

The Honorable Richard A. Jones

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated,

Plaintiffs,

v.

JOSEPH R. BIDEN, President of the United
States, *et al.*,

Defendants.

CASE NO. 2:17-cv-00094-RAJ

**DECLARATION OF W. MANNING
EVANS IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND IN
OPPOSITION TO PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

I, W. Manning Evans, do declare and say:

1. I am a Senior Litigation Counsel with the Office of Immigration Litigation-Appellate Section, Civil Division, U.S. Department of Justice, Washington, D.C., and in that capacity have entered my appearance in the present matter as counsel for Defendants.
2. In the course of this litigation, Defendants have produced to Plaintiffs eight class lists reflecting the membership of the court-certified classes as of the following dates: April 12, June 30, September 30, and December 31, 2018; March 31, June 30, and September 30, 2019; and January 21, 2021. These lists are in the form of Excel spreadsheets, and include information for each pending immigration benefit application. As Defendants' counsel acknowledges, *see* ECF 470, at 1-2, the spreadsheets can be processed in different ways to disclose facts about the classes.

1 3. In particular, the last two class lists can be processed to disclose the number of benefit applicants
 2 who left the class during the period between the September 30, 2019, list and the January 21, 2021,
 3 list. Specifically, by excluding from the latter list applications with receipt dates after March 31,
 4 2019 (which yields a remainder of 1,538 class members), and deducting that number from the total
 5 number of class members on the earlier list (4,055), discloses that 2,517 of those class members (or
 6 62%) had left the class by January 21, 2021.

7 4. Processing the January 21, 2021, list by application type and receipt date discloses that the oldest
 8 pending naturalization application was received in 2013; only five such applications had receipt
 9 dates older than five years.

10 5. Following a process within Excel equivalent to that used by Plaintiffs' counsel with respect to the
 11 most recent class list, *see* ECF 470, at 1-2, I determined the equivalent waiting times reflected on the
 12 six earlier class lists. Adding the data from those earlier lists to that in the table on page 16 of
 13 Plaintiff's summary judgment motion yields this comprehensive table (the numbers for a given class
 14 list are cumulative, such that the applications in the oldest category are also counted in the other
 15 categories, and so forth):

	> 20 years (since filing)	> 15 years	> 10 years	> 5 years	> 3 years	> 2 years
As of 4/18	3	22	61	121	413	1,086
As of 6/18	7	69	204	219	711	1,316
As of 9/18	16	67	126	217	763	1,383
As of 12/18	6	61	173	360	990	2,477
As of 3/19	6	71	95	160	670	1,251
As of 6/19	2	62	76	146	670	1,251
As of 9/19	5	61	78	148	620	931
As of 1/21	18	81	162	309	715	1,348

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6. To place the facts concerning the processing of the named individual Plaintiffs' immigration
 benefit applications within the context of USCIS' workload and over-all results during the time of

1 each Plaintiff's application, I reviewed the record evidence in this matter to determine the relevant
 2 dates and application-type for each Plaintiff, and also information regarding the FY 2013-FY 2019
 3 data set out in the July 17, 2020 report of Defendants' statistical expert, Dr. Siskin. The results for
 4 Plaintiff Abdiqafar Wagafe appear in Defendants' summary judgment motion, as well as in this
 5 table, which also sets out corresponding results available for the other individual named Plaintiffs:

	# of Applications of Plaintiff's Type Rec'd Same FY from Countries of Comparable Muslim Status / # in CARRP	% of Corresponding Applications Completed in FY of Decision on Plaintiff's App.	Approval Rate as of FY 2019 for Applications Comparable to Plaintiff's from Countries of Comparable Muslim Status	Approval Rate as of FY 2019 for Applications Comparable to Plaintiff's from non-Muslim-majority Countries
A. Wagafe FY 2014 Natz	77,792 / 1,973	90.86% done by FY 2017	77.59%	80.13%
M.O. FY 2014 AOS	61,619 / 622	88.19% done by FY 2018	75.53%	74.85%
M.O. FY 2018 AOS	64,169 / 705	50.93% done by FY 2019	41.42%	40.72%
H.O.B. FY 2015 AOS	63,005 / 884	63.68% done by FY 2017	73.55%	76.41%
N.A. FY 2013 Natz	78,014 / 1,332	95.45% done by FY 2017	81.23%	77.26%

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed on this 3rd day of May 2021, at Washington, D.C.

21
 22 /s/ W. Manning Evans
 W. MANNING EVANS

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically filed the foregoing via the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ W. Manning Evans
W. MANNING EVANS
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