

LA  
F.Y.I.  
Peter

PETER A. SCHEY  
Directing Attorney

*Please circulate as appropriate*  
Legal Services Aliens' Rights Program

LEGAL AID FOUNDATION OF LOS ANGELES  
1550 WEST EIGHTH STREET / LOS ANGELES, CA 90017 / (213) 487 3320

1 MATHEW MILLEN  
Legal Aid Foundation of Long Beach  
2 363 West 6th Street  
San Pedro, CA 90731  
3 Telephone: (213) 831-0855

4 PETER A. SCHEY  
RICHARD PAEZ  
5 LEGAL SERVICES ALIENS RIGHTS PROGRAM  
Legal Aid Foundation of Los Angeles  
6 1550 West 8th Street  
Los Angeles, CA 90017  
7 Telephone: (213) 388-8693

8 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF THE STATE OF CALIFORNIA

12 JUAN CEJA, et al.,  
13 Plaintiffs,  
14 vs.  
15 LEONEL CASTILLO, Commissioner,  
Immigration and Naturalization  
16 Service, et al.,  
17 Defendants.  
18

CIVIL NO. 78-2587-MML  
STIPULATION CONTINUING  
PRELIMINARY INJUNCTION  
HEARING DATE TO AUGUST  
7, 1978, 10:00a.m.

20 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES IN THIS  
21 ACTION THAT:

22 (1) The Preliminary Injunction hearing in the above-entitled  
23 is to be continued from July 7, 1978, to August 7, 1978, at  
24 10:00a.m., in the above-entitled Court, in order to provide  
25 defendants with an opportunity to prepare and file herein a  
26 response to plaintiffs' points and authorities in support of  
27 issuance of a preliminary injunction filed on July 7, 1978;

28 / / /

1 (2) Defendants herein waive whatever rights they may have  
2 to dissolution of the Temporary Restraining Order within ten (10)  
3 days after its issuance and all parties stipulate to maintain  
4 in effect and to comply with the terms of the Temporary Restraining  
5 Order that was entered in this action on June 27, 1978, by  
6 District Court Judge William P. Grey, until further Order of  
7 this Court;

8 (3) Defendants shall file a response to plaintiffs' application  
9 for Preliminary Injunction on or before July 26, 1978, and  
10 plaintiffs shall file a reply thereto on or before August  
11 3, 1978.

12  
13 DATED: JULY 10, 1978

*Peter A. Schey*  
\_\_\_\_\_  
PETER A. SCHEY  
One of the Attorneys for Plaintiffs

14  
15  
16 DATED: JULY \_\_, 1978

*/s/*  
\_\_\_\_\_  
PETER KANE  
Assistant U.S. Attorney  
Attorney for Defendants

17  
18  
19 IT IS SO ORDERED:

20 DATED: \_\_\_\_\_

*/s/*  
\_\_\_\_\_  
U.S. DISTRICT COURT JUDGE

21  
22 / / /  
23 / / /  
24 / / /  
25 / / /  
26 / / /  
27 / / /  
28 / / /

1 ANDREA SHERIDAN ORDIN  
 United States Attorney  
 2 FREDERICK M. BROSIO, JR.  
 Assistant United States Attorney  
 3 Chief, Civil Division  
 PETER H. KANE  
 4 Assistant United States Attorney  
 1100 U. S. Courthouse  
 5 312 North Spring Street  
 Los Angeles, California 90012  
 6 Telephone: (213) 688-2451

7 Attorneys for Defendants.

8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA

10	ARTURO VALLEJO, et al.,	)	NO. CV 78-1912-WMB
11		)	
12	Plaintiffs,	)	<u>DEFENDANTS' FIRST SET OF</u>
13	v.	)	<u>INTERROGATORIES AND REQUESTS</u>
14	JOSEPH SURECK, District Director,	)	<u>FOR ADMISSIONS.</u>
15	Immigration and Naturalization	)	
16	Service,	)	
	Defendants.	)	

17  
18 TO: ALL PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

19 The defendants, pursuant to Rules 33 and 36 of the Federal  
 20 Rules of Civil Procedure and Rules 6(b) and 6(c) of the Local Rules  
 21 for the Central District of California, hereby propound the following  
 22 interrogatories and requests for admissions to be answered, under  
 23 oath, within thirty (30) days from the date of service hereof. If  
 24 any of the interrogatories cannot be answered in full, answer to the  
 25 extent possible. Local Rule 6(b) reads:

26 "Answers and objections to interrogatories,  
 27 objections to answers to interrogatories or  
 28 motions for more definite answers pursuant to

1 Rule 33 of the Federal Rules of Civil Procedure  
2 shall identify and quote each interrogatory in  
3 full immediately preceding the statement of any  
4 answer or objection thereto."

