

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 THE CITY OF SEATTLE, IMMIGRANT  
4 LEGAL RESOURCE CENTER, CATHOLIC  
5 LEGAL IMMIGRATION NETWORK, INC.,  
6 SELF-HELP FOR THE ELDERLY,  
7 ONEAMERICA, AND CENTRAL  
8 AMERICAN RESOURCE CENTER OF  
9 CALIFORNIA,

Case No. 3:19-cv-07151-MMC

10 *Plaintiffs,*

11 vs.

12 DEPARTMENT OF HOMELAND  
13 SECURITY, CHAD WOLF,  
14 KENNETH CUCCINELLI, AND  
15 UNITED STATES CITIZENSHIP  
16 AND IMMIGRATION SERVICES,

17 *Defendants.*

18 **SUPPLEMENTAL DECLARATION OF JEFF CHENOWETH**  
19 **IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

20 I, Jeff Chenoweth, hereby declare as follows:

21 1. I have personal and professional knowledge of the matters set forth herein. I  
22 would testify to the facts in this declaration under oath if called upon to do so.

23 2. I am the Capacity Building Director at Catholic Legal Immigration Network, Inc.  
24 (“CLINIC”), a 501(c)(3) based in Silver Spring, Maryland.

25 **CLINIC’s Diversion of Resources and Future Harm to Funding**

26 3. As of November 19, 2019, CLINIC estimates that it has expended \$7,227 in staff  
27 time to address the impending elimination of the means-tested benefit (“MTB”) fee waiver. This  
28 amount includes time spent by CLINIC staff on advocacy and communications, and would not  
have been spent but for the elimination of the MTB fee waiver.

4. CLINIC’s only funding source for naturalization services is through the NAC.

1 CLINIC's Memorandum of Understanding (MOU) with the Immigrant Legal Resource Center  
2 ("ILRC") is for a one-year period, July 1, 2019 to June 30, 2020. Targets for grant deliverables  
3 are set each year, even where, as here, there is an expectation of a multi-year commitment from  
4 funders. CLINIC depends on meeting, or coming close to its numerical goals each year under  
5 each MOU. CLINIC is unaware of any other funding sources outside the NAC.

6 5. CLINIC has provided its naturalization services under a funding model that  
7 requires the completion of a minimum number of naturalization applications since 2011.

8 6. The impact of the policy and form changes is expected to suppress the volume of  
9 future applications and also funder support. Loss of, or even reduced, funding will cause CLINIC  
10 affiliates participating in NAC to reduce or lay off full-time NAC Project Coordinators. In  
11 addition, CLINIC may need to take staff members off naturalization-related work and transition  
12 its NAC Project Coordinator to a part-time position. Loss of staff time or positions altogether, in  
13 turn, will reduce or eliminate public outreach and education leading people to workshops,  
14 diminish volunteer management time and new volunteers and pro bono attorneys to replace those  
15 who drop-out, decrease the number of workshops that can be organized, and create a longer wait  
16 for one-on-one appointments.

17 7. If our deliverables fall significantly short of our targets, CLINIC does not expect  
18 its naturalization funders to maintain current funding levels in the next fiscal year. CLINIC  
19 anticipates losing up to 40 percent, and maybe more, of its national funding when the workshop  
20 model declines or collapses. CLINIC would also expect to lose a related percentage of flow-  
21 through funds to its local partners. CLINIC currently receives \$1.199 million for a 12-month  
22 period from multiple funders through the New Americans Campaign and it is highly probable  
23 that this funding will decrease if CLINIC's numbers fall short of its goals. We expect that one or  
24 more NAC funders may withdraw their support from the program altogether. Furthermore, we  
25 would have little expectation of drawing in new funders to replace lost funds since funders  
26 communicate with one another about major policy changes and their impact on programming at  
27 all levels, including at the local level. At minimum, CLINIC will be in the unenviable position of  
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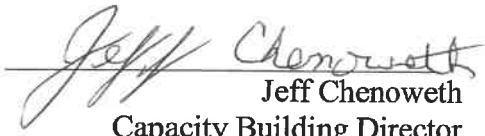
1 having to justify its current budget to its financial supporters while only servicing a fraction of  
2 the clients it has historically assisted.

3 8. The changes to the fee waiver process have the potential to deeply undermine  
4 CLINIC and its affiliates' ability to provide naturalization assistance, particularly via the  
5 workshop model, harming our mission of providing immigration legal services to low-income  
6 and vulnerable population. Adjusting to the changes will require – and in fact have already  
7 required – significant diversion of resources to adapt our trainings, materials, and other internal  
8 resources.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 22, 2019.

