


# Emami Litigation - Notice to Class Members

Last Updated: September 23, 2024

[Emami Litigation - Notice to Class Members - Arabic translation](#) 

[Emami Litigation - Notice to Class Members - Farsi translation](#) 

## NOTICE OF CLASS-WIDE RELIEF

The U.S. District Court for the Northern District of California has certified a class in the consolidated cases *Farangis Emami, et al. v. Alejandro Mayorkas, et al.*, No. 18-cv-01587-JD, and *Pars Equality Center, et al. v. Antony Blinken, et al.*, No. 18-cv-07818-JD, to allow certain visa applicants who were refused visas under Presidential

Proclamation 9645 (“P.P. 9645”) to receive a one-time, non-transferable fee credit to submit a new visa application and (for eligible class members) to have the option to get a prioritized visa appointment. The fee credit may be used once towards any immigrant or nonimmigrant visa at any U.S. embassy or consulate.

Class-wide relief will be available starting on August 12, 2024. “Relief” means the benefits specified in the court’s order.

## **A. Who Benefits Under the Court’s Order**

If you are a national of Iran, Libya, North Korea, Somalia, Syria, Venezuela, or Yemen, and were denied a visa under P.P. 9645 between December 8, 2017, and January 20, 2021, and did not receive a waiver under P.P. 9645, you may be eligible to benefit from the court’s order. Individuals who

benefit under this order are referred to as “class members.” Only class members are eligible to benefit from this order.

You are not eligible to benefit from this order if:

- Your application denied under P.P. 9645 was an application for a diversity visa;
- You received a waiver while P.P. 9645 was in effect;
- You have received a visa since January 20, 2021; or
- You have made a new application, attended a visa interview (consular appointment), and have received a decision, including a refusal under INA 221(g), since January 20, 2021.

## **B. How to Benefit from The Emami Order – Nonimmigrant Visas for Temporary Visits**

The U.S. Department of State has reviewed its records to identify 24,560 *Emami* class members who may be able to benefit from and receive relief under this court order. Additionally, the attorneys representing the *Emami* class members will attempt to contact class members using the contact information provided to the Department of State when you last applied for a visa. The attorneys representing class members will NOT ask you for any money. However, any legal fees you may have incurred in relation to a previously refused or current visa application (for example, if you hired an attorney to assist you with completing your visa application) are not covered under this court's order.

### 1. Complete the DS-160 Application Form

Class members who want to benefit from this order to seek a nonimmigrant visa must first

order to seek a nonimmigrant visa must first complete a DS-160 application form. You can find detailed instructions on completing a DS-160 application form at <https://ceac.state.gov/genniv/>. You may use a previously completed DS-160 application form as long as you have not used it to make an appointment for a visa application. You will need the Application ID from your previously completed application to do this.

## 2. Obtain an Application Fee Credit and Schedule an Appointment

Beginning on August 12, 2024, *Emami* class members can contact the U.S. Embassy or Consulate where they plan to apply to verify eligibility, obtain an application fee credit, and schedule an appointment.

**Ensure Form DS-160 is complete.** Before you

contact the U.S. Embassy or Consulate, you should complete a Form DS-160 Nonimmigrant Visa Application at <https://ceac.state.gov/genniv/>, and note the application ID (a ten-character code beginning with two letters).

**Contact the embassy or consulate where you seek to interview.** You are not required to apply at the same location where you applied previously. You can find contact information here:

<https://www.usembassy.gov/>. (First, click on the country in which you would like to make an application; next click on the link to the embassy or consulate of your choice). The visa section of the embassy or consulate website will generally have "Contact Us" information for routine NIV and IV questions.