5 Local Rule 6(c) states:  
6

7 "Responses and objections to request for admission  
8 or answers thereto pursuant to Rule 36 of the Federal  
9 Rules of Civil Procedure shall identify and quote  
10 each request for admission in full immediately  
11 preceding the statement of any answer or objection  
12 thereto."  
13

14 INTERROGATORY NO. 1:

15 State your name, age, residence address, occupation, place  
16 of birth and date at which you last entered the United States.

17 INTERROGATORY NO. 2:

18 State each and every fact upon which you, individually,  
19 base your claim that you are an appropriate class representative.

20 REQUEST FOR ADMISSION NO. 1:

21 Admit that you, individually, have received all of the relief  
22 that you are seeking on behalf of all of the unnamed class members.

23 INTERROGATORY NO. 3:

24 If you do not admit Request for Admission No. 1 in its  
25 entirety and/or without qualification, state each and every fact  
26 upon which you base your denial, partial denial and/or qualification.

27 INTERROGATORY NO. 4:

28 With respect to your action for damages, state with specific-  
ity all of the rights you claim were violated.

1 INTERROGATORY NO. 5:

2 With respect to your complaint for damages, please state  
3 with specificity the grounds upon which you base subject matter  
4 jurisdiction, i.e., the statutory basis.

5 INTERROGATORY NO. 6:

6 With respect to your complaint for damages, state in detail  
7 how you calculated your damages to be \$250.00.

8 REQUEST FOR ADMISSION NO. 2:

9 Admit that the United States Department of Commerce, Economic  
10 Development Administration, was joined in this action for the sole  
11 purpose of joining your claim for damages.

12 INTERROGATORY NO. 7:

13 If you do not admit Request for Admission No. 2 in its  
14 entirety and/or without qualification, state each and every fact  
15 upon which you base your denial, partial denial and/or qualification.

16 INTERROGATORY NO. 8:

17 Do you contend that of the relief you are seeking on behalf  
18 of all of the unnamed class members you have not been, individually,  
19 afforded such relief, and, if so, state in detail each and every  
20 fact upon which you base such contention. (If you contend that the  
21 relief you are seeking is based upon statutory and/or regulatory  
22 grounds, be specific in setting forth not only the statute and/or  
23 regulation but also the language which you construe provides for the  
24 relief you are seeking).

25 INTERROGATORY NO. 9:

26 When did you commence working for Sbicca of California?

27 ///

28 ///

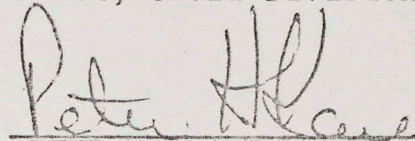
1 INTERROGATORY NO. 10:

2 State each and every ground which legally justifies your  
3 working for Sbicca. (If you no longer work for Sbicca, state each  
4 and every ground which legally justified your working there).

5 INTERROGATORY NO. 11:

6 State in detail the means by which you became represented  
7 by counsel.

8 ANDREA SHERIDAN ORDIN  
9 United States Attorney  
10 FREDERICK M. BROSIO, JR.  
11 Assistant U.S. Attorney  
12 Chief, Civil Division

13 

14 PETER H. KANE  
15 Assistant U. S. Attorney

16 Attorneys for Defendants  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE BY MAIL.

I, GERALDINE L. LIRA, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

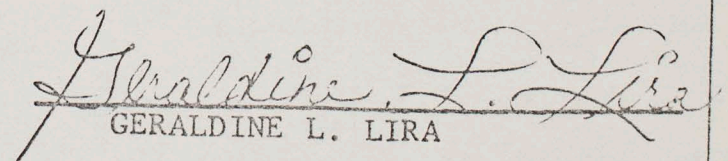
That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on June 23, 1978, I deposited in the United States mails in the United States Courthouse at 312 North Spring Street, Los Angeles, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS

addressed to: Mr. Peter A. Schey  
Legal Services Aliens Rights Program  
Legal Aid Foundation of Los Angeles  
1550 West 8th Street  
Los Angeles, California 90017

at his last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on June 23, 1978, at Los Angeles, California.