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7 Jeff Chenoweth  
8 Capacity Building Director  
9 Catholic Legal Immigration Network, Inc.  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:19-cv-07151-MMC

THE CITY OF SEATTLE, IMMIGRANT  
LEGAL RESOURCE CENTER,  
CATHOLIC LEGAL IMMIGRATION  
NETWORK, INC., SELF-HELP FOR THE  
ELDERLY, ONEAMERICA, AND  
CENTRAL AMERICAN RESOURCE  
CENTER OF CALIFORNIA,

*Plaintiffs,*

vs.

DEPARTMENT OF HOMELAND  
SECURITY, CHAD WOLF,  
KENNETH CUCCINELLI, AND  
UNITED STATES CITIZENSHIP  
AND IMMIGRATION SERVICES,

*Defendants.*

**SUPPLEMENTAL DECLARATION OF ANNI CHUNG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Anni Chung, declare as follows:

1. I have personal knowledge of the matters set forth herein.
2. I am the President and CEO of Self-Help for the Elderly (“Self-Help”), a 501(c)(3) non-profit organization headquartered in San Francisco, California.
3. Self-Help uses funding from San Francisco Pathways to Citizenship Initiative, a partnership between the City of San Francisco (“the City”) and six legal and social service providers to provide free, high quality citizenship services, to pay for space rentals to hold workshops, staff salaries, equipment rentals (such as tables, chairs, printers, etc.), train volunteers, and provide food.
4. Self-Help has provided its naturalization services under a funding model that

1 requires the completion of a minimum number of naturalization applications since 2013.

2 **Self-Help’s Diversion of Resources and Harm to Future Funding**

3 5. Self-Help is hosting one of its large-scale workshops on Sunday, November  
4 24, 2019. We have capacity to assist 250 applicants at this workshop, and are planning to have  
5 a follow-up workshop on Tuesday, November 26, 2019 to assist those applicants who are  
6 unable to complete their MTB fee waiver and naturalization application on the initial  
7 workshop date. Self-Help is diverting resources including staff time to help these individuals  
8 before the elimination of the MTB fee waiver. Self-Help is spending an additional \$2,000 to  
9 promote this workshop. But for the elimination of the MTB fee waiver, Self-Help would not  
10 expend these resources or hold the follow-up workshop on November 26, 2019. In order to  
11 hold this additional workshop, staff time is being diverted from routine work such as passport  
12 renewals, green card renewals, family-based petitions, and citizenship test preparation.

13 6. This diversion of resources also ultimately frustrates Self-Help’s mission to  
14 provide assistance and support for seniors throughout the San Francisco area by integrating  
15 them into the civic and political community.

16 7. Outreach for Self-Help’s naturalization workshops is mostly done through the  
17 City’s Human Services Agency (“HSA”). HSA provides access to City residents to register  
18 for MTBs such as CalFresh (food stamps), MediCal (Medicaid), or CalWORKS (cash aid for  
19 families). Ahead of every workshop, HSA searches its records for all LPRs who receive  
20 MTBs. The City then mails an announcement to each of those individuals.

21 8. The mailer informs LPRs of the workshop time and location and tells them  
22 exactly what to bring to complete the naturalization application. The outreach by HSA is a  
23 vital element of Self-Help’s naturalization program. HSA sends out approximately 50,000 of  
24 these mailers each year which serve to notify LPRs about upcoming citizenship workshops  
25 and alert them to their eligibility for a fee waiver. Self-Help estimates that each mailer costs  
26 approximately two dollars to mail.

27 9. The proposed changes will render Self-Help’s workshop model infeasible  
28 because Self-Help is hugely reliant on the City’s direct outreach, through HSA, to potential

1 clients, specifically LPRs known to be eligible for fee waivers. The City's outreach is based  
2 on a list of residents who receive MTBs—something that is irrelevant under the new process.  
3 More critically, the City's outreach as the main way Self-Help finds workshop attendees, is  
4 irreplaceable. No City outreach means far less awareness of workshops, which leads to much  
5 lower attendance. If the change to the fee waiver process goes into effect, Self-Help would  
6 have to spend significantly more money on outreach and advertising in an attempt to fill the  
7 gap—something it does not currently have the budget to do.

8 10. Self-Help staff will also have to try to find cost-effective ways to replace the  
9 outreach formerly provided by the City. The estimated cost to HSA to send 50,000  
10 verification letters each year is \$100,000, and the value of this direct outreach is even higher.  
11 Self-Help currently spends \$3,000 to \$4,000 for advertising in Spanish and Chinese in  
12 advance of each of its large-scale workshops, and even with greater investment in advertising  
13 cannot replace the direct outreach to LPRs known to be eligible for fee waivers.

