In the
United States District Court
for the
District of Columbia

Save Jobs USA
31300 Arabasca Circle
Temecula CA 92592

Plaintiff,

v.

U.S. Dep't of Homeland Security;
Office of General Counsel
Washington, DC 20258

Defendant.

Civil Action No. 1:15-cv-615

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Complaint

Plaintiff Save Jobs USA ("Save Jobs USA") brings this complaint against the United States Department of Homeland Security and states:

1. This case arises under the Administrative Procedure Act ("APA"), 5 U.S.C. § 551; and the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*.

2. Save Jobs USA hereby challenges a regulation recently promulgated by the United States Department of Homeland Security ("DHS") that grants work authorization to certain H-1B dependent spouse aliens who possess H-4 visas.

3. The regulation at issue is the Employment Authorization for Certain H-4 Dependent Spouses, 80 Fed. Reg., 10,284 (Feb. 25, 2015) (codified at 8 C.F.R. parts 214 and 274a) (the "H-4 Rule").

4. According to DHS, the H-4 Rule will add as many as 179,600 new foreign workers in the first year and 55,000 annually in subsequent years. 80 Fed. Reg. 10,285.

5. The H-4 Rule is in excess of DHS authority and directly contradicts several provisions of the Immigration and Nationality Act ("INA") of 1952, as amended, including, 8 U.S.C. §§ 1101(a)(15)(H), 1182(a)(5)(A), 1182(n), 1184(g).

Jurisdiction and Venue

6. Jurisdiction of the Court is based upon 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (United States defendant); 8 U.S.C. 1329; the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq*. (declaratory and injunctive relief); and the Administrative Procedure Act, 5 U.S.C. §§ 702 *et seq*.

7. Venue is properly vested in this Court as the Defendant is located in Washington, D.C. Venue is also proper within this judicial district pursuant to 28 U.S.C. § 1391.

Parties

8. Plaintiff Save Jobs USA is an unincorporated group of computer workers formed by Americans who were employed at Southern California Edison ("SCE") until they were replaced by foreign workers imported on H-1B guest worker visas. They formed Save Jobs USA to address the problems American workers face from foreign labor entering the United States job market through visa programs.

9. Save Jobs USA members are direct economic competitors with H-1B workers. As a result of DHS' H-4 Rule that will be effective May 26, 2015, Save Jobs USA members are economic competitors with H-4 visa holders as well.

10. Defendant DHS is the parent agency for the United States Citizenship and Immigration Services ("USCIS") and the U.S Immigration and Customs Enforcement ("ICE"). DHS, USCIS and ICE are the source of the administrative actions challenged in this lawsuit.

The Structure of the Immigration System

11. Aliens are admitted to the United States as immigrants, non-immigrants, or refugees.

12. Congress has defined various categories of non-immigrant admission and their purposes. 8 U.S.C. § 1101(a)(15). Such purposes include visitors, to perform labor, and students.

13. The name of a non-immigrant visa is derived from its location in § 1101(a)(15). *E.g.*, the "A" diplomat visa is authorized in § 1101(a)(15)(A); the F-1 student visa is authorized at § 1101(a)(15)(F)(i).

14. The H-1B guest worker visa authorizes admission, "subject to section 1182 (j)(2) [requiring doctors to be certified] of this title, who is coming temporarily to the United States to perform services … in a specialty oc-

cupation described in section 1184 (i)(1) of this title or as a fashion model, who meets the requirements for the occupation specified in section 1184 (i)(2) of this title or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 1182 (n)(1) of this title." 8 U.S.C. § 1101(a)(15)(H)(i)(b).

15. The H-4 visa authorizes admission to an "alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join [an H alien guestworker]", 8 U.S.C. § 1101(a)(15)(h).

16. Congress has authorized dependents who possess certain non-immigrant visas to work. 8 U.S.C. §§ 1184(c)(2)(E), (e)(6). However, it has not included aliens who possess H-4 visas among those authorized to work.

17. Prior to the H-4 Rule at issue in this lawsuit, "H-4 dependent spouses were not able to apply for employment authorization until they were eligible to submit their applications for adjustment of status or otherwise acquire a nonimmigrant status authorizing employment." 80 Fed. Reg. 10,310.

