

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-cv-24746-JEM

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Igor OBRAZTSOV , individually, Carlos Eduardo Mesa)
GOMEZ , individually, Duong Thuy NGUYEN ,)
individually, Dung Anh LY , individually, Khumi)
Tonsing MASSEY , individually, Wanxin SHI ,)
individually, Narayanan PARAMESWARAN ,)
individually, <i>et al.</i> ,)
)
<i>Plaintiffs</i>)
)
v.)
)
Kevin McALEENANN , Secretary of the United States)
Department of Homeland Security; Kenneth T. (Ken))
CUCCINELLI , Director, United States Citizenship and)
Immigration Services; Sarah KENDALL , Chief,)
Immigrant Investor Program Office, United States)
citizenship and Immigration Services; UNITED)
STATES CITIZENSHIP AND IMMIGRATION)
SERVICES ;)
)
)
)
)
<i>Defendants.</i>)
	x

**PLAINTIFFS’ AMENDED COMPLAINT
FOR WRIT IN THE NATURE OF MANDAMUS**

Plaintiffs, by and through their undersigned attorneys, commence this action against the above-named Defendants, and state as follows:

1. This action arises from Defendant’s failure to adjudicate the I-829 petitions of approximately 150 foreign investors, including the approximately seventy-four (74) plaintiffs who each invested \$500,000 into one of five Limited Partnerships associated with the Jay Peak

or Q Burke resorts in Vermont in the hopes of obtaining lawful permanent resident status in the U.S. for themselves, their spouses, and their children through the employment based fifth preference category of the Immigration and Nationality Act, INA § 203(b)(5)- otherwise known as the EB-5 visa program.

2. These Limited Partnerships, Jay Peak Golf and Mountain Suites LP (“Golf and Mountain”), Jay Peak Hotel Suites Stateside LP (“Stateside”), Jay Peak Lodge and Townhouses LP (“Lodge and Townhouses”), Jay Peak Penthouse Suites LP (“Penthouse Suites”), and Q Burke Mountain Resort Hotel & Conference Center LP (“Burke”) were each a part of the larger Jay Peak series of EB-5 investment projects owned and operated by Ariel Quiros (among others), who is the subject of an SEC action in this Court (SEC v. Quiros, 16-21301 (the “SEC Action”)) alleging that he misused and/or misappropriated investor funds and defrauded several hundred EB-5 investors who invested in numerous Limited Partnerships, including those in this action, over many years.

3. Each of the five Limited Partnerships was formed to raise money from foreign investors and use the money to build and operate various components of the Jay Peak and Q Burke resorts, thereby creating jobs for U.S. workers and allowing the investors to meet the requirements of the EB-5 program.

4. As part of the SEC Action, the Court appointed a Receiver to take possession of the Jay Peak and Q Burke resorts, preserve and recover the assets of the limited partnerships, and operate them for the benefit of the investors-which includes supporting their immigration goals as well as their investment goals. *See* SEC Action [ECF No. 13].

5. Despite the actions of Mr. Quiros, and through the efforts of the Receiver (including the recovery of substantial sums of money) the Jay Peak and Q Burke projects were

able to be funded with the proceeds of the investor plaintiffs' investments and have, to a large extent, been completed and have created the jobs necessary to support the investor plaintiffs' green card petitions.

6. The investor Plaintiffs have met the requirements for having their I-829 petitions approved, however, Defendants have failed to adjudicate their petitions after- in some cases- many years.

7. Plaintiffs have suffered harm as a result of the delay, and now seek an order from the Court compelling USCIS to adjudicate their petitions.

PARTIES

A. Plaintiffs

1. The Golf and Mountain Plaintiffs

8. The Golf and Mountain Plaintiffs are fourteen (14) foreign investors who invested \$500,000 into Golf and Mountain and obtained conditional green cards through the EB-5 program as a result of their investments. The Golf and Mountain Plaintiffs have all filed I-829 petitions to remove the conditions on their green cards with Defendants, and the adjudication of these petitions has been unreasonably delayed.

9. Plaintiff, Igor Ivanovich Obraztsov, filed a Form I-829 petition on September 26, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1636200456.

10. Plaintiff, Carlos Eduardo Mesa Gomez, filed a Form I-829 petition on February 25, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1514800435.

11. Plaintiff, Duong Thuy Nguyen, filed a Form I-829 petition on July 22, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1529500095.

12. Plaintiff, Dung Anh Ly, filed a Form I-829 petition on June 9, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1525200191.

13. Plaintiff, Khumi Tonsing Massey, filed a Form I-829 petition on July 02, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1527500142.

14. Plaintiff, Wanxin Shi, filed a Form I-829 petition on November 28, 2014 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1505900179.

15. Plaintiff, Narayanan Parameswaran, filed a Form I-829 petition on March 3, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1515400216.

16. Plaintiff, Vikram Ahuja, filed a Form I-829 petition on May 12, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1522400400.

17. Plaintiff, James Spiller, filed a Form I-829 petition on December 12, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1707300257.

18. Plaintiff, Carlos Antonio Espinosa Perez, filed a Form I-829 petition on May 6, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1521800550.

19. Plaintiff, Adrian Gaty, filed a Form I-829 petition on January 16, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1510800241.

20. Plaintiff, Tung Fai Wong, filed a Form I-829 petition on December 19, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1607900238.

21. Plaintiff, Antonio Erwin Dugarte Semidey, filed a Form I-829 petition on September 19, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1635500232.

22. Plaintiff, Yong She, filed a Form I-829 petition on May 21, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1523300671.

3. The Stateside Plaintiffs

23. The Stateside Plaintiffs are thirty (30) foreign investors who invested \$500,000 into Stateside and obtained conditional green cards through the EB-5 program as a result of their

¹ USCIC denied a previous Form I-829 Petition filed by Plaintiff on July 17, 2014, claiming that a Request for Clarification (“RFC”) and a Request for Evidence (“RFE”) had been issued but not responded to. Neither Petitioner nor her attorney ever received the RFC or RFE. Therefore, Plaintiff filed a new Form I-829 Petition on December 19, 2015.

investments. The Stateside Plaintiffs have all filed I-829 petitions to remove the conditions on their green cards with Defendants, and the adjudication of these petitions has been unreasonably delayed.

24. Plaintiff, Jose Angel Mendoza, filed a Form I-829 petition on November 17, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1604800280.

25. Plaintiff, Felipe Accioly Vieira, filed a Form I-829 petition on September 16, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1535100062.

26. Plaintiff, Lorne Morris, filed a Form I-829 petition on February 20, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1514300279.

27. Plaintiff, Marian Kapusta, filed a Form I-829 petition on January 20, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1611200166.

28. Plaintiff, Meghaben Dhirubhai Patel, filed a Form I-829 petition on July 6, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1527900212.

29. Plaintiff, Mehulkumar Dhirubhai Patel, filed a Form I-829 petition on August 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1531600334.

30. Plaintiff, Nicolas Manuel Luis Carballo, filed a Form I-829 petition on March 9, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1616100360.

31. Plaintiff, Mohammed Adil, filed a Form I-829 petition on June 26, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1526900223.

32. Plaintiff, Raisa V. Babaeva, filed a Form I-829 petition on July 9, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528200395.

33. Plaintiff, Chuan Qian, filed a Form I-829 petition on December 16, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1507700192.

34. Plaintiff, Chuong Nguyen Vo, filed a Form I-829 petition on January 26, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1611800293.

35. Plaintiff, Yingzi Liu, filed a Form I-829 petition on July 27, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC15300000373.

36. Plaintiff, Xiayi Shen, filed a Form I-829 petition on February 27, 2017 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1715000362.

37. Plaintiff, Gigy Jacob Pollayil, filed a Form I-829 petition on November 23, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1605400610.

38. Plaintiff, Momoko Okumura, filed a Form I-829 petition on November 19, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1505000228.

39. Plaintiff, Setareh Alipourfetrati, filed a Form I-829 petition on July 9, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528200338.

40. Plaintiff, Alaa Selim, filed a Form I-829 petition on October 28, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1602800138.

41. Plaintiff, Jinshun Wu, filed a Form I-829 petition on December 31, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1609200232.

42. Plaintiff, Qiang Wu, filed a Form I-829 petition on January 28, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1612000233.

43. Plaintiff, Chun Pang Suen, filed a Form I-829 petition on April 14, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1519600174.

44. Plaintiff, Yue Zhang, filed a Form I-829 petition on August 19, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1632400140.

45. Plaintiff, Jianhua Yuan, filed a Form I-829 petition on September 18, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC WAC1535300109.

46. Plaintiff, Markus Schmid, filed a Form I-829 petition on November 28, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC150590169.

47. Plaintiff, Galina Krylova, filed a Form I-829 petition on November 17, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1504800276.

48. Plaintiff, Apolinar Liborio Marcano Leccia, filed a Form I-829 petition on March 10, 2017 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1716100279.

49. Plaintiff, Liliana Teresa Ng Cheung, filed a Form I-829 petition on February 10, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1613300274.

50. Plaintiff, Minfeng Wu, filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528600502.

51. Plaintiff, Tianyun Wang, filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528600510.

52. Plaintiff, Ling Sun, filed a Form I-829 petition on August 19, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1632400221.