14 11. The shuttering of Self-Help's workshops jeopardizes, and likely eliminates,  
15 Self-Help's current funding streams. For fiscal year 2019-2020, the City funding for  
16 naturalization is \$525,000, of which Self-Help gets about \$100,000, and is tied to quantitative  
17 application-completion requirements. These numbers are impossible for Self-Help staff to  
18 meet without the support of the 150+ volunteers, the use of large-scale events, and outreach  
19 by HSA.

20 12. As explained above, Self-Help estimates that outreach by HSA costs  
21 approximately \$100,000. Self-Help believes that once fee waivers based on a MTB are  
22 eliminated, HSA will have no reason to provide outreach to MTB recipients about  
23 naturalization workshops. Thus, Self-Help will lose the benefit of HSA's outreach, which is  
24 valued at more than \$100,000, and will have to bear the expense of outreach itself.

25 13. Self-Help will have to seek additional funds to conduct additional outreach if  
26 HSA stops its outreach. This funding is currently not in our budget for the next two years.  
27 Self-Help estimates that it will have to raise another \$20,000 to \$30,000 for ethnic media to  
28 publicize our workshops. And even then, Self-Help will unlikely be able to match the scope

1 and reach of HSA. Self-Help would not incur this expense but for the elimination of the MTB  
2 fee waiver.

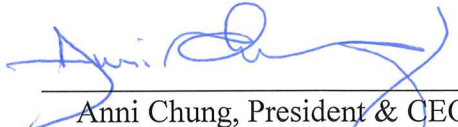
3 14. Self-Help will enter the second year of its current two-year grant agreement in  
4 the summer of 2020. Self-Help will face the difficulty of having to justify its current two-year  
5 grant to the City while only servicing a fraction of the clients it has historically assisted. It is  
6 highly unlikely that the City will see such a drastic drop in deliverables (applicants assisted  
7 with N-400s) as a good return on investment.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 22, 2019.

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9 Anni Chung, President & CEO  
10 Self-Help for the Elderly  
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Case No. 3:19-cv-07151-MMC

THE CITY OF SEATTLE, IMMIGRANT  
LEGAL RESOURCE CENTER, CATHOLIC  
LEGAL IMMIGRATION NETWORK, INC.,  
SELF-HELP FOR THE ELDERLY,  
ONEAMERICA, AND CENTRAL  
AMERICAN RESOURCE CENTER OF  
CALIFORNIA,

*Plaintiffs,*

vs.

DEPARTMENT OF HOMELAND  
SECURITY, CHAD WOLF, KENNETH  
CUCCINELLI, AND UNITED STATES  
CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

**SUPPLEMENTAL DECLARATION OF MEGHAN KELLY-STALLINGS  
IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I, Meghan Kelly-Stallings, hereby declare as follows:

1. I have personal and professional knowledge of the matters set forth herein. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Citizenship Program and Policy Specialist for the City of Seattle’s Office of Immigrant and Refugee Affairs (“OIRA”).
3. OIRA funds and coordinates two naturalization programs, the New Citizen Campaign (“NCC”) and the New Citizen Program (“NCP”). The NCC and NCP work with local and national partner organizations to conduct, *inter alia*, outreach, citizenship workshops, legal assistance, and case management for naturalization services.
4. Many of our NCC and NCP partners are recipients of USCIS’s Citizenship and

1 Assimilation Grant Program which “has awarded more than \$92 million through 434 competitive  
 2 grants to immigrant-serving organizations in 39 states and the District of Columbia.”<sup>1</sup> These  
 3 partners include Asian Counseling and Referral Service (fiscal years 2019, 2017 and 2014),<sup>2</sup> Sea  
 4 Mar Community Health Center (fiscal year 2018),<sup>3</sup> International Rescue Committee (fiscal years  
 5 2019 and 2017),<sup>4</sup> Neighborhood House (fiscal years 2016 and 2013),<sup>5</sup> and the Refugee Women’s  
 6 Alliance (fiscal year 2015).<sup>6</sup>

7 5. Each USCIS Citizenship and Assimilation Grant recipient generally has to  
 8 complete a minimum of 200 naturalization applications.<sup>7</sup> The elimination of the means-tested  
 9 benefit (“MTB”) fee waiver will make it more difficult for these NCC and NCP partners to meet  
 10 these requirements.

11 6. The success of our NCC and NCP partner organizations is integral to the success  
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13 <sup>1</sup> U.S. Citizenship and Immigration Services,  
 14 <https://www.uscis.gov/citizenship/organizations/grant-program> (last visited November 20, 2019).