Agency Action at Issue

18. The H-4 Rule extends employment authorization to an alien possessing an H-4 visa who is the spouse of an H-1B alien who is the principal beneficiary of an approved Immigrant Petition for Alien Worker, or has been granted H-1B status extending beyond the normal 6-year term. 80 Fed. Reg. 10, 284.

19. There is no statutory authorization for an alien possessing an H-4 visa to work.

20. DHS claims its authority for the H-4 Rule comes from the general powers of the Secretary of Homeland Security to administer the INA, 8 U.S.C. § 1103(a), and the definition of "unauthorized aliens" (*i.e.*, those it is unlawful for employers to hire), § 1324a(3). 80 Fed. Reg. 10,285, 10,288.

21. The purpose of the H-4 Rule is to increase the amount of foreign labor on H-1B visas by attracting more workers to the H-1B program, 80 Fed. Reg. 10,286, and by keeping current H-1B holders in the labor market, 80 Fed Reg. 10,284–85, 10,289, 10,292, 10, 295, 10,305.

22. While the H-4 rule is currently limited to spouses of certain H-1B visa holders, DHS states in its findings, "DHS may consider expanding H-4 employment eligibility in the future," 80Fed. Reg. 10,289, and "DHS may consider expanding employment authorization to other dependent nonimmigrant categories in the future." 80 Fed. Reg. 10,292.

Injury to Save Jobs USA and its Members

23. DHS's H-4 Rule, which grants work authorization to H-4 visa holders, injures Save Jobs USA's members by (1) depriving them of statutory protections from foreign labor (8 U.S.C. §§ 1182(a)(5)(A), 1182(n), 1184(g)); (2) by increasing the number of economic competitors; and (3) by conferring benefits to their economic competitors on H-1B visas.

24. Save Jobs USA is composed of technology workers who were formerly employed at SCE until they were replaced by aliens on H-1B visas. The purpose of the organization is to reform guest worker visas programs to protect the wages, job opportunities, and working conditions of its members.

25. Save Jobs USA identifies three of its members who would have standing to bring this action on his own: Brian Buchanan, Julie Gutierrez, and Steven Bradley. These members have all been replaced by H-1B workers

and remain in competition with H-1B workers, and soon H-4 visa holders, in the job market.

26. Brian Buchanan is a founding member of Save Jobs USA.

27. Mr. Buchanan started working at SCE in 1986.

28. For 17 years he worked as an IT Specialist at SCE.

29. In the spring of 2014, SCE announced that it would outsource its computer functions to the Indian companies Tata Consultancy Services and Infosys.

30. Tata and Infosys are the two largest users of H-1B visas.

31. Mr. Buchanan was replaced by an H-1B worker supplied to SCE through Tata.

32. Mr. Buchanan was required to train his H-1B replacement to perform his job.

33. If Mr. Buchanan had not trained his replacement he would have been denied a severance package and could have been terminated with cause, making him ineligible for unemployment benefits.

34. Mr. Buchanan is currently looking for a new computer related position where he remains in competition with H-1B workers, and soon H-4 visa holders, as long as he remains in the computer job market.

35. Mr. Buchanan joined Save Jobs USA because he has to compete with H-1B and H-4 workers in the computer job market.

36. Julie Gutierrez is a founding member of Save Jobs USA.

37. Julie Gutierrez worked at SCE for about twenty years as a System Analyst.

38. In July 2014, SCE notified Ms. Gutierrez that she was being fired.

39. As a condition of receiving a severance package and remaining eligible for unemployment benefits, Ms. Gutierrez was required to train her H-1B replacement supplied by Tata.

40. Ms. Gutierrez spent six weeks training her H-1B replacement.

41. Ms. Gutierrez left SCE on or about February 6, 2015.

42. Ms. Gutierrez is actively seeking a new computer-related job.

43. Ms. Gutierrez joined Save Jobs USA because she realized the visa system needs to be reformed and she is in direct competition with H-1B and H-4 workers as long as she remains in the computer job market.