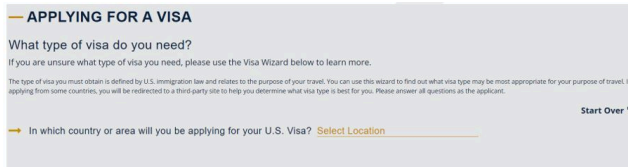
Because specific procedures for requesting an

application fee credit and scheduling an appointment will vary by post, *Emami* class members should use the website contact form or email listed for routine NIV and IV questions to request more information about the process to get an application fee credit and schedule an appointment. This notice provides some illustrative examples of where you can find this information on our public websites, as well as on the websites of third-party vendors who provide services related to the visa application process.

### Example – Interactive Visa Wizard Form

For example, if someone on August 12, 2024, wanted to start the process of getting a fee waiver and interview in the United Arab Emirates, one would first go to the visas section of the webpage for the U.S. Embassy in the United Arab Emirates (<https://ae.usembassy.gov/visas/>). As of August

12, 2024, you would find an interactive Visa Wizard that asks you to identify the location where you want to apply.



The screenshot shows a web interface titled "APPLYING FOR A VISA". It contains the following text: "What type of visa do you need?", "If you are unsure what type of visa you need, please use the Visa Wizard below to learn more.", "The type of visa you must obtain is defined by U.S. immigration law and relates to the purpose of your travel. You can use this wizard to find out what visa type may be most appropriate for your purpose of travel. If applying from some countries, you will be redirected to a third-party site to help you determine what visa type is best for you. Please answer all questions as the applicant.", and a "Start Over" button. Below this, there is a question: "In which country or area will you be applying for your U.S. Visa?" followed by a "Select Location" link.

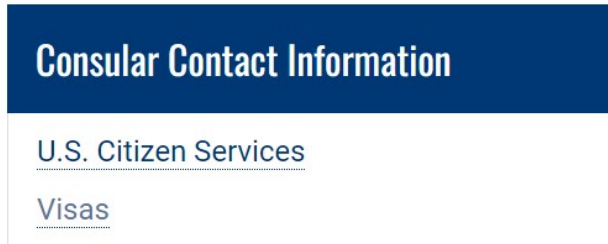
That will provide a website for the third-party vendor that provides services for the U.S. Embassy in Abu Dhabi and the U.S. Consulate General in Dubai. The third-party vendor page includes a link labelled “contact us”, which includes an email address that you can use to request to benefit under the court’s order as an *Emami* class member.

Example – Locate Contact for Inquiries

As another example, if someone on August 12,



2024, wanted to start the process of getting a fee waiver and interview in Canada, one would first go to the visas section of the webpage for the U.S. Embassy in Canada (<https://ca.usembassy.gov/visas/>). As of August 12, 2024, you would find a box labeled “Consular Contact Information”. See image below.



Click the link for Visas, which will give you an email address for every U.S. visa-issuing post in Canada, which you can use to request to benefit under the court’s order as an *Emami* class member. Some visa-issuing posts use a web-

based form rather than email. Whichever method of communication used by the post to receive inquiries can be used to start the process to benefit under the order.

**IMPORTANT: Indicate you are an Emami class member.** When you reach out to claim an application fee credit and schedule an appointment, you will need to indicate that you believe you are an *Emami* class member. Please include the text “Emami Class Membership Verification Request” in the subject line or body of your inquiry.

**Provide information to verify your identity.** You will also need to provide, in the body of the email or website contact form inquiry, the following information as it was presented on your application refused under P.P. 9645:

- your surname (or last name),
- your given name (or first name),
- date of birth,
- the name of the city where your prior application was made (for example, Dubai or Ottawa), and
- visa classification sought (for example, B1/B2 or F1).

The following additional information, as it was presented on your application refused under P.P. 9645, may also be helpful if available:

- nationality
- the passport number,
- gender,
- place of birth, and
- DS-160 barcode from your prior application (also known as an Application ID), and
- email of individual seeking fee credit.

**Receive confirmation.** Within seven (7) business days, you will receive confirmation whether you are one of the class members identified by the Department of State. However, if you are not verified as a class member, you will be informed that your case is being referred for further review, consistent with Section D, below.