15 <sup>2</sup> U.S. Citizenship and Immigration Services,  
 16 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2019-grant-recipients> (last  
 17 visited November 20, 2019); U.S. Citizenship and Immigration Services,  
 18 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2017-grant-recipients> (last  
 19 visited November 20, 2019); U.S. Citizenship and Immigration Services,  
 20 [https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2014-grant-  
 21 recipients](https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2014-grant-recipients) (last visited November 20, 2019).

22 <sup>3</sup> U.S. Citizenship and Immigration Services,  
 23 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2018-grant-recipients> (last  
 24 visited November 20, 2019).

25 <sup>4</sup> U.S. Citizenship and Immigration Services,  
 26 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2019-grant-recipients> (last  
 27 visited November 20, 2019); U.S. Citizenship and Immigration Services,  
 28 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2017-grant-recipients> (last  
 visited November 20, 2019).

<sup>5</sup> U.S. Citizenship and Immigration Services,  
[https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2016-grant-  
 recipients](https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2016-grant-recipients) (last visited November 20, 2019); U.S. Citizenship and Immigration Services,  
[https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2013-grant-  
 recipients](https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2013-grant-recipients) (last visited November 20, 2019).

<sup>6</sup> U.S. Citizenship and Immigration Services,  
[https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2015-grant-  
 recipients](https://www.uscis.gov/citizenship/organizations/grant-program/grant-recipients/fy-2015-grant-recipients) (last visited November 20, 2019).

<sup>7</sup> See e.g., U.S. Dep’t. of Homeland Security, *Notice of Funding Opportunity*, at 4,  
[https://www.uscis.gov/sites/default/files/USCIS/files/FY19/FY19NOFO\\_CINAS.pdf](https://www.uscis.gov/sites/default/files/USCIS/files/FY19/FY19NOFO_CINAS.pdf) (last visited  
 November 20, 2019).

1 of OIRA's mission and in furtherance of Seattle's economic prosperity. Moreover, NCC and  
2 NCP partners may not use the same applications to satisfy OIRA and USCIS contractual  
3 requirements. If contractual requirements of grants are not met, it is very difficult to renew a  
4 grant. Their failure to meet the numerical requirement in USCIS's grant program not only harms  
5 the finances of the organizations themselves, but Seattle's as well.

6 7. In preparation for the elimination of the MTB fee waiver, OIRA conducted  
7 training for NCP and NCC partners about the potential changes to the fee waiver process on  
8 October 24, 2019 and set up a training on obtaining tax transcripts on November 1, 2019. As a  
9 follow-up to this training, OIRA emailed NCP and NCC partners a list of updates and pointers  
10 about obtaining tax transcripts, as well as to remind partners about the relevant deadlines.

11 8. OIRA diverted resources such as staff time in order to facilitate these trainings.

12 9. Despite providing these trainings, NCP and NCC partners remain confused about  
13 the need for tax transcripts instead of tax returns. OIRA anticipates getting more and more  
14 questions as fee waivers start getting rejected. As such, it has already started to divert resources  
15 from other routine work towards putting together an advisory for NCP and NCC partners on best  
16 practices for obtaining tax practices, filing taxes early, and getting proof of non-filing status.

17 10. OIRA anticipates that, at minimum, many initial fee waiver applications will be  
18 rejected and, ultimately fewer people will naturalize. This will cause Seattle economic harm and  
19 frustrate OIRA's mission.

20 11. The next scheduled workshop after the MTB fee waiver is eliminated is on  
21 December 14, 2019. There are nine participants pre-registered, four of whom will need a fee  
22 waiver. Among the four, one individual is elderly, has no income, and thus, has not filed tax  
23 returns in recent years. Under the new fee waiver changes, this elderly individual will have a  
24 difficult time obtaining a tax transcript before the workshop, making their ability to file a  
25 naturalization application extremely challenging.

26 12. Moreover, OIRA will also put together additional training materials after its  
27 December 14, 2019 clinic so as to be responsive to issues raised after the implementation of the  
28 new fee waiver rules, including whether applicants will be able to obtain tax transcripts during the

1 clinics themselves, how much additional work will be required by NCP and NCC partners before  
2 the clinics, and what information to provide applicants.

3 13. OIRA will have to divert staff time to address these additional concerns and  
4 develop new practices that it otherwise would not have if there was a straightforward MTB fee  
5 waiver process.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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Executed on November 22, 2019.



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Meghan Kelly-Stallings  
Citizenship Program and Policy Specialist  
City of Seattle, Office of Immigrant and Refugee Affairs

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

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4 THE CITY OF SEATTLE, IMMIGRANT  
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6 LEGAL IMMIGRATION NETWORK, INC.,  
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11 *Plaintiffs,*

12 vs.