53. Plaintiff, Stéphan Jean Francois Gouazé, filed a Form I-829 petition on June 1, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1524400456.

54. Plaintiff, Qi Zhang, filed a Form I-829 petition on January 12, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1610400135.

4. The Lodge and Townhouses Plaintiffs

55. The Lodge and Townhouse Plaintiffs are twenty (20) foreign investors who invested \$500,000 into Lodge and Townhouse and obtained conditional green cards through the

EB-5 program as a result of their investments. The Lodge and Townhouse Plaintiffs have all filed I-829 petitions to remove the conditions on their green cards with Defendants, and the adjudication of these petitions has been unreasonably delayed.

56. Plaintiff, Daniel Bittar Figueiredo, filed a Form I-829 petition on March 11, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1516200347.

57. Plaintiff, Mukesh Kantilal Patel, filed a Form I-829 petition on April 29, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1521100185.

58. Plaintiff, Emilio Alverde Ochoa, filed a Form I-829 petition on March 19, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1517000285.

59. Plaintiff, Xinru Wu, filed a Form I-829 petition on April 15, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519700094.

60. Plaintiff, Thaiza Tinoco Alvim, filed a Form I-829 petition on April 29, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1521100150.

61. Plaintiff, Alicia Lazo de la Vega Gomez, filed a Form I-829 petition on March 19, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1517000263.

62. Plaintiff, Rahul Shaikh, filed a Form I-829 petition on May 20, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1523200404.

63. Plaintiff, Pinzhi Zhang, filed a Form I-829 petition on December 11, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1607200068.

64. Plaintiff, Fernando Penna Chaves, filed a Form I-829 petition on February 10, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1613300294.

65. Plaintiff, Yijun Zeng, filed a Form I-829 petition on July 18, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1429800251.

66. Plaintiff, Shangshang Chen, filed a Form I-829 petition on April 18, 2014 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1420000197.

67. Plaintiff, Tao Zhang, filed a Form I-829 petition on January 20, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1511200282.

68. Plaintiff, Jorge Solorzano Y Mosqueda, filed a Form I-829 petition on October 10, 2014 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1501000187.

69. Plaintiff, Samantha Patricia Castillo, filed a Form I-829 petition on April 24, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519800129.

70. Plaintiff, Nga Thuy Luu, filed a Form I-829 petition on April 10, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519200101.

71. Plaintiff, Ruixue Xing, filed a Form I-829 petition on May 24, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1623700607.

72. Plaintiff, Zhonghua Ba, filed a Form I-829 petition on June 6, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1524800326.

73. Plaintiff, Xiaochen Yang, filed a Form I-829 petition on February 28, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1515000413.

74. Plaintiff, Tianmu Wang, filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1528600458.

75. Plaintiff, Fei Chang, filed a Form I-829 petition on January 6, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1609800113.

5. The Penthouse Suites Plaintiffs

76. The Penthouse Suites Plaintiffs are approximately four (4) foreign investors who invested \$500,000 into Penthouse Suites and obtained conditional green cards through the EB-5

program as a result of their investments. The Penthouse Suites Plaintiffs have all filed I-829 petitions to remove the conditions on their green cards with Defendants, and the adjudication of these petitions has been unreasonably delayed.

77. Plaintiff, Martin Eugene Walsh, filed a Form I-829 petition on November 28, 2014 based on an investment in Jay Peak Penthouse Suites L.P., WAC1505900064.

78. Plaintiff, Osama Makram Wahny Guirguis, filed a Form I-829 petition on October 27, 2015 based on an investment in Jay Peak Penthouse Suites L.P., WAC1603000188.

79. Plaintiff, Chang Cao, filed a Form I-829 petition on January 22, 2015 based on an investment in Jay Peak Penthouse Suites L.P., WAC1511400334.

80. Plaintiff, Gyim Yang, filed a Form I-829 petition on May 3, 2015² based on an investment in Jay Peak Penthouse Suites L.P., WAC1532500354.

7. The Burke I-829 Plaintiffs

81. The Burke Plaintiffs are six (6) foreign investors who invested \$500,000 into Burke and obtained conditional green cards through the EB-5 program as a result of their investments. The Burke Plaintiffs have all filed I-829 petitions to remove the conditions on their green cards with Defendants, and the adjudication of these petitions has been unreasonably delayed.

82. Plaintiff, Phuoc Thanh Nguyen, filed a Form I-829 petition on February 4, 2016 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1612700202.

² While the Form I-829 Receipt Replacement Notice for receipt number WAC1532500354 shows a receive date of August 21, 2015 we note that Plaintiff actually filed her I-829 petition on May 3, 2015. As Plaintiff did not receive a receipt notice for Form I-829 prior to the expiration of her conditional residence period, Plaintiff filed a second Form I-829 with USCIS's California Service Center. On August 29, 2015, USCIS issued a biometrics appointment notice for Plaintiff's Form I-829 listing receipt numbers WAC1532500354 and WAC1523150787 (the latter for the Form I-89).

83. Plaintiff, Xiangyu Li, filed a Form I-829 petition on March 13, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1716400800.

84. Plaintiff, Jessica Yung, filed a Form I-829 petition on March 9, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1716000161.

85. Plaintiff, Sharf Emdad, filed a Form I-829 petition on April 13, 2017, based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1719500272.

86. Plaintiff, Ekaterina Fedyaeva, filed a Form I-829 petition on March 22, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1717300299.

87. Plaintiff, Jose Lasry Marrache, filed a Form I-829 petition on February 11, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1713100298.

B. Defendants

88. Defendant, Kevin McAleenan, is the Secretary of the United States Department of Homeland Security, with responsibility for the administration of applicable laws and statutes governing immigration and naturalization. He is generally charged with enforcement of the Immigration and Nationality Act and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. More specifically, the Secretary, is responsible for the adjudication of applications to amend regional center designations and petitions for alien entrepreneurs.

89. Defendant, Kenneth T. (Ken) Cuccinelli, is the Director of USCIS, and is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities. These functions include: adjudication of

immigrant visa petitions and applications for adjustment of status; adjudication of naturalization petitions; adjudication of asylum and refugee applications; adjudications of I-924 Applications for Regional Center Designation; adjudications performed at the service centers, and all other adjudications performed by the USCIS.

90. Defendant, Sarah Kendall, is the Chief of the USCIS Immigrant Investor Program Office, which is directly charged with responsibility for processing applications and petitions under the EB-5 program, and specifically applications to amend regional center designations and petitions for alien entrepreneurs.

91. Defendant, U.S. Citizenship and Immigration Services (“USCIS”) (formerly, the Immigration and Naturalization Service), is an agency of the federal government within the Department of Homeland Security (formerly, within the U.S. Department of Justice) and is responsible for the administration of laws and statutes governing immigration and naturalization.

JURISDICTION

92. Jurisdiction in this case is proper under 28 U.S.C. §§1331 and 1361, 5 U.S.C. §701 et. seq., and 28 U.S.C. §2201 et. seq. Relief is requested pursuant to said statutes. Specifically, this Court has jurisdiction over this action pursuant to 28 U.S.C. §1331, which provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States,” and under 28 U.S.C. §1361, which provides the district court with “original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Plaintiff.” Further, the Declaratory Judgment Act, 28 U.S.C. §2201, provides that: “[i]n a case of actual controversy within its jurisdiction... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party

seeking such declaration, whether or not further relief is or could be sought.” Review is also warranted and relief sought under the Administrative Procedure Act 5 U.S.C. §701 et seq., § 702, §706(1) and §555(b).

VENUE

93. Venue properly lies within the Southern District of Florida pursuant to 28 U.S.C. §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant in the action resides. Additionally, this action is substantially related to SEC v. Quiros, 16-21301, as the Limited Partnerships and their assets are the subject of the action and the Receivership presently being administrated by the Receiver, and the adjudication of the immigration benefits sought by the investor Plaintiffs substantially impacts the Receiver’s disposition of Receivership assets and the course of action taken with each of the Limited Partnerships. Further, some of the alleged fraudulent activities took place in or are related to the Southern District of Florida.

EXHAUSTION OF REMEDIES

94. Plaintiffs have exhausted their administrative remedies. Plaintiffs have made inquiries with Defendants concerning the status of their petitions, all to no avail. No other administrative remedy is available to Plaintiffs.

BACKGROUND ON THE EB-5 PROGRAM

95. In 1990, Congress amended the Immigration and Nationality Act of 1965, allocating, inter alia, 10,000 immigrant visas per year to foreign nationals seeking Lawful Permanent Resident (“LPR”) status on the basis of their capital investments in the United States. See generally the Immigration Act of 1990, Pub. L. No. 101-649, § 121(b)(5), 104 Stat. 4978 (1990) (codified at 8 U.S.C. § 1153(b)(5)). Pursuant to the so-called “Immigrant Investor

Program,” foreign nationals may be eligible for an employment-based, fifth preference (“EB-5”) immigrant visa if they have invested, or are actively in the process of investing, \$1 million (or \$500,000 in a high unemployment or rural area) in a qualifying New Commercial Enterprise (“NCE”), and that investment results in the creation of at least ten jobs for U.S. Workers. See 8 U.S.C. § 1153(b)(5)(A)-(D); see also 8 C.F.R. § 204.6(a)-(j). The EB-5 regulations further provide that, in order to qualify as an “investment” in the EB-5 Program, foreign nationals must actually place their capital “at risk” for the purpose of generating a return, and that the mere intent to invest is not sufficient. See 8 C.F.R. § 204.6(j)(2). The purpose of this program was to promote foreign direct investment into, and job creation within, the U.S.