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

  
GERALDINE L. LIRA

1 PETER A. SCHEY  
RICHARD PAEZ  
2 LEGAL SERVICES ALIENS' RIGHTS PROGRAM  
Legal Aid Foundation of Los Angeles  
3 1550 West 8th Street  
Los Angeles, California 90017  
4 (213) 487-3320

5 MATHEW L. MILLEN  
6 Legal Aid Foundation of Long Beach  
363 West 6th Street  
7 San Pedro, California 90731  
(213) 831-0855

8 Attorneys for Plaintiffs Juan Ceja,  
9 Ana Maria Andrade de Ceja and Juan  
Carlos Ceja.

FILED

JUL 7 1978

CLERK, U. S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF THE STATE OF CALIFORNIA

13  
14 JUAN CEJA, ANA MARIA ANDRADE )  
de CEJA, and JUAN CARLOS CEJA, )  
15 Plaintiffs, )

16 v. )

17 LEONAL CASTILLO, Commissioner, )  
18 Immigration and Naturalization )  
Service; GRIFFIN BELL, Attorney )  
19 General, United States Department )  
Of Justice; CYRUS VANCE, Secretary, )  
20 United States Department of State; )  
UNITED STATES DEPARTMENT OF STATE; )  
21 JOSEPH SURECK, District Director, )  
Los Angeles, District office of the )  
22 Immigration and Naturalization )  
Service, )  
23 Defendants. )

Civil No. 78 2587 MML-CSA  
COMPLAINT FOR DECLARATORY  
MANDATORY AND INJUNCTIVE  
RELIEF.

(Class Action)

24  
25 I.

26 INTRODUCTION

27 1. The plaintiffs herein, JUAN CEJA [hereinafter  
28 "J.Ceja"], ANA MARIA ANDRADE de CEJA [hereinafter "A.M. Ceja"],



1 and JUAN CARLOS CEJA [hereinafter "J.C. Ceja"] [sometimes also  
2 referred to as "Ceja family"] on June 27, 1978, filed in this  
3 Court a complaint in Intervention in the related case of GUADALUPE  
4 GUTIERREZ MUNOZ et al v. GRIFFIN BELL et al., Civil No. 77-3765-  
5 WPG. On the same day plaintiffs sought and obtained an Order to  
6 Show Cause and Temporary Restraining Order from District Court  
7 Judge William P. Gray, enjoining defendants Griffin Bell, Leonel  
8 Castillo and Joseph Sureck from "[t]aking any steps to expel or  
9 remove plaintiffs [the Ceja family] from the United States." In the  
10 Temporary Restraining Order, Judge Gray indicated that "[t]his matter  
11 is not properly part of the above captioned case [meaning Munoz v.  
12 Bell, supra,] . . . this [case] must be filed as a new matter . . ."  
13 This has been accomplished with the filing of the herein complaint.

14 2. This action challenges two independent practices  
15 of defendants: (1) Between July 1, 1968 and September 30, 1976,  
16 defendants unlawfully charged Cuban refugees, who were allowed to  
17 adjust their status to that of permanent resident aliens, against  
18 the Western Hemisphere quota of 120,000 thereby creating lengthy  
19 and illegal delays in the immigration process of the Western  
20 Hemisphere inhabitants. This practice continued until 1976, when  
21 the Attorney General announced; on the basis of an August 30, 1976  
22 opinion prepared by the Office of Legal Counsel, Department of  
23 Justice, that the process was erroneous; (2) Reducing the number  
24 of immigrant visas available to Western Hemisphere aliens between  
25 January 1, 1977 and September 30, 1977 by applying a 20,000 annual  
26 per country ceiling of available immigrant visas retroactively prior  
27 the effective date of the legislation creating the ceiling.

28 /

/

JURISDICTION

1  
2  
3 3. Jurisdiction is conferred on this Court by the Adminis-  
4 trative Procedure Act, 5 U.S.C. sections 701, et seq.; by 28  
5 U.S.C. section 1361, which grants original jurisdiction to the  
6 district courts "of any action in any nature of mandamus to compel  
7 an officer or employee of the United States or any agency thereof  
8 to perform a duty owed to the plaintiff"; by 28 USC §1331, federal  
9 question jurisdiction; by 28 USC § 1343(4), allowing the securing  
10 of equitable relief under any Act of Congress for the protection  
11 of civil rights, or any regulation of an executive department; by  
12 8 U.S.C. section 1329, allowing for judicial review of decisions  
13 relating to any matter arising under the Immigration and Nationality  
14 Act. Plaintiffs' action for declaratory relief is authorized by  
15 28 USC §§ 2201 and 2202, and Rules 57 and 65, Federal Rules of  
16 Civil Procedure.