13 DEPARTMENT OF HOMELAND  
14 SECURITY, CHAD WOLF,  
15 KENNETH CUCCINELLI, AND  
16 UNITED STATES CITIZENSHIP  
17 AND IMMIGRATION SERVICES,

18 *Defendants.*

Case No. 3:19-cv-07151-MMC

19 SUPPLEMENTAL DECLARATION OF MIRIAM NÚÑEZ  
20 IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

21 I, Miriam Núñez, hereby declare as follows:

22 1. I have personal knowledge of the matters set forth herein. I would testify to the  
23 facts in this declaration under oath if called upon to do so.

24 2. I am the Managing Attorney of the Citizenship & Family-Based Unit at the  
25 Central American Resource Center of California (“CARECEN”), a 501(c)(3) non-profit  
26 organization headquartered in Los Angeles, California.

27 3. CARECEN is a civil rights, social services, and community empowerment  
28 organization. It is the largest Central American immigrant rights organization in the country. Its  
mission is to empower Central Americans and all immigrants by defending human and civil

1 rights, working for social and economic justice, and promoting cultural diversity.

2 4. CARECEN is headquartered in Los Angeles, California, with additional offices in  
3 Van Nuys and San Bernardino, California. CARECEN also provides services through regularly  
4 scheduled appearances at over 20 offsite locations throughout Southern California, including Los  
5 Angeles, Orange, San Bernardino, and Ventura counties. This includes the provision of  
6 immigration legal services such as naturalization services, deportation defense, obtaining  
7 Temporary Protected Status (“TPS”), and DACA petitions at various California State University  
8 and community college campuses throughout Southern California. In Los Angeles County alone,  
9 there are hundreds of thousands of permanent residents who are eligible to become citizens but  
10 have not yet done so. As part of its mission of community empowerment, CARECEN offers free  
11 legal assistance to eligible immigrants in order to help them apply for citizenship and become  
12 civically engaged citizens.

13 5. For fiscal years 2017-2019, CARECEN was also the recipient of USCIS’  
14 Citizenship and Assimilation Grant Program.<sup>1</sup> The USCIS Citizenship and Assimilation Grant  
15 required CARECEN to complete at least 400 naturalization applications over the two-year period  
16 of the grant.

17 6. Additionally, the California Department of Social Services (“CDSS”) funding for  
18 our naturalization program is tied to completion of 600 naturalization applications by the end of  
19 2019.

20 7. CARECEN has provided its naturalization services under a funding model that  
21 required the completion of a minimum numbers of naturalization application since 2009.

### 22 **CARECEN’s Diversion of Resources and Harm to Future Funding**

23 8. CARECEN has already started to divert resources to address the elimination of  
24 the MTB fee waiver applications. CARECEN has sent dozens of letters advising applicants with  
25 open cases advising them about the elimination of the MTB fee waiver. This has resulted in an

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26 <sup>1</sup> U.S. Citizenship and Immigration Services,  
27 <https://www.uscis.gov/citizenship/organizations/grant-program/fy-2017-grant-recipients> (last  
28 visited November 20, 2019).



1 increase of follow-ups from clients such that CARECEN has been unable to fully keep up with  
2 their normal naturalization intake and walk-in appointments. As a result, CARECEN will reduce  
3 or eliminate altogether walk-in appointments to adjust to the change.

4 9. CARECEN would not have sent such follow-up letters or diverted staff time from  
5 other routine work such as assisting clients with family-based immigrant petitions, DACA, or  
6 advocacy work around immigration issues but for the impending elimination of the MTB fee  
7 waiver. This in turn frustrates our overall mission of advancing civic engagement and  
8 empowering the Central American and broader immigrant community.

9 10. As a result of the impending elimination of the MTB fee waiver applications and  
10 a concomitant increase in follow-ups from open cases, CARCEN has been forced, and will  
11 continue, to divert resources from intake of new cases. On average, before the elimination of the  
12 means-tested benefit (“MTB”) fee waiver (also referred to herein as the “2019 Rule”),  
13 CARECEN would intake about 15 to 20 new cases a week; as a result of the impending  
14 elimination to the MTB fee waiver, that number has decreased to approximately 10 cases a week.

15 11. CARECEN will no longer be able to host workshops for the near future after the  
16 2019 Rule goes into effect on December 2, 2019. It will take a lot of training and restructuring to  
17 determine if workshops will be feasible under the new rules, as the majority of workshop  
18 attendees had been eligible and interested in applying based on receipt of public benefits as a  
19 means to obtain a fee waiver. In years past, we would have held at least one more workshop by  
20 the end of the year to help meet grant deliverables and service about thirty applicants on average  
21 in a single day.