96. In 1993, Congress created the Immigrant Investor Pilot Program (“Pilot Program”) through the enactment of various provisions of section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act. See Pub. L. No. 102-395, § 601, 106 Stat. 1828, 1874 (1992). The Pilot Program allows foreign investors who invest in NCEs affiliated with USCIS (formerly INS) designated regional centers to meet the 10-jobs-per investor by counting indirect jobs- i.e. jobs that created outside of the NCE. Further, in addition to not being restricted to only counting employees of the NCE, investors under the Pilot Program are allowed to use any valid statistical forecasting model to demonstrate job creation. See § 601(a)-(c) of Pub. L. No. 102-395; see also 8 C.F.R. § 204.6(e), (j)(4)(iii), (m)(7)(ii). The intent of these reforms was, again, to incentivize and promote foreign investment into, and job creation within, the U.S.

97. Regional center investment projects typically use an economic model, such as the RIMS II Input/Output model, a U.S. government created model, for predicting the job creation resulting from EB-5 investment into a given project. Input/Output models are based on

multipliers derived from vast amounts of government data. For every unit of input, the multiplier is applied to derive a number of units of output. For instance, most common in the EB-5 program is the use of construction expenditures as an input. For every \$1 million of construction expenditures, X number of jobs are created (the multiplier varies by region, but typically there are 10-12 jobs per \$1 million of construction expenditures). The ability to count indirect jobs and use an economic model allows EB-5 funds to be used for types of development projects that would not ordinarily qualify under the non-regional center program due to its requirement of counting only employees of the NCE. Another result of the Pilot Program is that regional centers can aggregate investments from a large number of EB-5 investors in order to finance larger scale projects.

98. In order to become an LPR through both the standard and regional center-model program, a foreign national must initially file with USCIS a Form I-526, Immigrant Petition by Alien Entrepreneur, which, if approved, makes the foreign national eligible to receive an employment-based, fifth preference immigrant visa, see generally 8 U.S.C. § 1153(b)(5). Upon approval of the I-526 Petition, the foreign national must file a Form I-485, Application to Adjust Status (if he or she is located in the United States), or a Form DS-260, Application for Immigrant Visa and Alien Registration (if he or she is located outside the United States). *See generally* 8 U.S.C. § 1201 (provisions relating to the issuance of entry documents); 8 U.S.C. § 1255 (provisions relating to adjustment of status). Upon adjustment of status or admission on an EB-5 immigrant visa, the foreign national is granted two-years of conditional permanent resident status, provided that the foreign national is not otherwise ineligible for admission into the United States. *See generally* 8 U.S.C. § 1182 (provisions relating to excludable aliens). Finally, at the conclusion of the two-year conditional period, the foreign national must file a Form I-829,

Petition to Remove the Conditions on his or her LPR status. If the foreign national has fulfilled the EB-5 requirements- i.e. has invested, maintained the investment at risk, and the investment has resulted in the creation of at least ten jobs for U.S workers- then the conditions will be removed and the foreign national will be an unconditional LPR. *See generally* 8 U.S.C. § 1186b (provisions relating to conditional permanent resident status for certain alien entrepreneurs, spouses, and children).

99. An EB-5 investor must maintain his or her investment at risk until the end of the two-year conditional residence period. This period does not begin to run until the investor enters the U.S. with an EB-5 visa or is granted an Adjustment of Status by USCIS while in the U.S.

FACTUAL ALLEGATIONS

A. Golf and Mountain

100. Golf and Mountain was formed to raise \$45 million from 90 EB-5 investors to fund the construction of Golf cottage duplexes, a wedding chapel, and other facilities. Construction is complete and the Golf and Mountain Project is operating. Based on the information submitted with investors' I-829 petitions, the investment in Golf and Mountain resulted in the creation of approximately 950 jobs for U.S. workers.

101. At least sixty-nine (69) investors in Golf and Mountain have filed I-829 petitions and had them approved by Defendants.

102. Plaintiff, Igor Ivanovich Obraztsov, a native of Russia is currently residing at 30134 Avenida Celestial, Rancho Palos Verdes, CA 90275. Plaintiff's two-year period of conditional residence commenced on December 9, 2014 and concluded on December 9, 2016. Plaintiff filed a Form I-829 petition on September 26, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1636200456. The Form I-829 Petition remains pending

over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make a long-term investment in the U.S. and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be.
- c. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

103. Plaintiff, Carlos Eduardo Mesa Gomez, a native of Colombia is currently residing at 2391 NW 24th Street, Boca Raton, FL 33434. Plaintiff's two-year period of conditional residence commenced on March 19, 2013 and concluded on March 19, 2015. Plaintiff filed a Form I-829 petition on February 25, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1514800435. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

104. Plaintiff, Dong Thuy Nguyen, a native of Vietnam is currently residing at 14831 Acorn Street, Chino Hills, CA 91709. Plaintiff filed a Form I-526 Petition on September 13, 2011. Plaintiff's two-year period of conditional residence commenced on August 29, 2013 and concluded on August 29, 2015. Plaintiff filed a Form I-829 petition on July 22, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1529500095. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

- e. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than five (5) years.

105. Plaintiff, Dung Anh Ly, a native of Vietnam is currently residing at 3722 Las Vegas Blvd South, Unit 1902, Las Vegas, NV 81958. Plaintiff filed a Form I-526 Petition on August 8, 2011. Plaintiff's two-year period of conditional residence commenced on August 17, 2013 and concluded on August 17, 2015. Plaintiff filed a Form I-829 petition on June 9, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1525200191. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make business, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- d. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

106. Plaintiff, Khumi Tonsing Massey, a native of India is currently residing at 1042 Eagles Brooke Drive, Locust Grove, GA 30248. Plaintiff filed a Form I-526 Petition on July 08, 2011. Plaintiff's two-year period of conditional residence commenced on September 11, 2013 and concluded on September 11, 2015. Plaintiff filed a Form I-829 petition on July 02, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1527500142. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for pleasure or to see family. Plaintiff had two (2) incidents where airplane boarding was denied causing Plaintiff and his derivatives anguish and emotional stress as both of them took place around the time Plaintiff went to India due to his father's cancer treatment and passing away.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

107. Plaintiff, Wanxin Shi, a native of China is currently residing at 725 Charette Road, Philadelphia, PA 19115. Plaintiff's two-year period of conditional residence commenced on February 3, 2013 and concluded on February 3, 2015. Plaintiff filed a Form I-829 petition on

November 28, 2014 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1505900179. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than six (6) years.

108. Plaintiff, Nayaranan Parameswaran, a native of the United Arab Emirates is currently residing at 281 Middlesex Turnpike, Iselin, NJ 08830. Plaintiff's two-year period of conditional residence commenced on May 21, 2013 and concluded on May 21, 2015. Plaintiff filed a Form I-829 petition on March 3, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1515400216. The Form I-829 Petition remains pending over four (4)

years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest or set up a family as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than six (6) years.

109. Plaintiff, Vikram Ahuja, a native of India is currently residing at 1 Shore Lane, Apt. 2607, Jersey City, NY 07310. Plaintiff's two-year period of conditional residence commenced on July 25, 2013 and concluded on July 25, 2015. Plaintiff filed a Form I-829 petition on May 12, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1522400400. The Form I-829 Petition remains pending over four (4) years later. Plaintiff

has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to close Plaintiff's business in India and move his business to the U.S. leading to considerable financial losses, mental stress and the inconvenience created by the need to maintain presence in two locations. Overall, Plaintiff has not been able to permanently and comfortably settle down with his family in the U.S.

110. Plaintiff, James Spiller, a native of United Kingdom is currently residing at 4416 Ridge Street, Chevy Chase, MD 20815. Plaintiff's two-year period of conditional residence commenced on December 16, 2014 and concluded on December 16, 2016. Plaintiff filed a Form I-829 petition on December 12, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1707300257. The Form I-829 Petition remains pending over two and a half

(2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- c. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

111. Plaintiff, Carlos Antonio Espinosa Perez, a native of Colombia is currently residing at 4105 Granada Blvd, Coral Gables, Florida 33146. Plaintiff filed a Form I-526 Petition on May 9, 2011. Plaintiff's two-year period of conditional residence commenced on July 29, 2013 and concluded on July 29, 2015. Plaintiff filed a Form I-829 petition on May 6, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1521800550. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest and stopped moving his investments to the U.S. as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

112. Plaintiff, Adrian Nicholas Gaty, a native of Canada is currently residing at 2801 Vista Heights Drive, Leander, TX 78641. Plaintiff filed a Form I-526 Petition on September 13, 2011. Plaintiff's two-year period of conditional residence commenced on January 28, 2013 and concluded on January 28, 2015. Plaintiff filed a Form I-829 petition on January 16, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1510800241. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

113. Plaintiff, Tung Fai Wong, a native of China is currently residing at 2619 Edgefield Lakes Drive, Houston, TX 77054. Plaintiff filed a Form I-526 Petition on June 30, 2011. Plaintiff's two-year period of conditional residence commenced on August 20, 2012 and concluded on August 20, 2014. Plaintiff filed a Form I-829 petition on December 19, 2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1607900238. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available

³ USCIS denied a previous Form I-829 Petition filed by Plaintiff on July 17, 2014, claiming that a Request for Clarification ("RFC") and a Request for Evidence ("RFE") had been issued but not responded to. Neither Petitioner or her attorney ever received the RFC or RFE. Therefore, Plaintiff filed a new Form I-829 Petition on December 19, 2015.

InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

- e. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than seven (7) years.

114. Plaintiff, Antonio Erwin Dugarte Semidey, a native of Venezuela is currently residing at 602 Misty Oaks Lane, Pompano Beach, FL 33069. Plaintiff's two-year period of conditional residence commenced on September 26, 2014 and concluded on September 26, 2016. Plaintiff filed a Form I-829 petition on September 19, 2016 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1635500232. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- b. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for pleasure or to see family.
- c. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

115. Plaintiff, Yong She, a native of China is currently residing at 3919 Stables Course Drive, Richmond, TX 77407. Plaintiff's two-year period of conditional residence commenced on July 25, 2013 and concluded on July 25, 2015. Plaintiff filed a Form I-829 petition on May 21,

2015 based on an investment in Jay Peak Golf and Mountain Suites L.P., WAC1523300671.

The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

B. Stateside

116. Stateside raised \$67 million from 134 EB-5 investors to fund the construction of the Stateside Hotel component of the Jay Peak Resort. As of 2017, it is estimated that the investment in Stateside has resulted in the creation of approximately 1,361 jobs for U.S. workers.

117. The Stateside Hotel project, a component of the greater Jay Peak Resort, was to include the construction of: (i) an eighty-five (85) guest-suite hotel (the "Stateside Hotel"); (ii)

eighty-four (84) vacation rental cottages (the “Stateside Cottages”), (iii) a Medical Center; and (iv) a guest recreational center.

118. Construction of the Stateside Hotel commenced in the fall of 2012 with planning, engineering, design and permitting. The Stateside Hotel opened on December 20, 2013, and includes a full-service restaurant, guest lockers, laundry, hot tubs, and patio-deck. The Stateside Hotel is situated directly at the base of the Jay Peak mountain and within short walking/ski distance to the base of four ski lifts to serve all ability levels of skiers and riders.

119. The Stateside Cottages residential project is comprised of five 12-unit townhouse style buildings (60 units) and eight 3-unit cottage style buildings (24 units). The architectural style of these buildings is in the same theme as other recent residential projects at Jay Peak. The units are a mix of one- and two-bedroom suites averaging a comfortable 1,068 square feet per unit. Site clearing commenced in the fourth quarter of 2015 and infrastructure and earthwork in April 2015. After taking over the Project, the Receiver invested an additional \$19,687,000 to complete construction of the Stateside Project, which has now created sufficient jobs for all of its investors to receive permanent green cards.

120. USCIS has approved a number of I-829 petitions for investors in Stateside, but began issuing Notices of Intent to Deny a number of them in 2017 based on its concerns that enough jobs had not been created. A response to the NOID was provided to USCIS with updated information showing that at least 1,361 jobs have or will be created by the Stateside Project, which is more than enough for the 134 investors.

121. At least thirty-two (32) investors in Stateside have filed I-829 petitions and had them approved by Defendants.

122. Plaintiff, Jose Angel Mendoza, a native of Mexico is currently residing at 3008 E. Perryton Dr., Dallas TX, 75224. Plaintiff filed a Form I-526 Petition on February 27, 2012. Plaintiff's two-year period of conditional residence commenced on November 19, 2013 and concluded on November 19, 2015. Plaintiff filed a Form I-829 petition on November 17, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1604800280. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which determined Plaintiff not to travel outside of the U.S. for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff cannot open a new bank account and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

123. Plaintiff, Felipe Accioly Vieira, a native of Brazil is currently residing at 113 Scribner Rd., Stowe VT, 05672. Plaintiff's two-year period of conditional residence commenced

on September 23, 2013 and concluded on September 23, 2015. Plaintiff filed a Form I-829 petition on September 16, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1535100062. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family. This is exacerbated by the fact that Plaintiff has to travel to Brazil as his mother developed Alzheimer in the past two (2) years and his wife's mother is ninety (90) years old.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than five (5) years. This is exacerbated by the fact that Plaintiff is unable to bring his mother to leave with him in the U.S.

124. Plaintiff, Lorne Morris, native of Canada is currently residing at 5550 Hollywood Blvd., Apartment 323, Los Angeles, CA 90028. Plaintiff filed a Form I-526 Petition on April 2,

2012. Plaintiff's two-year period of conditional residence commenced on April 13, 2013 and concluded on April 13, 2015. Plaintiff filed a Form I-829 petition on February 20, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1514300279. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

125. Plaintiff, Marian Kapusta, a native of Slovak Republic is currently residing at 163 Bayside Drive Clearwater, FL 33767. Plaintiff's two-year period of conditional residence commenced on March 17, 2014 and concluded on March 17, 2016. Plaintiff filed a Form I-829

petition on January 20, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1611200166. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to close Plaintiff's business in Europe and move his business to the U.S. leading to considerable financial losses, mental stress and the inconvenience created by the need to maintain presence in two locations. Overall, Plaintiff has not been able to permanently and comfortably settle down with his family in the U.S.

126. Plaintiff, Meghaben Dhirubhai Patel, a native of India is currently residing at 2351 Berkshire Lane, North Brunswick, NJ 08902. Plaintiff filed a Form I-526 Petition on April 30, 2012. Plaintiff's two-year period of conditional residence commenced on July 15, 2013 and

concluded on July 15, 2015. Plaintiff filed a Form I-829 petition on July 6, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1527900212 The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

127. Plaintiff, Mehulkumar Dhirubhai Patel, a native of India is currently residing at 2351 Berkshire Lane, North Brunswick, NJ 08902. Plaintiff filed a Form I-526 Petition on March 26, 2012. Plaintiff's two-year period of conditional residence commenced on October 9, 2013 and concluded on October 9, 2015. Plaintiff filed a Form I-829 petition on August 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1531600334. The

Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

128. Plaintiff, Nicolas Manuel Luis Carballo, a native of Spain is currently residing at 2701 Cypress, Manor Weston, FL 33332. Plaintiff's two-year period of conditional residence commenced on April 25, 2014 and concluded on April 25, 2016. Plaintiff filed a Form I-829 petition on March 9, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1616100360. The Form I-829 Petition remains pending over three (3) years later. Plaintiff

has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make business, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to further Plaintiff's career, family and business interest as Plaintiff's future in this country is unknown.

129. Plaintiff, Mohammed Adil, a native of India is currently residing at 14310 Dalhousie Road, San Diego, CA 92129. Plaintiff's two-year period of conditional residence commenced on July 31, 2013 and concluded on July 31, 2015. Plaintiff filed a Form I-829 petition on June 26, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1526900223. The Form I-829 Petition remains pending over four (4) years later. Plaintiff

has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's career, family and business interest as Plaintiff's future in this country is unknown.

130. Plaintiff, Raisa V. Babaeva, a native of Russia is currently residing at 44 Towering Pines Drive, the Woodlands, TX 77381. Plaintiff's two-year period of conditional residence commenced on August 25, 2013 and concluded on August 25, 2015. Plaintiff filed a Form I-829 petition on July 9, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528200395. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

131. Plaintiff, Chuan Qian, a native of China is currently residing at 63 Grandview, Irvine, CA 92603. Plaintiff's two-year period of conditional residence commenced on March 13, 2013 and concluded on March 13, 2015. Plaintiff filed a Form I-829 petition on December 16, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1507700192. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that

Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

132. Plaintiff, Chuong Nguyen Vo, a native of Vietnam is currently residing at 8020 Tripp Ave, Skokie, IL 60076. Plaintiff's two-year period of conditional residence commenced on March 18, 2014 and concluded on March 18, 2016. Plaintiff filed a Form I-829 petition on January 26, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1611800293. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

133. Plaintiff, Yingzi Li, a native of China is currently residing at 53 Fenway, Irvine, CA 92620. Plaintiff filed a Form I-526 Petition on September 14, 2012. Plaintiff's two-year period of conditional residence commenced on August 20, 2013 and concluded on August 20, 2015. Plaintiff filed a Form I-829 petition on July 27, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC15300000373. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been damaged in that Plaintiff's son faces difficulty on finding employment after graduating from university because of his expired Permanent Resident Card.