### 3. Verified *Emami* Class Members

If verified, at most embassies and consulates in the world, you will receive a fee waiver or credit that you can use to schedule an appointment for an interview with a consular officer. You can schedule your appointment immediately or you can wait to schedule your appointment later. You must use your fee credit within 365 days to schedule an appointment, however, your appointment date may take place outside of the 365-day period. If class members seek to

365-day period. If class members seek to reschedule an appointment within the 365-day period, they may utilize the process outlined above for one rescheduling request. Subsequent requests to reschedule will need to follow standard rescheduling practices of the embassy or consulate at which you are applying.

On the day of your appointment, you will be interviewed by a consular officer. The consular officer will adjudicate your application without regard to your prior refusal under P.P. 9645. The consular officer will either issue or refuse your application.

#### 4. A Note on Prioritization of Consular Interviews

The Department of State will provide some prioritization in appointment scheduling for one year at the top embassies and consulates where

class members previously applied and are likely to apply again. Those posts will set aside a small allotment of appointments for class members on a daily basis. These posts include Abu Dhabi, Ankara, Beirut, Calgary, Dubai, Doha, Frankfurt, Halifax, Istanbul, Jeddah, Kuwait, London, Nicosia, Paris, Ottawa, Riyadh, Toronto, Tunis, Vancouver, and Yerevan.

### 5. A Note on Some Smaller Posts

Please note that at a few locations around the world, visa application fees cannot be collected in advance and must be collected on the day of your interview. You will need to contact these embassies or consulates by August 12, 2025, to claim your fee-free visa application. At these locations, consular staff will grant you a fee waiver on the day of your interview with a consular officer; they are not able to grant it in

advance of your interview, but they can confirm you are an *Emami* class member when you schedule your interview appointment. Currently, those locations, by name of the city, are as follows: Antananarivo, Apia, Ashgabat, Asmara, Baghdad, Bamako, Bandar Seri Begawan, Brazzaville, Bujumbura, Conakry, Cotonou, Damascus, Dili, Djibouti, Dushanbe, Erbil, Gaborone, Hamilton, Harare, Juba, Kabul, Khartoum, Kolonia, Koror, Libreville, Lilongwe, Ljubljana, Lome, Luxembourg, Majuro, Malabo, Maputo, Maseru, Mbabane, Minsk, N'Djamena, Niamey, Nouakchott, Podgorica, Ponta Delgada, Port Louis, Port Moresby, Rangoon, Reykjavik, and Sanaa. Please note that visa services are not currently available at all these locations. Additionally, this list is current as of the date this notice is posted and will not be actively monitored or updated.

## 6. A Note on the Form DS-5535

Class members are welcome to bring the Form DS-5535 Supplemental Questions for Visa Applicants to their visa interviews in the event that it is required, however, a consular officer may still require you to submit the form electronically immediately after your interview. Submitting it electronically allows the embassy or consulate to process your case more quickly, if the Form DS-5535 is needed.

## **C. How to Benefit from The Emami Order – Immigrant Visas**

### 1. Class Members Previously Refused Immigrant Visas

Immigrant visa applicants refused under P.P. 9645 on or after January 20, 2020, were able to restart



the immigrant visa application process without having to pay a new fee. Additionally, immigrant visa applicants refused under P.P. 9645 between December 8, 2017, and January 19, 2020, are already eligible for a one-time exemption of applicable immigrant visa fees pursuant to Department of State regulations. See 22 C.F.R. section 42.71(b)(3).

If you are an immigrant visa applicant (excluding diversity visa applicants) who was previously refused under P.P. 9645 who has not yet benefited from these provisions, please contact the immigrant visa unit where you were previously refused to resume pursuing your application. To find appropriate contact information, please see <https://www.usembassy.gov/> (First, click on the country in which you would like to make an application; next click on the link to the embassy or consulate of your choice). The visa section of

the embassy or consulate website will generally have "Contact Us" information for routine NIV and IV questions.