22 12. As it stands, CARECEN is in the process of reapplying for the CDSS grant, its  
23 biggest funder for naturalization services. Under its current grant terms with CDSS, CARECEN  
24 must complete 600 naturalization filings by for this year. In order to meet this number for 2019,  
25 CARECEN has dedicated the additional resources described above. The elimination of the MTB  
26 fee waiver applications and the need to pause naturalization workshops will jeopardize  
27 CARECEN’s ability to meet this number going forward. CARECEN is now facing the difficulty  
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1 of having to justify its program and budget to CDSS while anticipating only servicing a fraction  
2 of the naturalization clients it has historically assisted. As such, CARECEN believes it unlikely  
3 that they will receive the same amount of funding when they will be able complete significantly  
4 fewer naturalization applications.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 22, 2019.

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9 Miriam Núñez  
10 Managing Attorney  
11 Central American Resource Center of California  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:19-cv-07151-MMC

THE CITY OF SEATTLE, IMMIGRANT  
LEGAL RESOURCE CENTER, CATHOLIC  
LEGAL IMMIGRATION NETWORK, INC.,  
SELF-HELP FOR THE ELDERLY,  
ONEAMERICA, AND CENTRAL  
AMERICAN RESOURCE CENTER OF  
CALIFORNIA,

*Plaintiffs,*

vs.

DEPARTMENT OF HOMELAND  
SECURITY, CHAD WOLF, KENNETH  
CUCCINELLI, AND UNITED STATES  
CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

**SUPPLEMENTAL DECLARATION OF MELISSA RODGERS  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Melissa Rodgers, declare as follows:

1. I have personal knowledge of the matters set forth herein. I would testify to the facts in this declaration under oath if called upon to do so.

2. I am the Director of Programs at Immigrant Legal Resource Center ("ILRC"), a 501(c)(3) non-profit organization headquartered in San Francisco, California. I am also the director of the New Americans Campaign ("NAC").

3. As the lead agency for NAC, ILRC receives all of the funding for the NAC in the first instance. It in turn, allocates this funding to over 200 local naturalization service providers (referred to herein as "NAC partners").

4. ILRC has engaged in naturalization services under a funding model that requires

1 the completion of a minimum number of naturalization applications, which is a model that has  
2 been in place since the NAC began in July 2011.

3 5. ILRC surveyed its NAC partners this fall and the vast majority of fee waiver  
4 applicants clearly rely on being able to use means-tested benefits (“MTB”) to demonstrate their  
5 eligibility for a fee waiver, with 84 percent of the 149 NAC partners who responded to the survey  
6 reporting that they use MTBs as the basis for the majority of their fee waiver cases. Specifically,  
7 23 percent of NAC partners report that 50 to 75 percent of the fee waivers they complete are  
8 based on MTB. Another 35 percent report that 76 to 90 percent of their fee waivers are based on  
9 MTBs. Finally, 26 percent, or over a quarter of NAC partners, report that their fee waivers are  
10 almost exclusively (over 90 percent) based on MTBs.

### 11 **Diversion of Resources by NAC Partners and Harm to Future Funding**

12 6. In response to the impending elimination of the MTB fee waiver, NAC partners  
13 have diverted resources to provide increased attention on MTB fee waiver-eligible naturalization  
14 applicants before the changes go into effect on December 2, 2019.

15 7. For example, NAC partners have placed advertisements in ethnic media to reach  
16 applicants who qualify for MTB fee waivers, adding a workshop on Saturday, November 23,  
17 2019 to provide a “last chance” to assist applicants before the December 2, 2019 deadline, and  
18 scheduling one-on-one appointments for applicants who are relying on MTB fee waivers. One  
19 provider is considering keeping their office open through the Thanksgiving holiday to meet the  
20 increased demand.

21 8. NAC partners in the Washington D.C. metropolitan area have shifted their  
22 citizenship promotion efforts to focus on reaching MTB fee waiver-eligible lawful permanent  
23 residents. Workshops led by several D.C. area NAC partners following the publication of the new  
24 I-912 fee waiver form were at full capacity and one provider has added a workshop on Monday,  
25 November 25, 2019 to address the increased demand. Another provider has taken fee waiver  
26 applications out of the hands of volunteers and re-tasked staff to completing these applications  
27 through individual appointments, diverting crucial resources from other work such as providing  
28 assistance on other types of immigration cases, including adjustment of status (family visas) and

1 self-petitions under the Violence Against Women Act. Providers also report that they have re-  
2 trained volunteers and made changes to their workshop forms and procedures to accommodate the  
3 new I-912.