134. Plaintiff, Xiayi Shen, a native of China is currently residing at 172 Montague Street, Apt. 4B, Brooklyn, NY 11201. Plaintiff's two-year period of conditional residence commenced on February 27, 2015 and concluded on February 27, 2017. Plaintiff filed a Form I-829 petition on February 27, 2017 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1715000362. The Form I-829 Petition remains pending over two and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

135. Plaintiff, Gigy Jacob Pollayil, a native of India is currently residing at 291 Weeks Hill Meadows, Stowe, VT 05672. Plaintiff's two-year period of conditional residence commenced on February 17, 2014 and concluded on February 17, 2016. Plaintiff filed a Form I-829 petition on November 23, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1605400610. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

136. Plaintiff, Momoko Okumura, a native of Japan is currently residing at 4348 Waialae Ave. #924, Honolulu, HI 96816. Plaintiff's two-year period of conditional residence commenced on December 19, 2012 and concluded on December 19, 2014. Plaintiff filed a Form I-829 petition on November 19, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1505000228. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

137. Plaintiff, Setareh Alipourfetrati, a native of Iran is currently residing at 299 Colt Highway, Apt 521, Farmington, CT 06032. Plaintiff's two-year period of conditional residence commenced on September 17, 2013 and concluded on September 17, 2015. Plaintiff filed a Form I-829 petition on July 9, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528200338. The Form I-829 Petition remains pending over four (4) years later.

Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's financial and professional interest as Plaintiff's future in this country is unknown.

138. Plaintiff, Alaa Selim, a native of Egypt is currently residing at 407 Vista Suerte, Newport Beach, CA 92660. Plaintiff's two-year period of conditional residence commenced on December 18, 2013 and concluded on December 18, 2015. Plaintiff filed a Form I-829 petition on October 28, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1602800138. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff's son faced difficulty on enrolling in university because of his expired Permanent Resident Card.

139. Plaintiff, Jinshun Wu, a native of China is currently residing at 1660 Orvieto Ct., Pleasanton, CA 94566. Plaintiff filed a Form I-526 Petition on June 28, 2012. Plaintiff's two-year period of conditional residence commenced on January 26, 2014 and concluded on January 26, 2016. Plaintiff filed a Form I-829 petition on December 31, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1609200232. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family,

and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to close Plaintiff's business in China and move his business to the U.S. leading to considerable financial losses, mental stress and the inconvenience created by the need to maintain presence in two locations and be apart from the family. Overall, Plaintiff has not been able to permanently and comfortably settle down with his family in the U.S.

140. Plaintiff, Qiang Wu, a native of China is currently residing at 763 Kilarny Lane, Johns Creek, GA 30097. Plaintiff filed a Form I-526 Petition on August 23, 2012. Plaintiff's two-year period of conditional residence commenced on March 6, 2014 and concluded on March 6, 2016. Plaintiff filed a Form I-829 petition on January 28, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1612000233. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.

- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

141. Plaintiff, Chun Pang Suen, a native of China is currently residing at 9526 117th Avenue NE, Kirkland, WA 98033. Plaintiff filed a Form I-526 Petition on September 18, 2012. Plaintiff's two-year period of conditional residence commenced on May 6, 2013 and concluded on May 6, 2015. Plaintiff filed a Form I-829 petition on April 14, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1519600174 The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing

where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

142. Plaintiff, Yue Zhang, a native of China is currently residing at 6 Winthrop, Newport Beach, CA 92660. Plaintiff's two-year period of conditional residence commenced on October 1, 2014 and concluded on October 1, 2016. Plaintiff filed a Form I-829 petition on August 19, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1632400140. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

143. Plaintiff, Jianhua Yuan, a native of China is currently residing at 37-20 Prince Street, Apt 8F, Flushing, NY 11354. Plaintiff's two-year period of conditional residence commenced on November 14, 2013 and concluded on November 14, 2015. Plaintiff filed a Form I-829 petition on September 18, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC WAC1535300109. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the

form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

144. Plaintiff, Markus Schmid, a native of Germany is currently residing at 310 Whitebridge Road, Hampstead, NC 28443. Plaintiff's two-year period of conditional residence commenced on December 18, 2012 and concluded on December 18, 2014. Plaintiff filed a Form I-829 petition on November 28, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC150590169. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to close Plaintiff's business in China and move his business to the U.S. Overall, Plaintiff has not been able to permanently and comfortably settle down with his family in the U.S.

145. Plaintiff, Galina Krylova, a native of Russia is currently residing at 904 NE 27th Ave, Hallandale, FL 33009. Plaintiff's two-year period of conditional residence commenced on December 12, 2014 and concluded on December 12, 2016. Plaintiff filed a Form I-829 petition on November 17, 2014 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1504800276. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

146. Plaintiff, Apolinar Liborio Marcano Leccia, a native of Venezuela is currently residing at 3320 NW 84th Way, Cooper City, FL 33024. Plaintiff filed a Form I-526 Petition on May 7, 2012. Plaintiff's two-year period of conditional residence commenced on March 23, 2015 and concluded on March 23, 2017. Plaintiff filed a Form I-829 petition on March 10, 2017 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1716100279. The Form I-829 Petition remains pending over two and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

147. Plaintiff, Liliana Teresa Ng Cheung, a native of Venezuela is currently residing at 81-14 Queens Boulevard, Apartment 3D, Elmhurst, New York 11373. Plaintiff filed a Form I-526 Petition on March 28, 2012. Plaintiff's two-year period of conditional residence commenced on April 17, 2014 and concluded on April 17, 2016. Plaintiff filed a Form I-829 petition on

February 10, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1613300274. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

148. Plaintiff, Minfeng Wu, a native of China is currently residing at 7375 Elk Run Way, Moorpark, CA 93021. Plaintiff's two-year period of conditional residence commenced on October 1, 2013 and concluded on October 1, 2015. Plaintiff filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528600502. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

149. Plaintiff, Tianyun Wang, a native of China is currently residing at 7804 NE 14th Street, Medina, WA 98039. Plaintiff's two-year period of conditional residence commenced on October 2, 2013 and concluded on October 2, 2015. Plaintiff filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1528600510. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.

- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

150. Plaintiff, Ling Sun, a native of China is currently residing at 9728 Athletic Way, Gaithersburg, MD 20878. Plaintiff's two-year period of conditional residence commenced on September 29, 2014 and concluded on September 29, 2016. Plaintiff filed a Form I-829 petition on August 19, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1632400221. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that

Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

151. Plaintiff, Stéphan Jean Francois Gouazé, a native of France is currently residing at 3 East 82nd Street, New York, NY 10028. Plaintiff filed a Form I-526 Petition on June 11, 2012. Plaintiff's two-year period of conditional residence commenced on June 23, 2013 and concluded on June 23, 2015. Plaintiff filed a Form I-829 petition on June 1, 2015 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1524400456. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

152. Plaintiff, Qi Zhang, a native of China is currently residing at 9857 NE 29th Street, Bellevue, Washington 98004. Plaintiff's two-year period of conditional residence commenced on February 6, 2014 and concluded on February 6, 2016. Plaintiff filed a Form I-829 petition on January 12, 2016 based on an investment in Jay Peak Hotel Suites Stateside L.P., WAC1610400135. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

C. Lodge and Townhouses

153. Lodge and Townhouses was formed to raise \$45 million from 90 EB-5 investors to fund the construction of 30 vacation rental townhouses, 90 vacation rental cottages, a café, and a parking garage. Construction is complete and the facilities are operating.

154. Based on the I-526 Job Impact Report submitted with investors' I-526 petitions, Lodge and Townhouses was forecast to create a total of 2,898 jobs for U.S. workers.

155. At least thirty-one (31) investors in Lodge and Townhouses have filed I-829 petitions and had them approved by Defendants.

156. Plaintiff, Daniel Bittar Figueiredo, a native of Brazil is currently residing at 14019 Eylewood Drive, Winter Garden, FL 34787. Plaintiff filed a Form I-526 Petition on January 17, 2012. Plaintiff's two-year period of conditional residence commenced on April 15, 2013 and concluded on April 15, 2015. Plaintiff filed a Form I-829 petition on March 11, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1516200347. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces

repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

157. Plaintiff, Mukesh Kantilal Patel, a native of India is currently residing at 1043 Kacie Drive, Pleasant View, TN 37146. Plaintiff filed a Form I-526 Petition on October 13, 2011. Plaintiff's two-year period of conditional residence commenced on July 18, 2013 and concluded on July 18, 2015. Plaintiff filed a Form I-829 petition on April 29, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1521100185. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

158. Plaintiff, Emilio Alverde Ochoa, a native of Mexico is currently residing at 127 N Concord Valley CIR., The Woodlands, TX 77382. Plaintiff's two-year period of conditional residence commenced on May 10, 2013 and concluded on May 10, 2015. Plaintiff filed a Form I-829 petition on March 19, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1517000285. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status,

which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

159. Plaintiff, Xinru Wu, a native of China is currently residing at 9100 Bulls Run Parkway, Bethesda, MD 20817. Plaintiff's two-year period of conditional residence commenced on April 19, 2013 and concluded on April 19, 2015. Plaintiff filed a Form I-829 petition on April 15, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519700094. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

160. Plaintiff, Thaiza Tinoco Alvim, a native of Brazil is currently residing at 211 W 14th Street, Apt. 3C, New York, NY 10011. Plaintiff's two-year period of conditional residence commenced on May 6, 2013 and concluded on May 6, 2015. Plaintiff filed a Form I-829 petition on April 29, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1521100150. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into

contracts as the other party is wary of Plaintiff's future presence in the country.