44. Steven Bradley is a member of Save Jobs USA.

45. Mr. Bradley had worked as an IT Specialist at SCE for sixteen years until he was replaced by an H-1B worker supplied by Tata.

46. After being notified that he was losing his job, Mr. Bradley was required to train his H-1B replacement in order to remain eligible for severance and unemployment benefits.

47. Mr. Bradley remains in the computer job market where he is in competition with H-1B workers, and soon H-4 workers, for employment.

Deprivation of Statutory Protections

48. The INA incorporates protections for Americans workers. For instance, the H-1B program (*i.e.*, the statutory mechanism for admitting college-educated labor into the United States) incorporates protections for American labor through the Labor Condition Application and certification process, §§ 1182(a)(5)(A), 1227(a)(1), and 1182(n), and limits on the number of visas available for foreign workers, § 1184(g). By authorizing H-4 visa holders to work, DHS injures Save Job USA members by depriving them of their statutory protections.

Increased Competitors

49. Save Jobs USA members are injured by DHS's new H-4 Rule because they will compete with H-1B and H-4 guest workers for jobs. DHS's findings for the H-4 Rule repeatedly state that it will increase the number of Save Jobs USA's H-1B competitors.

50. Specifically, the findings state, "The final rule will also support the goals of attracting and retaining highly skilled foreign workers". 80 Fed. Reg. 10,284.

51. The findings also state, "DHS believes that this effective date balances the desire of U.S. employers to attract new H-1B workers, while retaining current H-1B workers." 80 Fed. Reg. 10,286."

52. The findings also state, "A primary purpose of this rule is to help U.S. businesses retain the H-1B nonimmigrants for whom they have already filed an employment-based immigrant petition." 80 Fed. Reg. 10,292.

53. The H-4 Rule is thus designed to attract additional H-1B workers to compete with Save Jobs USA members and to retain competitors that would otherwise leave the market.

54. The H-4 Rule also authorizes a new category of workers, *i.e.*, H-4 visa holders, to directly compete with Save Jobs USA's members in the computer job market.

55. Regarding H-4 visa holders, Leon Rodriguez, Director of USCIS, admitted during a telephone briefing for reporters that, "They are in many cases, in their own right, high-skilled workers of the type that frequently seek H-1Bs." Patrick Thibodeau, "U.S. to allow some H-1B worker spouses to work," ComputerWorld, Feb. 24, 2015, *available at* http://www.computerworld.com/article/2888047/us-to-allow-some-h-1b-worker-spouses-to-work.html.

56. Corporate America is already seizing upon the opportunity created by DHS for more cheap labor. Posting services are announcing the H-4 Rule and connecting employers with H-4 visa holders. *See*, *e.g.*, DESIH4.COM, that describes itself as "an innovative jobsite exclusively for H4 EAD visa holders."

57. As of April 14, 2014, the DEIH4.COM website listed 15 open jobs. All of these positions were computer jobs.

58. Similarly, employers have started to post advertisements for computer jobs seeking aliens who possess H-4 visas on the engineering job board DICE.COM.

59. Even before going into effect, the H-4 Rule has already created a market demand for aliens who possess an H-4 visa.

60. These H-4 aliens are already directly competing with Save Jobs USA members.

Benefits to Competitors

61. Save Jobs USA members are injured by DHS's new H-4 Rule because it confers a benefit on their guest worker competitors. DHS's H-4 Rule findings repeatedly state that the rule confers benefits on Save Jobs USA's H-1B competitors.

62. For example, DHS stated that it "expects this change to reduce the economic burdens and personal stresses that H-1B nonimmigrants and their families may experience", 80 Fed. Reg. 10,285, and it "anticipates that this regulatory change will reduce personal and economic burdens faced by H-1B nonimmigrants." 80 Fed. Reg. 10,284.

Count I: DHS exceeds its authority under 8 U.S.C. § 1101(a)(15)(H) by authorizing H-4 visa holders to work.

63. Plaintiff incorporates by reference all prior allegations.

64. An agency action should be set aside when it is in excess of its statutory authority. 5 U.S.C. § 706(2)(C).

65. There exists no statutory authorization for DHS to permit an alien possessing an H-4 visa to work.

Count II: DHS exceeds its authority by ignoring the statutory labor protections that must be applied to foreign labor.