## III

VENUE

17  
18  
19 4. Venue lies in the Central District of California because  
20 it is therein that plaintiffs reside, that the herein challenged  
21 actions took place, and where defendant's policies and practices  
22 were implemented and applied to plaintiffs.  
23  
24  
25  
26  
27  
28

PARTIES

1  
2  
3  
4 5. Plaintiffs A.M. Ceja and J. Ceja are citizens of  
5 Mexico and residents of Los Angeles County, California. Plaintiffs  
6 A.M. Ceja and J. Ceja have applied for immigrant status through  
7 their United States citizen child pursuant to Section 212(a)(14),  
8 Immigration and Nationality Act, 8 U.S.C. Section 1182(a)(14), as  
9 amended by Public Law 94-571, Section 9(b), 90 Stat. 2705 (October  
10 20, 1976); they have a priority date of October 28, 1975 at the  
11 United States Consulate in Guadalajara, Mexico, for the issuance  
12 of an immigrant visa. They are unsuccessful applicants for an  
13 extension of voluntary departure and stay of deportation which  
14 were orally denied on June 22, 1978, by The Immigration and Naturali-  
15 zation Service. They are now subject to immediate deportation.

16  
17 6. Plaintiff Juan Carlos Ceja is a two-and-a-half year old  
18 United States citizen, born in Torrance, California, on March 21,  
19 1975. He is the natural child of plaintiffs A.M. Ceja and J. Ceja,  
20 and resides with his parents in Los Angeles County, California.

21 7. Defendant LEONEL CASTILLO is a citizen of the United  
22 States and is the duly appointed Commissioner of the Immigration  
23 and Naturalization Service [hereinafter "INS."] Pursuant to §103  
24 (b) Immigration and Nationality Act, 8 U.S.C. §1103(b), the Commi-  
25 ssioner is charged with any and all responsibilities and authority  
26 in the administration of INS which are conferred on the Attorney  
27 General as may be delegated to him by the Attorney General.  
28

1 8. Defendant Griffin Bell is the Attorney General of the  
2 United States. He is sued in his official capacity as the official  
3 charged with primary responsibilities for the implementation of  
4 the Immigration and Nationality Act pursuant to Section 103, Immi-  
5 gration and Nationality Act, 8 U.S.C. section 1103, administration  
6 of the Immigration and Naturalization Service, and promulgation of  
7 its regulations.

8  
9 9. The UNITED STATES DEPARTMENT OF JUSTICE is an agency  
10 of the United States which is required under law (8 U.S.C. §  
11 §1103 ) to supervise, implement and enforce the Immigration and  
12 Nationality Act, 8 U.S.C. §§ 1101 et. seq.

13 10. Defendant Cyrus Vance is the Secretary of State charged  
14 with primary responsibility over the administration of the United  
15 States State Department and the Bureau of Security and Consular  
16 Affairs, a division within the United States State Department. De-  
17 fendant Vance is primarily responsible for the granting of immi-  
18 grant visas through United States consular offices pursuant to  
19 Section 104, Immigration and Nationality Act, 8 U.S.C. Section 1104

20 11. The defendant UNITED STATES DEPARTMENT OF STATE is an  
21 agency of the United States and has the authority to issue immigrant  
22 visas through its consular offices abroad.

23 12. Defendant Joesph Sureck is a citizen of the United States  
24 and at all times relevant herein was the District Director of  
25  
26  
27  
28

1 the Los Angeles Office of INS. Pursuant to 8 C.F.R. §108.2 and  
2 various INS Operations Instructions, Defendant Sureck is authorized  
3 to determine intervening plaintiffs' applications for extension  
4 of voluntary departure and stay of deportation. Defendant SURECK  
5 denied plaintiffs' application for an extension of voluntary depart-  
6 ture and Stay of Deportation orally on June 22, 1978, through his  
7 agent Mr. Cronin.

