

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Southern Division**

Jane DOE	)	
	)	
John DOE	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. _____
	)	
Alejandro MAYORKAS	)	
Secretary of Homeland Security	)	
U.S. Department of Homeland Security	)	
Washington, D.C. 20528	)	
	)	
Tracy RENAUD	)	
Senior Official Performing the Duties of the	)	
Director, U.S. Citizenship and Immigration Services)	)	
1 Capital Gateway Drive	)	
Camp Springs, MD 20746	)	
	)	
Defendants.	)	

**COMPLAINT FOR REVIEW UNDER THE ADMINISTRATIVE  
PROCEDURE ACT AND FOR WRIT OF MANDAMUS**

Plaintiffs, Jane Doe (“Ms. Doe”) and John Doe (“Mr. Doe”), filed their applications for lawful permanent residence (a “green card”) with U.S. Citizenship and Immigration Services (“USCIS”) in [REDACTED]. Now, over three years later, no interview has been scheduled, and no decision has been rendered. Plaintiffs bring this case asking the Court to compel USCIS to complete adjudication of their applications, pending for over three years.

## **JURISDICTION**

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 1361, The Mandamus Act, and 28 U.S.C. § 1331, Federal Question Jurisdiction. This matter arises under 5 U.S.C. §§ 701-06, the Administrative Procedure Act, and The Mandamus Act.

## **VENUE**

2. The U.S. District Court for the District of Maryland is a proper venue for this action under 28 U.S.C. § 1391(e)(1)(C) because the defendants are officers of the United States, Plaintiffs reside within this District, and no real property is involved in this action.

## **THE PARTIES**

3. Plaintiff Jane Doe filed an application for adjustment of status which is the subject of this action.
4. Plaintiff John Doe filed an application for adjustment of status which is the subject of this action.
5. Defendant Alejandro Mayorkas is the Secretary of Homeland Security. He supervises components of the Department of Homeland Security (“DHS”) responsible for adjudicating applications for adjustment of status.
6. Defendant Tracy Renaud is the Senior Official Performing the Duties of the Director of U.S. Citizenship and Immigration Services (“USCIS”) within DHS. She supervises components of USCIS responsible for adjudicating applications for adjustment of status.
7. All defendants are sued in their official capacities.

## FACTUAL ALLEGATIONS

### Legal Background: VAWA self-petitioners and Applications for Adjustment of Status

8. A non-citizen may petition USCIS for VAWA self-petitioner status if they have a U.S. citizen or Lawful Permanent Resident spouse and have, “been battered or [have] been the subject of extreme cruelty perpetrated by [their] spouse...” 8 U.S.C. § 1154(a)(1)(A)(iii).
9. A non-citizen may apply for adjustment of status if they have, “an approved petition for classification as a VAWA self-petitioner.” 8 U.S.C. § 1255(a); 8 C.F.R. § 245.1(a).
10. To apply for adjustment of status, a VAWA self-petitioner files form I-485, Application to Register Permanent Residence or Adjust Status. 8 C.F.R. § 245.2(a)(1). “USCIS has jurisdiction to adjudicate an application for adjustment of status filed by any alien, unless the immigration judge has jurisdiction....” *Id.*
11. “The applicant shall be notified of the decision of the director and, if the application is denied, the reasons for the denial. 8 C.F.R. § 245.2(a)(5).

### Plaintiffs’ Applications for Adjustment of Status to Lawful Permanent Resident

12. In ██████, Ms. Doe and her then-spouse filed a “one-step” application, a petition for alien relative and concurrent application for adjustment of status. During the pendency of the applications, Ms. Doe’s spouse withdrew the petition for Ms. Doe, and her corresponding application for adjustment of status was denied. Exs. 1-3.
13. In ██████ Ms. Doe filed a petition for VAWA self-petitioner status, pursuant to 8 U.S.C. § 1154(a)(1)(A)(iii), on the basis that she was the subject of battery and extreme cruelty by her then-spouse, a U.S. citizen. Ex. 4. Mr. Doe was a derivative of that petition. *Id.*
14. Ms. Doe’s petition was approved. Ex. 5.

15. In [REDACTED] Plaintiffs each filed applications for adjustment of status as VAWA self-petitioners. Ex. 6.
16. In [REDACTED] Plaintiffs' applications were transferred to USCIS' National Benefits Center. Ex. 7.
17. To date, no interview has been scheduled and no decision has been made on either plaintiff's application. Ex. 8.

**FIRST CAUSE OF ACTION:  
ADMINISTRATIVE PROCEDURE ACT –  
APPLICATIONS FOR ADJUSTMENT OF STATUS**

18. Plaintiffs seek relief under the Administrative Procedure Act, 5 U.S.C. § 701 et seq. Specifically, they ask the Court to compel agency action unlawfully withheld and unreasonably delayed. 5 U.S.C. § 706(1).
19. USCIS has a non-discretionary duty to adjudicate Plaintiffs' applications. 8 C.F.R. §§ 245.2(a)(1); (a)(5). USCIS' decision is discretionary, but the duty to decide is not.
20. Three years is an unreasonable delay to adjudicate an application for adjustment of status.
21. Plaintiffs ask the Court to compel USCIS to adjudicate their applications, pending since [REDACTED] within 60 days.

**SECOND CAUSE OF ACTION: MANDAMUS –  
APPLICATION FOR ADJUSTMENT OF STATUS**

22. As an alternative to the first cause of action, Plaintiffs seek relief in the form of a writ of mandamus.
23. Plaintiffs ask the Court to issue a writ of mandamus compelling USCIS to adjudicate their applications for adjustment of status within 60 days.

Prayer for Relief

Plaintiffs pray for judgment against defendant USCIS and respectfully request that the Court enters an order:

- a) Compelling USCIS to adjudicate Plaintiffs' applications for adjustment of status within 60 days;
- b) Awarding Plaintiffs reasonable attorney's fees under the Equal Access to Justice Act; and
- c) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

A large black rectangular redaction box covers the signature and name of the attorney. The redaction is complete, obscuring all text in this area.

*Counsel for Plaintiffs*

Index of Exhibits

Number	Description
1	“one-step” receipt notices
2	“one-step” withdrawal notice
3	“one-step” denial notice
4	VAWA petition prima facie approval
5	VAWA petition approval
6	I-485 biometrics and receipt notices
7	I-485 transfer notices
8	Case statuses as of [REDACTED]