161. Plaintiff, Alicia Lazo de la Vega Gomez, a native of Mexico is currently residing at 916 Glorietta Blvd., Coronado, CA 92118. Plaintiff's two-year period of conditional residence commenced on May 23, 2013 and concluded on May 23, 2015. Plaintiff filed a Form I-829 petition on March 19, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1517000263. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

162. Plaintiff, Rahul Shaikh, a native of Pakistan is currently residing at 301 Main Street, 30E, San Francisco, CA 94105. Plaintiff's two-year period of conditional residence commenced on August 15, 2013 and concluded on August 15, 2015. Plaintiff filed a Form I-829 petition on May 20, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1523200404. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

163. Plaintiff, Pinzhi Zhang, a native of China is currently residing at 9906 River View Ct., Potomac, MD 20854. Plaintiff's two-year period of conditional residence commenced on January 28, 2014 and concluded on January 28, 2016. Plaintiff filed a Form I-829 petition on December 11, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1607200068. The Form I-829 Petition remains pending over three (3) years later. Plaintiff

has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

164. Plaintiff, Fernando Penna Chaves, a native of Brazil is currently residing at 108 Acadia Terrace, Kissimmee, FL 34747. Plaintiff's two-year period of conditional residence commenced on February 26, 2014 and concluded on February 26, 2016. Plaintiff filed a Form I-829 petition on February 10, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1613300294. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

165. Plaintiff, Yijun Zeng, a native of China is currently residing at 51283 Leeward Point, Granger, IN 46530. Plaintiff's two-year period of conditional residence commenced on September 05, 2012 and concluded on September 5, 2014. Plaintiff filed a Form I-829 petition on July 18, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1429800251. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces

repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

166. Plaintiff, Shangshang Chen, a native of China is currently residing at 4740C University Way NE, Seattle, WA 98105. Plaintiff's two-year period of conditional residence commenced on June 28, 2012 and concluded on June 28, 2014. Plaintiff filed a Form I-829 petition on April 18, 2014 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1420000197. The Form I-829 Petition remains pending over five (5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

167. Plaintiff, Tao Zhang, a native of China is currently residing at 4457 130th Ave. SE Bellevue, WA 98006. Plaintiff's two-year period of conditional residence commenced on April 10, 2013 and concluded on April 10, 2015. Plaintiff filed a Form I-829 petition on January 20, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1511200282. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of

available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

168. Plaintiff, Jorge Solorzano Y Mosqueda, a native of Mexico is currently residing at 42 W Bracebridge Circle, The Woodlands, TX 77382. Plaintiff's two-year period of conditional residence commenced on October 11, 2012 and concluded on October 11, 2014. Plaintiff filed a Form I-829 petition on October 10, 2014 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1501000187. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

- f. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed, although Plaintiff has already been a Lawful Permanent Resident for more than five (5) years.

169. Plaintiff, Samantha Patricia Castillo, a native of Mexico is currently residing at 45 Dogwood Drive, Apt. #304, Nashua, NH 03062. Plaintiff's two-year period of conditional residence commenced on June 6, 2013 and concluded on June 6, 2015. Plaintiff filed a Form I-829 petition on April 24, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519800129. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff's ability to seek naturalization to U.S. citizenship is delayed because Defendants will not approve an N-400, Application for Naturalization, until the conditions have been removed,

although Plaintiff has already been a Lawful Permanent Resident for more than five (5) years. Plaintiff filed an N-400, Application for Naturalization on June 14, 2018, IOE0904807824.

- f. Plaintiff is critically ill with cancer. When she suffered with it several years ago, it responded to treatment and went into remission. It recurred near the end of 2017 and has become increasingly acute since. Plaintiff is presently homebound and requires 24-hour supervision and care.

170. Plaintiff, Nga Thuy Luu, a native of Vietnam is currently residing at 21379 Abigail Lane, Huntington Beach, CA 92646. Plaintiff's two-year period of conditional residence commenced on May 25, 2013 and concluded on May 25, 2015. Plaintiff filed a Form I-829 petition on April 10, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1519200101. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

171. Plaintiff, Ruixue Xing, a native of China is currently residing at 215 Sunnyside Blvd, Plainview, NY 11803. Plaintiff's two-year period of conditional residence commenced on August 9, 2014 and concluded on August 9, 2016. Plaintiff filed a Form I-829 petition on May 24, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1623700607. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

172. Plaintiff, Zhonghua Ba, a native of China is currently residing at 39-16 Prince Street, Unit 8E, Flushing, NY 11355. Plaintiff filed a Form I-526 Petition on September 14,

2011. Plaintiff's two-year period of conditional residence commenced on July 12, 2013 and concluded on July 12, 2015. Plaintiff filed a Form I-829 petition on June 6, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1524800326. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

173. Plaintiff, Xiaochen Yang, a native of China is currently residing at 1211 Progress Street, NW #7100K Blacksburg, VA 24060. Plaintiff filed a Form I-526 Petition on September 16, 2011. Plaintiff's two-year period of conditional residence commenced on April 22, 2013 and concluded on April 22, 2015. Plaintiff filed a Form I-829 petition on February 28, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1515000413. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the

failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

174. Plaintiff, Tianmu Wang, a native of China is currently residing at 7804 NE 14th Street, Medina, WA 98039. Plaintiff's two-year period of conditional residence commenced on October 2, 2013 and concluded on October 2, 2015. Plaintiff filed a Form I-829 petition on July 13, 2015 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1528600458. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.

- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

175. Plaintiff, Fei Chang, a native of China is currently residing at 1 Arbor Lane, Roslyn Heights, NY 11577. Plaintiff's two-year period of conditional residence commenced on March 7, 2014 and concluded on March 7, 2016. Plaintiff filed a Form I-829 petition on January 6, 2016 based on an investment in Jay Peak Lodge and Townhouses L.P., WAC1609800113. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces

repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

D. Penthouse Suites

176. Penthouse Suites was formed to raise \$32.5 million from 65 EB-5 investors to fund the construction of a 55-unit penthouse suites hotel and an activities center, including a bar and restaurant. Construction is complete and the facilities are operating.

177. Based on the information submitted with investors' I-829 petitions, the investment in Penthouse Suites resulted in the creation of approximately 700 jobs for U.S. workers.

178. At least fifty-nine (59) investors in Penthouse Suites have filed I-829 petitions and had them approved by Defendants.

179. Plaintiff, Martin Eugene Walsh, a native of South Africa is currently residing at 15914 Larkfield Drive, Houston, TX 77059. Plaintiff's two-year period of conditional residence commenced on December 30, 2012 and concluded on December 30, 2014. Plaintiff filed a Form I-829 petition on November 28, 2014 based on an investment in Jay Peak Penthouse Suites L.P.,

WAC1505900064. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make business, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

180. Plaintiff, Osama Makram Wahny Guirguis, a native of Egypt is currently residing at 2 Green Ash, Monroe, NJ 08831. Plaintiff's two-year period of conditional residence commenced on December 22, 2013 and concluded on December 22, 2015. Plaintiff filed a Form I-829 petition on October 27, 2015 based on an investment in Jay Peak Penthouse Suites L.P., WAC1603000188. The Form I-829 Petition remains pending over three (3) years later. Plaintiff

has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.

181. Plaintiff, Chang Cao, a native of China is currently residing at 80 Fenwood Road, Boston, MA 02115. Plaintiff's two-year period of conditional residence commenced on March 19, 2013 and concluded on March 19, 2015. Plaintiff filed a Form I-829 petition on January 22, 2015 based on an investment in Jay Peak Penthouse Suites L.P., WAC1511400334. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

182. Plaintiff, Gyim Yang, a native of South Korea is currently residing at 441 2nd Avenue, Apartment B, Palisades Park, NJ 07650. Plaintiff filed a Form I-526 Petition on October 26, 2010. Plaintiff's two-year period of conditional residence commenced on July 23, 2013 and concluded on July 23, 2015. Plaintiff filed a Form I-829 petition on May 3, 2015⁴ based on an investment in Jay Peak Penthouse Suites L.P., WAC1532500354. The Form I-829 Petition remains pending over four (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.

⁴ While the Form I-829 Receipt Replacement Notice for receipt number WAC1532500354 shows a receipt date of August 21, 2015, we note that Plaintiff actually filed her I-829 petition on May 3, 2015. As Plaintiff did not receive a receipt notice for Form I-829 prior to the expiration of her conditional residence period, Plaintiff filed a second Form I-829 with USCIS's California Service Center. On August 29, 2015, USCIS issued a biometrics appointment notice for Plaintiff's Form I-829 listing receipt numbers WAC1532500354 and WAC1523150787 (the latter for the Form I-89).

- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

E. Burke

183. Burke raised \$60.5 million from 121 EB-5 investors to fund the construction of a hotel and conference center at Burke Mountain, a nearby ski resort also owned by Quiros. The hotel and conference center have been completed, as well as the construction of a new ski lift and improved snowmaking capacity.

184. Through 2016, the investment in Burke created approximately 836 jobs for U.S. workers with additional jobs still being created.

185. Approximately ten (10), investors in Burke have filed I-829 petitions and none of the I-829 petitions has been adjudicated by USCIS.