8  
9 V

10 CLASS ACTION ALLEGATIONS

11  
12 13. Plaintiffs bring this action under Rule 23(a) and (b)  
13 (1) and (2), Federal Rules of Civil Procedure. Pursuant to Rule  
14 23 (c)(4)(B), plaintiffs herein seek to represent the following two  
15 subclasses tentatively defined as:

16 (1) All persons, and their U.S. citizen minor children,  
17 residing within the geographic area over which the Los Angeles  
18 District Office of I.N.S. has jurisdiction, who are natives of in-  
19 dependent countries of the Western Hemisphere and who have been  
20 assigned priority dates between July 1, 1968 and December 31, 1976  
21 pursuant to 22 C.F.R. §42.61, et seq., and whose priority dates have  
22 not yet been reached for processing, and who would qualify for  
23 relief from deportation under INS Operation Instruction 242.10,  
24 but for the unlawful delay in processing their applications caused  
25 by defendants by charging Cuban refugees to the Western Hemisphere  
26 quota limitation;

27 (2) All persons, and their U.S. citizen minor children,  
28 residing within the geographic area over which the Los Angeles

1 Office of INS has jurisdiction, who are natives of Mexico, and  
2 who have been assigned priority dates pursuant to 22 C.F.R. 42.61  
3 et seq., and whose priority dates have not yet been reached for  
4 processing, and who would qualify for relief from deportation.  
5 under INS Operation Instruction 242.10, but for the unlawful delay  
6 in processing their applications caused by defendants by allocating  
7 less than the 20,000 immigrant visas authorized by statute for  
8 issuance to natives of each independent country in the Western  
9 Hemisphere between January 1, 1977 and and September 30, 1977.

10 /  
11 /  
12 /  
13 /  
14 /  
15 /  
16 /  
17 /  
18 /  
19 /  
20 /  
21 /  
22 /  
23 /  
24 /  
25 /  
26 /  
27 /  
28 /

FACTUAL AND LEGAL ALLEGATIONS

1  
2  
3 14. Plaintiff Juan Carlos Ceja was born in Torrance, Cali-  
4 fornia on March 21, 1975. He has resided in the United States  
5 with his parents from March 1975 to October 1975, and from November  
6 1977 to the present. Both of his parents reside in Los Angeles  
7 County, California. Should his mother and father be deported from  
8 the United States, plaintiff Juan Carlos Ceja would suffer grave  
9 emotional and physical distress or de facto deportation if he left  
10 with his parents.  
11

12 15. Plaintiff Juan Ceja is a Mexican citizen who holds a  
13 priority date of October 25, 1975, for issuance of an immigrant  
14 visa from the United States consular office at Guadalajara,  
15 Mexico. He has been ordered deported by Defendant Bell.  
16

17 16. Plaintiff Ana Maria Andradede Ceja is a Mexican citizen  
18 who holds a priority date of October 25, 1975 for issuance of an  
19 immigrant visa from the United States office in Guadalajara, Mexi-  
20 co. She has been ordered deported by Defendant Bell. A.M. Ceja  
21 resides with her child Juan Carlos Ceja, and her husband Juan Ceja.  
22

23 17. On information and belief J. Ceja would qualify for  
24 an indefinite extension of voluntary departure due to the issuance  
25 of a preliminary injunction in the class action case of Silva v.  
26 Levi, et al., Case no. 76 C4268, United States District Court for  
27 the Northern District of Illinois, issued March 19, 1977, but for  
28 the fact that they left the United States in 1975 and did not

1 return until November 11, 1977. The aforementioned preliminary  
2 injunction only protects persons who were physically present in  
3 the United States on March 10, 1977 and have so remained.  
4

5 13. Until July 1, 1968, there was no limit on the number  
6 of immigrant visas (hereinafter "visas") which could be issued to  
7 natives of independent countries of the Western Hemisphere. Pur-  
8 suant to the 1965 Amendments to the Immigration and Nationality  
9 Act, (Pub.L. 89-236, 79 Stat. 911, October 3, 1975, hereinafter  
10 "1965 Amendments to the Immigration and Nationality Act, (Pub.L.  
11 89-236, 79 Stat. 911, October 3, 1975, hereinafter "1965 Amendments"),  
12 an annual Western Hemisphere numerical limitation ("quota") of  
13 120,000 visas was initiated on July 1, 1968 (Pub.L. 89-236, §21e,  
14 79 Stat. 920, October 3, 1965, 8 U.S.C. §1151a). This quota was  
15 based on the average number of Western Hemisphere immigrants issued  
16 visas in prior years (Senate Rep. No. 748, 89th Cong., 1st Sess.  
17 (September 15, 1965)).  
18

