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Contacts:

Justice Action Center: Tasha Moro, tasha.moro@justiceactioncenter.org, 323-450-7269

Innovation Law Lab: Victor Romero-Hernandez, victor@innovationlawlab.org, 505-209-5812

AILA: Belle Woods, bwoods@aila.org, 202-507-7675

United States Court of Appeals Damages Lower Courts' Power to Hold Executive Branch Accountable for Refusing to Issue Diversity Visas

Washington, DC – Since 2020, lawyers from the [American Immigration Lawyers Association \(AILA\)](#), [Justice Action Center \(JAC\)](#), and [Innovation Law Lab](#), with pro bono support from Mayer Brown LLP, fought to help a class of diversity visa lottery winners who had been locked out during the Trump Administration in *Gomez v. Biden* (first known as *Gomez v. Trump*). The lower court agreed with the plaintiffs and ruled that 9,095 diversity visas from Fiscal Year 2020 be reserved by the Department of State (DOS) and eventually issued.

On June 25, 2024, the U.S. Court of Appeals for the District of Columbia [reversed the lower court's order](#), finding that federal courts lack the authority to order the reservation of visas after the deadline Congress set for their issuance, holding, "As a remedy, the courts ordered the Department to continue processing applications and issuing visas after the statutory deadlines for doing so had passed. We hold that the courts lacked authority to order this relief."

Vice Chair of AILA's Benefits Litigation Committee Jesse Bless, who had begun work on the case as AILA's litigation director and argued before the Circuit Court, noted that, "Though the D.C. Court of Appeals' ruling is heartbreaking, there are thousands who received visas after we secured an injunction prior to the 2020 deadline. This litigation was about protecting more than visas; it changed lives and, in some instances, saved them."

"It is deeply disappointing that the Biden administration has continued to litigate this issue. Still, nothing about today's outcome precludes the Biden administration from using every tool at its disposal to open our nation's doors to those who had them slammed in their faces by Trump," said JAC Legal Director Esther Sung.

"This decision is a devastating blow to people from around the world who placed their hopes for a brighter future on the long-awaited chance to immigrate to the United States, only to be met with a cruel and unjust denial over four years later," said Innovation Law Lab Legal Director Jordan Cunnings. "We are so proud of all the class members who have fought hard to preserve their rights throughout the course of this case."

"This ruling ignored decades of jurisprudence regarding equitable remedies and is a step backwards in this area of the law. This seems to be part of a disturbing trend in judicial approach that will hurt immigrants, families, and our country's future," added Jennifer Coberly, AILA Business Litigation Attorney.

Class counsel is evaluating possible next steps and will be in touch with class members shortly. To join the Gomez class e-mail list, [individuals can sign-up here](#).