66. Plaintiff incorporates by reference all prior allegations.

67. An agency action should be set aside when it is in excess of its statutory authority or limitations or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A) and (C).

68. The H-4 Rule is in violation of 8 U.S.C. §§ 1182(a)(5)(A), 1227(a)(1), that bar the admission of foreign labor unless the Department of Labor certifies, "the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed."

Count III: DHS acted arbitrarily and capriciously by reversing a statutory interpretation adopted by Congress.

69. Plaintiff incorporates by reference all prior allegations.

70. An agency action should be set aside when it is, "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

71. Congress has adopted the longstanding policy of not allowing H-4 aliens to work in the United States.

72. Through the H-4 Rule, DHS has reversed this longstanding congressional policy.

73. DHS acted arbitrarily and capriciously by reversing a statutory interpretation adopted by Congress.

Count IV: DHS acted arbitrarily and capriciously by failing to gauge the effect of more foreign workers on domestic workers.

74. Plaintiff incorporates by reference all prior allegations.

75. In conclusory fashion, DHS stated in its findings that, "any labor market impacts will be minimal." 80 Fed. Reg. 10,295.

76. DHS came to this conclusion despite finding that the H-4 Rule will add as many as 179,600 new competitors to the labor market in the first year and 55,000 new competitors annually in subsequent years. *See also,* 80 Fed. Reg. 10,295 ("This increased estimate does not change the Department's conclusion that this rule will have minimal labor market impacts.").

77. DHS came to this conclusion despite the fact that Americans such as Save Jobs USA's members are being displaced by foreign guest workers.

78. If indeed the H-4 Rule has minimal impact on the labor market, then it serves no purpose, also making it arbitrary and capricious.

Prayer for Relief

Plaintiffs pray that this Court:

1. Enter a declaratory judgment that Defendant exceeded its statutory authority by authorizing aliens who possess an H-4 visa to work.
2. Enter a declaratory judgment that Defendant violated 8 U.S.C. §§ 1182(a)(5)(A), 1227(a)(1) by authorizing aliens who possess an H-4 visa to work.
3. Enter a declaratory judgment that Defendant acted arbitrarily and capriciously by authorizing aliens who possess an H-4 visa to work.
4. Permanently enjoin DHS from authorizing aliens who possess an H-4 visa to work.
5. Vacate the H-4 Rule.

6. Award Plaintiffs their costs and expenses, including reasonable attorney's fees and expert witness fees;

7. Award any other relief the court deems just and proper.

Dated: Apr. 23, 2015

Respectfully Submitted,

John M. Miano
D.C. #1003068
Attorney of Record for
Washington Alliance of
Technology Workers

Dale L. Wilcox
IN Bar #19627-10
(DC Bar pending, under supervision)
Michael M. Hethmon
D.C. #1019386
Immigration Reform Law
Institute
25 Massachusetts Ave., N.W.
Suite 335
Washington, D.C. 20001

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

I. (a) PLAINTIFFS

Save Jobs USA
31300 Arabasca Circle
Temecula CA 92592

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Riverside CA
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

U.S. Dep't of Homeland Security;
Office of General Counsel
Washington, DC 20258

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John Miano
Immigration Reform Law Institute
25 Massachusetts Ave., N.W.
Suite 335
Washington, D.C. 20001

ATTORNEYS (IF KNOWN)

U.S. Department of Justice

II. BASIS OF JURISDICTION
(PLACE AN x IN ONE BOX ONLY)

- ○ 1 U S Government Plaintiff
- ○ 3 Federal Question (U S Government Not a Party)
- ◉ 2 U S Government Defendant
- ○ 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT		PTF	DFT
Citizen of this State	○ 1	○ 1	Incorporated or Principal Place of Business in This State	○ 4	○ 4
Citizen of Another State	○ 2	○ 2	Incorporated and Principal Place of Business in Another State	○ 5	○ 5
Citizen or Subject of a Foreign Country	○ 3	○ 3	Foreign Nation	○ 6	○ 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

○ A. *Antitrust*

- ☐ 410 Antitrust

○ B. *Personal Injury/ Malpractice*

- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Product Liability

C. *Administrative Agency Review*

- ☐ 151 Medicare Act

Social Security
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Other Statutes
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☒ 890 Other Statutory Actions (If Administrative Agency is Involved)

◉ D. *Temporary Restraining Order/Preliminary Injunction*

Any nature of suit from any category may be selected for this category of case assignment.