19 19. In order to obtain a visa under the 1965 Amendments, a  
20 Western Hemisphere visa applicant had to obtain labor certification  
21 or an exemption from labor certification by virtue of specified  
22 familial relationships to a lawful permanent resident or United  
23 States citizen. Pub.L. 89-236, §10, 79 Stat. 917 (October 3, 1965).  
24 The following classes, among others, were exempt from labor certi-  
25 fications: 1) Parents of U.S. citizen children under 21 years of  
26 age; and 2) Parents, spouses and unmarried children under 21 years  
27 of age of permanent residents.  
28 /



1 20. Under the 1965 Amendments, to apply for a visa, indi-  
2 viduals subject to the Western Hemisphere quota or their permanent  
3 resident relatives had to submit the required documentation to the  
4 defendants. The defendant Department of State, pursuant to 22 C.F.  
5 R. § 42.62 (1975), then granted the visa applicants priority  
6 dates establishing the order in which they would be called for their  
7 final visa interviews. Applicants were processed in strict chrono-  
8 logical order by priority date. 22 C.F.R. §42.61 et seq. (1975).

9  
10 21. Once the priority dates were reached, applicants would  
11 be scheduled for final visa interviews at consular posts abroad.  
12 Under the 1965 Amendments, Western Hemisphere visa applicants,  
13 even if they happened to be living in the United States, could not  
14 obtain a visa without traveling to a U.S. consular post abroad.  
15 If the applicants verified their visa eligibility and demonstrated  
16 they were not excludable, then they would be issued immigrant  
17 visas. These visas permitted the persons' lawful entry to the  
18 United States and entitlement to permanent resident status.

19  
20 22. During the early 1960's, thousands of refugees left  
21 Cuba for the United States. To handle these refugees, Defendant  
22 INS initiated a massive program to parole them into the United  
23 States pursuant to 8 USC §1182(d)(5). This program was established  
24 for two reasons: 1) The vast majority of Cuban refugees were not  
25 eligible to immigrate to the United States under the 1965 Amend-  
26 ments, as they could neither obtain labor certification nor estab-  
27 lish the necessary familial relationship and did not qualify to  
28 enter the U.S. as non-immigrants since they intended to remain

1 here permanently; and 2) Even those Cuban refugees eligible for  
2 visas could not obtain such visas before leaving Cuba due to  
3 the fact that the U.S. consulate there closed in 1961.  
4

5 23. Once here, the Cuban refugees, just like natives of  
6 independent countries in the Western Hemisphere, had no way to  
7 obtain permanent resident status without leaving the United States  
8 for processing at a U.S. consulate abroad. Furthermore, the U.S.  
9 consulates in the closest foreign states, Canada and Mexico, had  
10 an enormous backlog of visa applicants. To remedy this situation,  
11 Congress passed the Cuban Adjustment Act of 1966. Pub.L. 89-732,  
12 November 2, 1966, 80 Stat. 1161. This Act permitted Cuban refugees  
13 who had been present in the United States for at least two years  
14 to be processed for permanent resident status without having to  
15 depart the United States. Under this procedure, called "adjust-  
16 ment of status" Defendant INS processed their applications, and  
17 Defendant Cyrus Vance charged their visas to the Western Hemisphere  
18 quota. As a result of this charging policy, defendants created  
19 a backlog of visa processing that increased to 30 months by 1976.  
20

21 24. Defendants stipulated on June 21, 1977, in the case of  
22 Zambrano v. Levi, 76 C.1456 United States District Court For The  
23 Northern District of Illinois, that visa members allocated to  
24 Cuban refugees had been unlawfully charged against the Western  
25 Hemisphere quota. As a result, plaintiffs have experienced:

- 26 1. A lengthy postponement in the processing  
27 of their visa applications, due to the unlawful policy;
- 28 2. A loss of substantive rights resulting from

1 these postponements in processing;

2 3. Separation of family members; and

3 4. Deportation for those who entered the United  
4 States after March 10, 1977.

5  
6 25. Plaintiffs Ana Maria Ceja and Juan Ceja voluntarily  
7 visited the Los Angeles offices of the Immigration and Naturaliza-  
8 tion Service on or about December 12, 1977. At that time they  
9 were questioned by an immigration officer concerning their immi-  
10 gration status, family relationships in the United States, date,  
11 time, place and manner of most recent entry into the United States,  
12 and other matters, without being first warned of their right to  
13 remain silent, their right to counsel, or that information they  
14 provided would be used against counsel, or that information they  
15 provided would be used against them in subsequent criminal and/or  
16 deportation proceedings.