Because specific procedures for resuming your application and scheduling an appointment will vary by post, *Emami* class members should use the website contact form or email listed for routine IV questions about the process to get an application fee credit and schedule an appointment. Please include the text "Emami Class Membership Verification Request" in the subject line or body of your inquiry. Consistent with Presidential Proclamation 10141, the Department will expedite consideration of class members who were previously refused an immigrant visa application.

## 2. Class Members Previously Refused a Nonimmigrant Visa Now Seeking an Immigrant

## Visa

It is also possible that some class members who were denied nonimmigrant visas under P.P. 9645 may now be eligible to apply for an immigrant visa. All class members who are or will be the beneficiaries of an approved immigrant petition will also be eligible to have their immigrant visa application fee waived before August 2, 2025.

**Comply with all immigrant visa requirements.** Any class member who is pursuing a **new** immigrant visa application will follow all the normal immigrant visa processing steps as described on the Department of State's website <https://nvc.state.gov/petition>.

**Contact the NVC.** Those class members whose *nonimmigrant* visas were refused under P.P. 9645 and are now pursuing *immigrant* visa applications may request a waiver of fees by contacting State's

may request a waiver of fees by contacting the  
National Visa Center (NVC) at  
<https://nvc.state.gov/inquiry>.

**IMPORTANT: Indicate you are an Emami class member.** When you reach out to claim an application fee credit and schedule an appointment, you will need to indicate that you believe you are an *Emami* class member. Please include the text “Emami Class Membership Verification Request” in the subject line or body of your inquiry.

**Provide information to verify your identity.** You will also need to provide, in the body of your NVC inquiry, the following information as it was presented on your application refused under P.P. 9645:

- your surname (or last name),
- your given name (or first name),

- date of birth,
- the name of the city where you previously applied (for example, Dubai or Ottawa), and
- visa classification sought (for example, B1/B2 or F1).

The following additional information, as it was presented on your application refused under P.P. 9645, may also be helpful if available:

- nationality
- the passport number,
- gender,
- place of birth,
- DS-160 barcode from your prior nonimmigrant visa application (also known as an Application ID), and
- email of individual seeking fee credit.

**Receive confirmation.** Within seven (7) business

days, you will receive confirmation whether you are one of the class members identified by the Department of State. However, if you are not verified as a class member, you will be informed that your case is being referred for further review, consistent with Section D, below.

NVC will grant a fee exemption based on the court's order to all individuals whom it can verify are class members. Any class member who is pursuing a new immigrant visa application will follow all the normal immigrant visa processing steps as described on the Department of State's website <https://nvc.state.gov/petition>.


#### **D. Class Member Disputes**

The Department of State has set out the following procedures to be taken if there is a dispute as to class membership, or if an individual claiming relief under the injunction cannot be verified as a

Under the information cannot be verified as a class member by the NVC or consular personnel. When an embassy, consulate, or the NVC cannot verify that an individual seeking to benefit under this order is a class member, they will refer the case to Department of State headquarters within seven (7) business days. Personnel at the Department will review available records within seven (7) business days to assess whether the individual is a class member. The embassy, consulate, or the NVC will be informed of the results of the assessment and inform the inquirer within seven (7) business days of receiving the response from the Department. In total, this process will be completed within twenty-one (21) business days. If the Department's records reflect that the individual meets the class member definition, that individual will be allowed to proceed with a fee-free visa application. If the Department informs the individual that they are

not a class member and the individual disagrees,  
the individual may go to  
[www.waiversettlement.com](http://www.waiversettlement.com) to contact class  
counsel.

## **E. Contact Class Counsel**

Individuals claiming relief under this order who  
are unable to follow the instructions listed above  
or who do not receive a response from the  
Department of State regarding class membership  
may go to <https://waiversettlement.com/>  for  
additional support.