186. Plaintiff, Phuoc Thanh Nguyen, a native of Vietnam is currently residing at 2930 SW 23rd Terrace, Apt. 2001, Gainesville, FL 32608. Plaintiff filed a Form I-526 Petition on November 21, 2011. Plaintiff's two-year period of conditional residence commenced on March 22, 2014 and concluded on March 22, 2016. Plaintiff filed a Form I-829 petition on February 4, 2016 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P.,

WAC1612700202. The Form I-829 Petition remains pending over three (3) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been damaged in that Plaintiff's expenditures associated with his immigration process increased as a result of USCIS's continued delay in adjudicating his Form I-829 petition. Plaintiff has been further damaged in that Plaintiff's daughter educational plans are on hold.

187. Plaintiff, Xiangyu Li, a native of China, is currently residing at 150 Henley Pl, Apt 314, Weehawken, NJ 07086. Plaintiff's two-year period of conditional residence commenced on April 15, 2015 and concluded on April 15, 2017. Plaintiff filed a Form I-829 petition on March 13, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1716400800. The Form I-829 Petition remains pending over two

and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

188. Plaintiff, Jessica Yung, a native of Brazil is currently residing at 100 West 31th Street, Apt. 37J New York, NY 10001. Plaintiff's two-year period of conditional residence commenced on March 24, 2015 and concluded on March 24, 2017. Plaintiff filed a Form I-829 petition on March 9, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1716000161. The Form I-829 Petition remains pending over two and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.

- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

189. Plaintiff, Sharf Emdad, a native of Bangladesh is currently residing at 66 Mariomi Road, New Canaan, CT 06840. Plaintiff filed a Form I-526 Petition on January 09, 2014. Plaintiff's two-year period of conditional residence commenced on June 9, 2015 and concluded on June 9, 2017. Plaintiff filed a Form I-829 petition on April 13, 2017, based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1719500272. The Form I-829 Petition remains pending over two and a half (4) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been unable to close Plaintiff's business in Bangladesh and move his business to the U.S. leading to considerable financial losses. Overall, Plaintiff has not been able to permanently and comfortably settle down with his family in the U.S.

190. Plaintiff, Ekaterina Fedyaeva, a native of Russia is currently residing at 32 Murtle Street, Apt. 2-1, Boston, MA 02114. Plaintiff's two-year period of conditional residence commenced on May 18, 2015 and concluded on May 18, 2017. Plaintiff filed a Form I-829 petition on March 22, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1717300299. The Form I-829 Petition remains pending over two and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.

- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.
- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.

191. Plaintiff, Jose Lasry Marrache, a native of Morocco is currently residing at 2766 Pinehurst Dr. Weston, FL 33332. Plaintiff filed a Form I-526 Petition on March 31, 2014. Plaintiff's two-year period of conditional residence commenced on February 11, 2015 and concluded on February 11, 2017. Plaintiff filed a Form I-829 petition on February 11, 2017 based on an investment in Q Burke Mountain Resort Hotel & Conference Center L.P., WAC1713100298. The Form I-829 Petition remains pending over two and a half (2.5) years later. Plaintiff has been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications:

- a. Plaintiff has been damaged in that Plaintiff's investment funds remain at risk, with no indication of whether Plaintiff will be able to obtain the immigration benefit that motivated the investment.
- b. Plaintiff has been damaged in that Plaintiff faces ongoing uncertainty about the future, which hinders Plaintiff's ability to make career, family, and life choices, and deprives Plaintiff of the peace of mind of knowing where Plaintiff's future will be. This is exacerbated by the fact that Plaintiff faces repeated questions and must constantly explain and prove Plaintiff's legal status in the U.S., causing stress and humiliation.
- c. Plaintiff has been damaged in that Plaintiff faces delays, questioning and uncertainty each time Plaintiff travels regarding Plaintiff's immigration status, which discourages Plaintiff from traveling for business, pleasure or to see family.

- d. Plaintiff has been damaged in that Plaintiff must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- e. Plaintiff has been unable to further Plaintiff's business interest as Plaintiff's future in this country is unknown. Plaintiff cannot obtain business loans from banks and has difficulty entering into contracts as the other party is wary of Plaintiff's future presence in the country.
- f. Plaintiff has been damaged in that Plaintiff is now suffering from insomnia and anxiety and had to seek a psychiatrist for treatment.

F. The Disposition of Receivership Assets

192. The Court appointed a Receiver over the LPs and other Jay Peak assets on April 13, 2016 and April 19, 2019.

193. The Receiver is charged with the management of the Jay Peak and Burke resorts, the recovery and preservation of assets for the benefit of the investors and other creditors. Importantly, because the investors all invested through the EB-5 program, the Receiver has spent substantial time, effort, and money to provide the investors with the best chance possible to obtain their green cards. As a result of the protracted and unanticipated adjudication period, the Receiver has had to balance his obligation to serve the economic interest of the investors, Receivership and the resorts with the need to help, or at least not frustrate, investors' goals of a obtaining a green card. Had Plaintiffs been able to complete their immigration processes in a timely fashion, the Receivership would not have had this additional consideration and obligation.

194. When the Receiver took over operation of the Jay Peak and Burke resorts, the Jay Peak resort required additional capital to complete all of the construction that had been contemplated and the Burke resort was not yet fully operational. Absent the need to consider the

Plaintiff's immigration goals, the Receiver would have elected to sell the Burke resort rather than engage in operation and improvements.

195. Undertaking the operation and improvement of the Burke resort and the JayPeak resort has taxed the time and financial resources of the Receivership. The Receiver has had to use resources to pay immigration counsel, economists and other professionals in order to prepare templates for Plaintiffs to file petitions and respond to RFEs and NOIDs, and has expended millions of dollars making improvements to both resorts in order to satisfy the EB-5 job creation requirements on behalf of the investors.

196. As the Court is aware, the Receiver negotiated a settlement with Raymond James. *See* SEC Action [ECF No. 353]. A substantial portion of the Raymond James recovery was utilized for contractor liens and to pay off certain aspects of the hotel paving the way for Plaintiffs to satisfy the requirements of the EB-5 program. Had the Plaintiffs' immigration status not been uncertain as a result of the delay in adjudication coupled with the Defendants' silence even as the Receiver publicly disclosed his intent to use the proceeds of the settlements to satisfy the requirements of the EB-5 program, the Receiver would not have funneled the proceeds of the Raymond James settlement back into the resorts but would have instead repaid the investors. The decision to continue to fund projects at the resorts, rather than selling the resort, was solely driven by the uncertainty faced by the Plaintiffs as to their immigration goals and the desire to protect their immigration process.

197. During the initial months of the Receivership, USCIS had continued to adjudicate petitions, issuing RFEs, NOIDs, or approvals, but no denials, leading the Receiver to believe the continued operation of the resort was a rational decision as the investors would be moved through the immigration process successfully.

198. Over the course of 2017, adjudications of petitions for the Plaintiffs and other Jay Peak investors slowed to a trickle or stopped completely.

199. In July of 2018, after adjudications had severely slowed or stopped, USCIS terminated the Vermont Regional Center. The Vermont Regional Center appealed the termination to the Administrative Appeals Office at USCIS (“AAO”). On September 25, 2019, the AAO dismissed the Vermont Regional Center’s Appeal, lending further uncertainty to Plaintiffs’ immigration journeys.

200. Defendants monitored the Receiver’s website and were aware of the development of the resorts and the expenditure of funds at the Jay Peak project and yet continued to stonewall the adjudication process and proceeded to terminate the Vermont Regional Center.

201. Had Defendants adjudicated all of, or a majority of, Plaintiffs’ petitions, in any fashion, or simply continued to consistently issue decisions on the pending petitions, the Receiver could have made informed decisions on how best to handle the estate instead of remaining in a holding pattern to see how Defendants would proceed.

202. With every decision, the Receiver must balance the immigration and financial interests of the investors. This includes whether to spend money, sell all or part of the resorts, and close or operate part or all of the resorts. The continued investment in the resorts is likely to decrease the amount of money available to repay investors at a later date. If USCIS is ultimately going to deny the petitions, spending millions of dollars to protect the Plaintiffs’ immigration interests is futile and wasteful.

G. General Allegations

203. The investor Plaintiffs have suffered economic damages from various parties for which they are pursuing remedies against third parties not included in this action.

204. Plaintiffs have made multiple inquiries with Defendant USCIS about the status of their petitions, but have received only form responses from USCIS, with no meaningful or case specific information.

205. The intent of the EB-5 program is for investors to make an at-risk investment for approximately 4 or 5 years after which they could have their investments returned, with any profits on their investments. Defendants' delays in adjudications have resulted in plaintiffs not being able to obtain a return of their investments for 6 to 10 years, or more. As a result, plaintiffs have lost the ability to access their money for an unreasonable period of time and a period of time not contemplated by either Congress or the administrative agency in its regulations. In addition, the longer the investments are outstanding, the greater the risk of loss of the investment or change in the investment.

206. The investor Plaintiffs all face harms arising from the uncertainty of their immigration status, which are exacerbated and prolonged by the ongoing delays in adjudicating their I-829 petitions.

207. The delays in adjudication of the I-829 petitions also prejudice the immigration interests of the investors in various ways. Defendant USCIS has vacillated in its position regarding whether the I-829 petitions are subject to denial in the event that the investment does not meet USCIS standards for being sustained "at risk" for the entire period the I-829 is pending. At times, USCIS has stated this to be a requirement; at other times, it has stated the contrary.

208. USCIS has a history of reversing its policy positions without notice or warning in the EB-5 program, resulting in petitions that were approvable for years suddenly becoming unapprovable. The longer the petitions remain pending, the greater the risk that the investors will suffer from unanticipated changes in Defendants' policy and administration of the program.

209. By regulation, USCIS is required to adjudicate plaintiffs' I-829 petitions within 90 days pursuant to 8 C.F.R. § 216.6 (c).

210. Defendants' failure to follow this regulatory requirement, and to delay adjudications, not just beyond 90 days but for many years, severely prejudices both the financial interests and the immigration interests of the plaintiffs.

211. In addition, Plaintiffs are eligible to file for naturalization to become U.S. citizens 4 years and 9 months after obtaining conditional permanent residence, but they can only do so if the I-829 petition is approved before that date. Defendants' delays in adjudicating the I-829 petitions are preventing Plaintiffs from applying for and obtaining naturalization and U.S. citizenship despite their statutory right to do so.

212. According to 8 U.S.C. §1571(b), "[i]t is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application.

213. Despite its public statements to the contrary, USCIS is not adjudicating petitions in the order filed. Plaintiffs are aware of many investors with I-829 petitions filed subsequent to their petitions that have been adjudicated by Defendants.

214. Defendant USCIS' actions and inactions are consistent with changes made to its mission statement deleting reference to foreign nationals filing petitions as "customers" (even though they are fee paying customers), eliminating "granting immigration and citizenship benefits" from the mission statement and eliminating reference to the U.S. as a "nation of immigrants."

215. Upon information and belief, Defendant USCIS' delays in processing Plaintiffs' petitions are part of an overall effort on the part of Defendants to delay processing times for

immigrants seeking benefits. This is consistent with the fact that Defendants' overall average case processing times increased by 46% over the past two fiscal years. Case processing times increased substantially during the last fiscal year even as case receipt volume markedly decreased.

216. Defendant USCIS' "net backlog" of all case types now exceeds 2.3 million delayed cases, which amounts to more than a 100% increase over the span of one year despite a mere 4% increase in case receipts during that period.

217. Defendant USCIS has erected barriers to prevent investors from communicating with the agency regarding the status of their petitions unless their petitions have been pending more than 85 months for I-829 petitions.

218. USCIS is primarily a fee supported, and not appropriations supported agency.

219. On information and belief, USCIS, through DHS, is permitted to set filing fees for the applications and petitions it adjudicates, including I-829 and petitions.

220. On May 4, 2016 USCIS (through DHS) issued a Notice of Proposed Rulemaking (NPRM), in which it proposed fee increases for almost all types of benefits applications and petitions it adjudicates. That NPRM suggests that USCIS is using EB-5 filing fees to pay for other, non-EB-5 adjudications instead of using EB-5 filing fees to process EB-5 application and petitions in a timely fashion. See 81 Fed. Reg. No. 86. At 26904, et seq.

221. In the NPRM, USCIS states that the average number of employee hours it takes to process an I-829 petition is only 5.5 hours.

222. On information and belief, the Immigrant Investor Program Office has the authority to hire personnel at rates outside of the normal GS scale in order to attract candidates

with the specialized business and economic knowledge and experience that is relevant to EB-5 adjudications.

223. On information and belief, USCIS, through DHS, has the ability to set fees at a level necessary to ensure sufficient resources to hire enough staff to process EB-5 applications and petitions in a timely manner.

224. The filing fee for a Form I-829 petition is currently \$3,750. On information and belief, it is the second most expensive filing fee for a single petition.

225. On information and belief, USCIS generated more than \$50 million of EB-5 fee revenue in 2017 and \$40 million in 2018.

226. Despite massive EB-5 fee revenues and decreasing EB-5 case receipts, EB-5 processing times have inexplicably and dramatically increased.

227. USCIS posted processing time for I-829 petitions has increased by 209% from 2015 to the present.

228. Plaintiffs have followed all filing procedures and have submitted complete petitions.

229. On information and belief, Plaintiffs are, and have been since the time of filing, eligible to have their petitions approved.

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230. Plaintiffs reiterate the allegations set forth in Paragraphs 1-228 as if fully set forth herein.

231. Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in and have

refused to, adjudicate Plaintiffs' petitions, thereby depriving them of the right to a decision on their status and the peace of mind to which they are entitled.

232. Plaintiffs have fully complied with all applicable laws, regulations and procedures, and have provided Defendants with all information and documents required or requested in conjunction with their application and petitions.

233. Defendants' delay in adjudicating the investor Plaintiffs' I-829 petitions and is unreasonable and unjustified.

234. USCIS has the ability to generate fee income and allocate sufficient resources to meet its own case processing goals in the time frame specified by Congress for the adjudication of immigrant benefits, but Defendants continue to unreasonably fail to do so.

235. Regardless of resources, Defendants' failure to adjudicate Plaintiffs' petitions within normal processing times is unreasonable.

236. The EB-5 program was intended by Congress to stimulate job creation in the U.S., and USCIS' failure to adjudicate EB-5 petitions within the time frame specified by Congress and the goals stated by the agency itself frustrates the goals of the program, and makes the delay in the adjudications of Plaintiffs' petitions even more unreasonable.

237. USCIS has offered no reason for the delay, and has not indicated a time frame in which a response can be expected, and has only provided automated form responses to inquiries, all of which undermine confidence in its intent to adjudicate the petitions within a reasonable time absent court intervention.

238. Plaintiffs have been greatly damaged by the failure of Defendants to act in accordance with their duties under the law and adjudicate their applications as follows:

- a. Investor Plaintiffs have been damaged in that their funds remain at risk, with no indication of whether they will be able to obtain the immigration benefit that motivated them to make the investment.
- b. Investor Plaintiffs have been damaged in that they face ongoing uncertainty about their future, which hinders their ability to make career, family, and life choices, and deprives them of the peace of mind of knowing where their futures will be.
- e. Plaintiffs have been damaged in that Plaintiffs must now repeatedly go to a local USCIS field office to receive documentation as to the Plaintiff's status for travel, employment, identification, and other purposes in the form of an I-551 stamp. This is exacerbated by recent government shutdowns and the lack of available InfoPass appointments at local USCIS field offices, which are necessary in order to obtain the I-551 stamp.
- f. Plaintiffs are also unable to file applications for naturalization because their I-829 petitions have not been approved.

239. The harm suffered by Plaintiffs is ongoing, and can be resolved only through the adjudication of their petitions.

240. Plaintiffs have a statutory right to the adjudication of their petitions pursuant to the INA and governing regulations at 8 C.F.R. § 204.6.

241. Defendants are required by their own regulations to adjudicate and issue a written decision on Plaintiffs' petitions. See 8 C.F.R. § 204.6(k), (m)(5).

242. Plaintiffs' payment of fees and Defendants' acceptance of those fees for processing Plaintiffs' application and petitions represents a quid pro quo whereby Defendants are accepting a fee in exchange for providing a service- namely the processing and adjudication of Plaintiffs' application and petitions.

243. In the process of adjudicating an I-829 petition, on information and belief, Defendants are required to complete certain security checks. However, on information and belief, none of these should cause a significant delay in adjudication.

244. According to a report published by one of Defendants' agencies, the FBI name check is concluded within one month for 94% of applicants, and within six months for 99% of applicants. However, according to a recent USCIS press release, the backlog of FBI name checks has been eliminated, and there remain NO cases in which an FBI name check has been pending for more than six months. All other security checks performed in conjunction with Defendants' adjudication of an application or petition generally take less than a month to complete, and some take as little as a day or two. See Office of the Inspector General, "A Review of U.S. Citizenship and Immigration Service's Alien Security Checks," November 2005; USCIS Fact Sheet "Immigration Security Checks- How and Why the Process Works," April 25, 2006.

245. Defendant USCIS is an administrative agency subject to 5 U.S.C. § 555(b), which provides "[w]ith due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it." (Emphasis added).

246. Completing security checks and adjudicating I-829 petitions are purely routine and ministerial duties performed on a daily basis by Defendants.

247. Except under very specific provisions of law that are not applicable here, Defendants lack the legal authority or discretion to abstain from processing applications or petitions for immigration benefits.

248. Thus the adjudication of I-829 petitions is clearly subject to the requirements of 5 U.S.C. § 555(b), and Defendants have a legal duty to complete them within a reasonable time.

249. Because Defendants have a purely ministerial duty under the law to adjudicate Plaintiffs' petitions within a reasonable time, and have utterly failed, or refused, to do so, a Writ

of Mandamus is proper to compel Defendants to perform their duty to adjudicate Plaintiffs' application and petitions to avoid further harm to Plaintiffs.

250. For the same reasons, relief under the A.P.A. is warranted.

PRAYER FOR RELIEF

WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- a. granting Plaintiffs a Writ of Mandamus and/or an order under the A.P.A. requiring Defendants to adjudicate the investor Plaintiffs' I-829 petitions within 30 days; and
- b. granting such other relief at law and in equity as justice may require.
- c. retaining jurisdiction over this matter to ensure Defendants' compliance with this Court's order.

Respectfully submitted,

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