17  
18 26. On or about February 17, 1978, plaintiffs J. Ceja and  
19 A.M. Ceja were served with an Order to Show Cause and Notice of  
20 Hearing. On April 27, 1978, plaintiffs J. Ceja and A.M. Ceja  
21 appeared at deportation proceedings and were on the same day  
22 determined to be deportable from the United States.

23  
24 27. On or about June 6, 1978, plaintiff A.M. Ceja and J.  
25 Ceja submitted to the Immigration and Naturalization Service appli-  
26 cations requesting a stay of deportation and/or extension of  
27 voluntary departure. Plaintiffs Ana Maria Ceja and Juan Ceja's  
28 deportation orders required them to depart the United States

1 by June 27, 1978, voluntarily, and provided that upon their  
2 failure to do so the deportation: "order shall thereupon become  
3 immediately effective: respondent(s) shall be deported from  
4 the United States to Mexico . . ."

5  
6 28. Plaintiffs Ana Maria Ceja and Juan Ceja's applications  
7 for stay of deportation/extension of voluntary departure were  
8 submitted to the Los Angeles Director's office on or about June 6,  
9 1978, pursuant to 8 C.F.R. §§243.4 and 244.2.

10  
11 29. On June 22, 1978, plaintiffs Ana Maria Ceja and Juan  
12 Ceja returned to the Los Angeles office of the Immigration and  
13 Naturalization Service and were orally informed that their appli-  
14 cations were denied.

15  
16 VII

17 CLAIMS FOR RELIEF

18 FIRST CAUSE OF ACTION

19  
20 30. Until January 1, 1977, the parents of United States  
21 citizen children could immigrate to the United States if they  
22 were citizens of an independent country of the Western Hemisphere  
23 pursuant to Sections 101(a)(27), 191(b), 211, and 212(a)(14), 8  
24 U.S.C. Sections 1101(a)(27), 1191(b), 1181, and 1182(a)(14).

25  
26 31. To achieve immigrant status, applicants were required  
27 to submit applications to United States consular offices abroad  
28 in accordance with 22 CFR section 42.61 et seq., the consular

1 offices were required to assign priority dates to applicants  
2 reflecting the dates of receipt of the said applications. Consular  
3 offices were then required to process immigrant visas in chrono-  
4 logical order according to their priority dates, as indicated in  
5 Paragraph 25, supra.

6  
7 32. Plaintiffs A.M. Ceja and J. Ceja have submitted an appli-  
8 cation for immigrant status and have been assigned a priority date  
9 of October 25, 1975. Pending the processing of plaintiffs' appli-  
10 cation, no rational governmental interest is furthered by deporting  
11 them from the United States. No adequate compelling, substantial  
12 and fair, or rational reason exists for deporting plaintiffs  
13 A.M. Ceja and J. Ceja pending processing of their immigrant visa  
14 application. Furthermore, such deportation will either cause the  
15 separation of plaintiff Juan Carlos Ceja from his parents or will  
16 cause the de facto deportation of plaintiff, Juan Carlos Ceja,  
17 a two and a half year old United States citizen child. Such govern-  
18 mental action violates the Fifth Amendment due process and equal  
19 protection rights of plaintiffs, violates their right to family  
20 unification, violates their Eighth Amendment right against cruel  
21 and unusual punishment, and violates the legislative intent  
22 manifested by Sections 101(a)(27) and 212(a)(14) of the Act  
23 favoring the maintenance of family units containing United States  
24 citizen minor children.

25 /

26 /

27 /

28 /

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VIII  
SECOND CAUSE OF ACTION

33. Plaintiffs further contend that defendants' actions of deporting the parents of United States citizen children are aimed primarily at Spanish speaking persons. No compelling or adequate governmental justification exists for this arbitrary scheme which discriminates against the children of Spanish speaking persons in violation of the equal protection guarantees of the Fifth Amendment to the United States Constitution.

IX  
THIRD CAUSE OF ACTION

34. Failure of defendants to provide plaintiffs with a written decision on their applications for stay of deportation and extension of voluntary/<sup>departure</sup> specifying the reasons for denial violated plaintiffs rights under 8 C.F.R. section 103.3(a) and 5 U.S.C. section 555(e), requiring that agency denials be accompanied by a "brief statement of the grounds for denial."

35. Said failure of defendants further violated plaintiffs' Fifth Amendment due process and equal protection rights in that no rational, fair and substantial, or compelling governmental interest is served by defendants' practice of failing to provide written decisions in denying applications for stays of deportation or extensions of voluntary departures.