4 9. NAC partners in California's Central Valley have devoted greater staff time to  
5 social media outreach, outreach events, and direct outreach to prepare the communities they serve  
6 for the new I-912 fee waiver form. Two providers have added several additional workshops and  
7 multiple providers have increased in-office appointments to deal with increased demand. All of  
8 this work requires additional staff time away from other, everyday work such as providing other  
9 forms of immigration legal assistance, including handling asylum cases and providing refugee  
10 resettlement services, as well as expenditures for materials, staff travel, and more. One provider  
11 estimates that they have spent \$3,150 to assist applicants prior to December 2, 2019.

12 10. NAC partners in Houston report that they had nearly 200 individuals turn out for a  
13 recent workshop that typically has capacity to serve about 80 people. In anticipation of greater  
14 demand, the organizers had to muster more volunteers and attorneys to staff that workshop. While  
15 some individuals were given referrals, most of the participants received assistance with their  
16 naturalization applications. In addition, one provider in Houston that typically provides  
17 naturalization services in-house three days a week has ramped up to providing assistance five  
18 days a week to meet the increased demand. In order to do this, staff has to put aside other vital  
19 and time-sensitive work such as outreach on Census 2020 and voter engagement work.

20 11. After the new I-912 form was published, NAC partners created a social media  
21 campaign to alert the community about the elimination of the MTB fee waiver. Their most recent  
22 workshops have been at full capacity, which is atypical because they typically see high demand  
23 for services in September and October and then serve only a few applicants in November and  
24 December. Staff have also been assisting applicants through individual appointments to meet  
25 increased demand, which is a departure from the NAC's standard practice of directing applicants  
26 to workshops so that more of the work could be carried out by volunteers. Staff members have  
27 had to postpone or set aside other work, including the planning necessary to make changes to  
28 service delivery models after the new I-912 form takes effect, to accommodate individual

1 appointments and the high demand at workshops.

2 12. NAC partners have thus expended additional monies and diverted resources from  
3 other projects solely in response to the impending elimination of the MTB fee waiver, and would  
4 not have otherwise done so.

5 13. ILRC itself has spent more than \$15,000 in response to the impending elimination  
6 of the MTB fee waiver. For example, ILRC has drafted a legal practice alert and community  
7 alerts for use by our NAC partners; translated these community alerts into four languages; revised  
8 training materials to address the new changes; delivered presentations about the changes; created  
9 content to post on ILRC's website; engaged in communications work including traditional media  
10 and social media to inform stakeholders about the changes; informed local service providers  
11 about the upcoming changes through direct communication or meetings with them; and organized  
12 a working session with NAC site leaders to discuss the best ways of informing community  
13 members.

14 14. Despite these efforts, ILRC believes that as a result of the fee waiver form changes  
15 its NAC partners will face substantial issues in meeting the numerical requirements of its grants.  
16 As such, ILRC will face the difficulty of having to justify its current funding levels to its funders  
17 while only servicing a fraction of the clients it has historically assisted through the NAC. ILRC  
18 believes that the NAC will see a decrease in interest by funders as our numerical achievements  
19 also decrease.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 22, 2019.

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8 Melissa Rodgers  
9 Director of Programs, ILRC  
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THE CITY OF SEATTLE, IMMIGRANT  
LEGAL RESOURCE CENTER, CATHOLIC  
LEGAL IMMIGRATION NETWORK, INC.,  
SELF-HELP FOR THE ELDERLY,  
ONEAMERICA, AND CENTRAL  
AMERICAN RESOURCE CENTER OF  
CALIFORNIA,

*Plaintiffs,*

vs.

DEPARTMENT OF HOMELAND  
SECURITY, CHAD WOLF,  
KENNETH CUCCINELLI, AND  
UNITED STATES CITIZENSHIP  
AND IMMIGRATION SERVICES,

*Defendants.*

**SUPPLEMENTAL DECLARATION OF RICH STOLZ  
IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I, Rich Stolz, declare as follows:

1. I have personal knowledge of the matters set forth herein. I would testify to the facts in this declaration under oath if called upon to do so.

2. I am the Executive Director at OneAmerica, a 501(c)(3) non-profit organization headquartered in Seattle, Washington.

3. OneAmerica has provided its naturalization services under a funding model that required the completion of a minimum number of naturalization applications since October 2008.

**OneAmerica’s Diversion of Resources and Future Harm to Funding**

4. In addition to the estimated 140 hours of staff time and over \$3,400 OneAmerica has already spent trying to understand the new rule instructions, learning how to obtain tax

1 transcripts, and developing a plan with our partners to ensure fee waivers completed at our  
2 November 16, 2019 workshop get filed before the new rule goes into effect, we estimate that 150  
3 hours of additional staff time will be needed to update our outreach materials, website, telephone  
4 scripts, advertisements, instructions, screening forms and volunteer trainings. This will cost the  
5 organization approximately \$4,200. We will also spend \$4,000 for the re-translation and re-  
6 printing of affected material (print, radio, television advertisements, flyers, etc.) in 12 languages.  
7 OneAmerica would not incur these expenses but for the elimination of the means-tested benefit  
8 (“MTB”) fee waiver.

9           5.       In response to the elimination of the MTB fee waiver, OneAmerica has also  
10 created a new fee waiver screening form for its November 16, 2019 clinic, updated its cover sheet  
11 instructions on client folders to include filing dates and requirements for fee waivers, updated 12  
12 attorney binders (which are given to each attorney volunteer) with the new fee waiver guidance,  
13 and edited pre-event and day-of volunteer orientations for paralegal and attorney volunteers. And  
14 for our larger clinics next year, OneAmerica will update another 60 attorney binders, which will  
15 take an additional estimated 15 staff hours. OneAmerica would not undertake these changes and  
16 additional activities but for the elimination of the MTB fee waiver.

17           6.       Specifically, for the November 16, 2019 clinic, OneAmerica prescreened  
18 applicants by phone for fee waiver eligibility to determine what kind of documentation they need  
19 and answer questions on how to get it. In addition, OneAmerica sent additional text messages to  
20 applicants for documentation requirements. Finally, OneAmerica called or texted applicants after  
21 the clinic to help them obtain their award letters quickly and include them in the applications for a  
22 MTB based fee waiver before the December 2, 2019 deadline. To do this, OneAmerica diverted  
23 resources and created new procedures for this clinic by dedicating staff (not volunteers) to screen  
24 fee waiver applicants, prioritizing MTB cases, and double-checking all fee waiver applications to  
25 protect against rejection.

26           7.       Furthermore, OneAmerica then held yet an additional four hour follow-up clinic  
27 on November 22, 2019 for applicants who could not finish fee waivers on November 16, 2019.  
28 This additional expenditure of resources was solely the result of the impending elimination of the

1 MTB fee waiver.

2 8. OneAmerica's next scheduled clinic is on December 11, 2019. In response to the  
3 elimination of the MTB fee waiver, we are contacting applicants eligible for fee waivers and are  
4 hoping to service them in our offices if at all possible before December 2, 2019. At least two  
5 applicants have indicated they would like to file for a fee waiver. OneAmerica has not been able  
6 to assist them yet, but is willing to divert resources if these applicants can come into our offices.  
7 OneAmerica would not reschedule applicants in such a manner but for the impending elimination  
8 of the MTB fee waiver.

9 9. In order to do this additional work in response to the impending elimination of the  
10 MTB fee waiver, OneAmerica diverted resources from conducting naturalization outreach,  
11 information sessions, and our regularly-programmed naturalization clinics. Furthermore,  
12 OneAmerica will be able to do less in terms of outreach, and our clinics will certainly be smaller  
13 in terms of attendees. OneAmerica also has other projects that it has to set aside such as  
14 translating materials into additional languages, upgrading aging technology, and updating its  
15 website, simply because OneAmerica will not have the time or money available to do so. This  
16 will ultimately frustrate OneAmerica's ability to achieve its mission of community organizing in  
17 immigrant and refugee communities of color.

18 10. OneAmerica anticipates a decline of 20 to 40 percent in the number of  
19 naturalization applications it can complete under the new fee waiver rules that eliminate MTB fee  
20 waivers. The WNA is an annual grant that is midway through its current fiscal year and its  
21 existing terms cannot be renegotiated outside of minor tweaks.

22 11. The WNA completed more than 1,500 ready-to-file naturalization applications at  
23 the close of the last fiscal year. By the end of this year, it *might* complete 1,000 naturalization  
24 applications, and next year it could be as low as 750. WNA also has to report back to the state on  
25 outcomes, such as how many applications were completed and how many people actually  
26 naturalized. For the past two contractual years (July 2017 through June 2019), 90 percent of  
27 WNA's applicants have either been naturalized or are still awaiting their USCIS interview. That  
28 means that at least 90 percent of naturalization applications were successfully *filed*. Our success

1 rate will inevitably decline significantly, since many low-income applicants who could have used  
2 MTB fee waivers will not be able to obtain the documents required to file a fee waiver once  
3 qualification on the basis of a MTB is eliminated. As it negotiates with the state legislature to  
4 fund the WNA, OneAmerica will face the difficulty of having to justify its funding to the state  
5 legislature while only servicing a fraction of the clients it has historically assisted. As such,  
6 OneAmerica believes it is unlikely that it will receive the same amount of funding when it will  
7 complete significantly fewer naturalization applications, and will not be able to show nearly as  
8 many successfully naturalized citizens.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

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4 Executed on November 22, 2019.

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 Rich Stolz  
Executive Director, OneAmerica

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