(If Antitrust, then A governs)

○ E. *General Civil (Other)* OR **○ F. *Pro Se General Civil***

Real Property
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

Personal Property
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

Bankruptcy
- ☐ 422 Appeal 27 USC 158
- ☐ 423 Withdrawal 28 USC 157

Prisoner Petitions
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Conditions
- ☐ 560 Civil Detainee – Conditions of Confinement

Property Rights
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

Federal Tax Suits
- ☐ 870 Taxes (US plaintiff or defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

Forfeiture/Penalty
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

Other Statutes
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organization

- ☐ 480 Consumer Credit
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

○ G. *Habeas Corpus/ 2255* ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	○ H. *Employment Discrimination* ☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	○ I. *FOIA/Privacy Act* ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	○ J. *Student Loan* ☐ 152 Recovery of Defaulted Student Loan (excluding veterans)
○ K. *Labor/ERISA (non-employment)* ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	○ L. *Other Civil Rights (non-employment)* ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	○ M. *Contract* ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	○ N. *Three-Judge Court* ☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN

● 1 Original Proceeding ○ 2 Removed from State Court ○ 3 Remanded from Appellate Court ○ 4 Reinstated or Reopened ○ 5 Transferred from another district (specify) ○ 6 Multi-district Litigation ○ 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

Administrative Procedure Act, Agency Action in Excess of Statutory Authority 5 USC 551

VII. REQUESTED IN COMPLAINT | CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23 | DEMAND $ | JURY DEMAND: | Check YES only if demanded in complaint YES ☐ NO ☒

VIII. RELATED CASE(S) IF ANY (See instruction) YES ☐ NO ☒ If yes, please complete related case form

DATE: April 23, 2015 SIGNATURE OF ATTORNEY OF RECORD /s/ John M. Miano

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed Listed below are tips for completing the civil cover sheet These tips coincide with the Roman Numerals on the cover sheet

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States

III. CITIZENSHIP OF PRINCIPAL PARTIES This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II

IV. CASE ASSIGNMENT AND NATURE OF SUIT The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint You may select only one category You must also select one corresponding nature of suit found under the category of the case

VI. CAUSE OF ACTION Cite the U S Civil Statute under which you are filing and write a brief statement of the primary cause

VIII. RELATED CASE(S), IF ANY If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Save Jobs USA

Plaintiff(s)

v.

U.S. Department of Homeland Security

Defendant(s)

Civil Action No. 1:15-cv-615

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Dep't of Homeland Security
Office of General Counsel
Washington D.C. 20258

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: John M. Miano
Immigration Reform Law Institute
25 Massachusetts Ave., N.W. Suite 335
Washington, D.C. 20001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 1:15-cv-615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Save Jobs USA

Plaintiff(s)

v.

U.S. Department of Homeland Security

Defendant(s)

Civil Action No. 1:15-cv-615

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Attorney General
U.S. Dep't of Justice
960 Pennsylvania Ave., N.W.
Washington D.C. 20530

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Immigration Reform Law Institute
25 Massachusetts Ave., N.W. Suite 335
Washington, D.C. 20001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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Date: _____

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Signature of Clerk or Deputy Clerk

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❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

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❒ Other *(specify):*

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I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Save Jobs USA

Plaintiff(s)

v.

U.S. Department of Homeland Security

Defendant(s)

Civil Action No. 1:15-cv-615

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Attorney's Office
Civil Process Clerk
555 4th St., N.W.
Washington D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: John M. Miano
Immigration Reform Law Institute
25 Massachusetts Ave., N.W. Suite 335
Washington, D.C. 20001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 1:15-cv-615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc: