendants' Policy.

Plaintiff will be irreparably harmed if Defendants are permitted to continue their policy of requiring a refugee travel document to resume her refugee status in the United States. Here, irreparable harm is more than just likely: it is already occurring. Because of Defendants' current policy, Jane Doe is unable to return to the United States under her still-valid refugee status, leaving her and her children subject to increasing threats in Iraq due to the very same circumstances that Defendants previously found justified granting Jane Doe and her children refugee status. Doe Decl. ¶¶ 6-8, 29-35. Given the current circumstances in Iraq⁷ and the active presence of the militias that murdered her father and threatened her, Jane Doe and her children have been forced into living situations that are causing irreparable harm. *Id.* ¶¶ 34-36. Jane Doe has been forced to relocate with her children multiple times to prevent discovery by the militia group and she must keep a low profile to avoid detection. *Id.* ¶ 35. Jane Doe's children have lost valuable educational time because she fears it is not safe to send them to school. *Id.* ¶¶ 30-31. And, perhaps most irreparable of all, Jane Doe and her two eldest children have suffered

⁷ The United States has recently carried out multiple airstrikes against Shiite militia targets in Iraq, including in Baghdad. *See Ex. D, Helene Cooper & Alissa J. Rubin, U.S. Strike in Baghdad Kills Iranian-Backed Militia Commander*, N.Y. Times (Feb. 7, 2024), <https://www.nytimes.com/2024/02/07/us/politics/us-strike-iraq-milita.html>.

prolonged separation from each other because Jane Doe’s husband took them away from her at the behest of the militia group as a condition of no longer threatening his safety. *Id.* ¶ 31; *see Int’l Refugee Assistance Project v. Trump*, 883 F.3d 233, 320 (4th Circ. 2018) (Keenan, J. concurring) *vacated on other grounds*, 138 S.Ct. 2710 (2018) (finding prolonged separation from family members is a “quintessential example[] of irreparable harm[]”).

Defendants’ current policy also presents Jane Doe with a Hobson’s choice: she can either send her two minor children to travel alone to the United States without a parent or keep her family in Iraq where they live under constant threat. Doe Decl. ¶ 29. The latter choice would put her children in the same position as Jane Doe: after their refugee travel documents expire on May 9 of this year, they too will become inadmissible under Defendants’ unlawful policy and will have their refugee status de facto terminated. To make matters worse, if Jane Doe decides she cannot send her minor children to the United States before their refugee travel documents expire, they will be ineligible to reapply for a new one because they have been outside of the United States for more than one year. *See* 8 C.F.R. § 223.2(b)(2)(ii). In effect, Jane Doe and her children face the imminent and irreversible harm of having no means whatsoever to access their still-valid refugee status, leaving them indefinitely stranded and at risk in Iraq. This harm is, by definition, irreparable. *See J.O.P. v. U.S. Dep’t of Homeland Sec.*, 409 F. Supp. 3d 367, 379 (D. Md. 2019) (challengers of new policy irreparably harmed because it could deprive them of the opportunity to file for asylum altogether); *see also Guilford Coll. v. McAleenan*, 389 F. Supp. 3d 377, 394 (M.D.N.C. 2019) (finding harm irreparable where new policy would force plaintiffs to leave the United States or be subject to a reentry bar that could prejudice their ability to ever return).

III. The Balance of the Equities Tips in Plaintiff’s Favor, and a Preliminary Injunction Serves the Public Interest.

When, as here, a preliminary injunction is sought against the government, the final *Winter*’s factors, requiring assessing the harm to the opposing party and the public interest, merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009); *see also Mayor & City Council of Balt. v. Azar*, 392 F. Supp.3d 602, 619 (D. Md. 2019), *stay granted*, 778 F. App’x 212 (4th Cir. 2019). Accordingly, the court considers the claim of injury resulting from withholding the requested relief from the moving party and the “public consequences” of imposing an injunction. *See Roe v. Dep’t of Defense*, 947 F.3d 207, 231 (4th Cir. 2020) (quoting *Winter*, 555 U.S. at 24).

On the one hand, Jane Doe faces the irreparable harm resulting from the militia’s continuing threats, which have required her and her children to live in fear and seclusion and separated from one another in Iraq. Doe Decl. ¶¶ 29, 31, 35. Jane Doe already faces the irreparable harm of having her still-valid refugee status effectively terminated without any process or ability to have this decision reviewed. And Jane Doe will be harmed by the inability to safely return with her children to the United States when their refugee travel documents expire on May 9—leaving them at risk of permanently losing their ability to return to the United States if Defendants’ policy is left to stand.

On the other hand, Defendants will suffer no harm from the issuance of a preliminary injunction that simply requires them to follow the law. The law is clear that Defendants do not have the authority to require Jane Doe to possess a refugee travel document before she is allowed to resume her refugee status in the United States and Defendants may not arbitrarily and capriciously use the refugee travel document requirement to exclude Jane Doe without any procedural protections. *See supra*, Argument—Sec I. More broadly, the public interest is served

by requiring the government to comply with its obligations under the Refugee Act and the APA. “It is in the public’s interest to ensure that government agencies abide by federal laws[.]” *Mayor & City Council of Balt.*, 392 F. Supp. 3d at 619; *see also League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (“[T]here is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” (internal quotation marks and citation omitted)).

Conclusion

For the foregoing reasons, Plaintiff requests that this Court enjoin Defendants from applying its policy requiring Jane Doe to have a valid refugee travel document to be readmitted under her refugee status in the United States.

Dated: March 13, 2024

Respectfully submitted,

/s/ Karen Sebaski

Karen Sebaski (ksebaski@hsgllp.com)

Admitted Pro Hac Vice

Paul Kemnitzer (pkemnitzer@hsgllp.com)

Admitted Pro Hac Vice

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor

New York, NY 10017

(646) 837-5151

Kathryn C. Meyer (kmeyer@refugeerights.org)

Admitted Pro Hac Vice

INTERNATIONAL REFUGEE ASSISTANCE
PROJECT

One Battery Park Plaza, 33rd Floor

New York, NY 10004

(516) 838-1975

Melissa Keaney (mkeaney@refugeerights.org)

(D. MD. Bar No. 29535)

INTERNATIONAL REFUGEE ASSISTANCE
PROJECT

P.O. Box 2291

Fair Oaks, CA 95628

(916) 546-6125

Attorneys for Plaintiff Jane Doe

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2024, I caused a PDF version of the foregoing document to be electronically transmitted to the Clerk of the Court, using the CM/ECF System for filing and for transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

By: /s/ Karen Sebaski