X  
FOURTH CAUSE OF ACTION.

36. On October 20, 1976, Congress enacted the Immigration and Nationality Act Amendments of 1976. 90 Stat. 2703. Sections 3 and 7 of these amendments established an annual ceiling of 20,000 immigrant visas that may be issued to natives of any one country of the Western Hemisphere. The provisions of the 1976 Amendments became effective on January 1, 1977.

37. During the time period from October 1, 1976 to December 31, 1976, the first quarter of fiscal year 1977, defendants approved the issuance of more than 12,000 immigrant visas to natives of Mexico. In violation of Section 10 of the 1976 Amendments, defendants unlawfully applied the 20,000 limitation retroactively thereby leaving only 8,000 immigrant visas to be issued to natives of Mexico in the remaining three (3) quarters of fiscal year 1977.

38. As a direct result of defendants' actions, natives of Mexico who are immigrant applicants have experienced long delays in the processing of their applications and have suffered the loss of other rights associated with lawful immigrant status, including the rights to work in the United States and live with their U.S. citizen minor children.

DECLARATORY RELIEF.

1  
2  
3 39. An actual controversy exists between plaintiffs and  
4 defendants in that plaintiffs contend that the above enumerated  
5 practices and procedures violate their rights under Section 101 et  
6 seq., Immigration and Nationality Act, 8 U.S.C. Section 1101,  
7 under the due process and equal protection guarantees of the Fifth  
8 Amendment, and under the guarantees of the Eighth Amendment against  
9 cruel and unusual punishment. An order from this Court is required  
10 to resolve this controversy.

11 XII  
12 MANDAMUS

13  
14 40. Defendants are under a mandatory duty, imposed by Section  
15 101, et seq., Immigration and Nationality Act, 8 U.S.C. Section  
16 1101 et seq., the Fifth Amendment to the United States Consti-  
17 tution, to not deport from the United States the parents of  
18 United States citizen minors pending processing of the immigrant  
19 applications, and to provide written responses to applications  
20 for stays of deportation and extensions of voluntary departures.  
21

22 41. By failing to perform these duties defendants fail to  
23 perform the duties enjoined upon them by the Fifth Amendment of  
24 the United States Constitution.

25  
26 42. Plaintiffs, and the class they seek to represent have  
27 no adequate remedy available at law other than this suit to enforce  
28 the duty owed them by defendants.



PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS, on behalf of themselves and all others similarly situated, pray that this Court:

1. Assume jurisdiction of this case;

2. Certify this action as a class action pursuant to Rule 23, Federal Rules of Civil Procedure;

3. Issue preliminary and permanent injunction, and a writ in the nature of mandamus, enjoining defendants and their agents, employees, and all persons acting in concert with them from engaging in the practices and procedures outlined and challenged above;

4. Enter a final judgment declaring that defendants' practices as enumerated above are void and invalid as being violative of the Immigration and Nationality Act, and the due process and equal protection guarantees of the Fifth Amendment of the United States Constitution;

24 /  
25 /  
26 /  
27 /  
28 /

1                   5. Award to plaintiffs reasonable attorney fees  
2 to be paid directly to their attorneys and their costs of suit  
3 and disbursements;

4  
5                   6. Award such further relief as the Court deems  
6 just and equitable.

7  
8  
9 Dated: July 6, 1978.

Respectfully submitted,

PETER SCHEY  
RICHARD PAEZ  
MATHEW L. MILLEN

10  
11  
12 By 

Peter A. Schey

13 One of the Attorneys for Plaintiffs.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

1  
2 I, PETER A. SCHEY, declare:

3 I am an attorney at law duly admitted and licensed to practice  
4 before this Court and am one of the attorneys for the plaintiffs  
5 in the matter herein.

6  
7 I have read the foregoing complaint and know the contents  
8 thereof.

9  
10 The same is true of my knowledge, except as to those matters  
11 which are therein stated on information and belief, and as to  
12 those matters, I believe them to be true.

13  
14 I make this verification because the facts set forth within  
15 the said complaint are within my knowledge and because as attorney  
16 for the plaintiffs herein, I am more familiar with such facts as  
17 are the parties.

18 Executed this 7th day of July, 1978, at Los Angeles, Cali-  
19 fornia.

20  
21 I declare under penalty of perjury that the foregoing is  
22 true and correct.

23  
24 \_\_\_\_\_  
Peter A. Schey  
Attorneys for Plaintiffs.