

1 178. For most of the time when the I-751 application was pending scheduling an interview (and  
2 in a queue over two years long and growing), there were no requests or questions which the  
3 automated system could respond to. It was certain that the automated system would hang  
4 up on the applicant after about five minutes of struggling to find a way to speak to an actual  
5 person where they could explain their concern. This phone number was the only point of  
6 contact for applicants attempting to get information about the status of their application.

#### 7 Criminal Background Questions Unlawful

8 179. Just after the interview of 30 January 2023, Mr Carr also initiated an IG complaint  
9 concerning the criminal background questions which were routinely included as part of the  
10 USCIS application policy.

11 180. In particular, there are no exceptions provided about classified information which cannot be  
12 released to the interviewer or records sealed by a lawful court order.

13 181. Further, it is overly broad to not restrict the questions to actual convictions for serious  
14 crimes. As stated the questions would include every minor traffic or even parking violation  
15 in the state of Texas where such violations are considered crimes. The truth is, no one  
16 remembers all the situations where they may have gone over the speed limit or parked a few  
17 inches too close or too far from the curb.

18 182. In fact, the only accurate answer to any of the criminal background questions is 'yes' with an  
19 explanation of 'I can neither affirm nor deny the existence of information relating to this  
20 question.'. Any other answer could risk violations of the law by providing either classified  
21 or sealed information. Further, no one remembers or even knows all the circumstances  
22 where they may have violated some minor traffic, parking, or zoning regulation.

#### 23 USCIS Informed of Upcoming Travel Plans

24 183. In August, Mr. and Mrs. Carr contacted USCIS about scheduling a new A-551 stamp for  
25 Mrs. Carr's passport to preserve her limited ability to work and travel based on their travel  
26 plans to be out of the country from 10 Oct 2023 to 25 Dec 2023. They were told that they  
27 could not get a replacement A-551 stamp as they can only be issued within 30 days of  
28 expiration and the applicant must be in the US to get the stamp.

29 184. In August Mr. Carr also contacted his congressman, Representative Veasey, seeking  
30 assistance in getting the Oath of Allegiance scheduled as no action had been taken in the

1 matter.

2 N-400 Interview of 30 Jan 2023 Canceled

3 185. However, on 01 Sep 2023 USCIS sent a notice (USCIScancel20230901-20230130.pdf  
4 previously provided to relevant Defendants) which states that "the interview of 30 Jan 2023  
5 was canceled due to unforeseen circumstances" (sent under the N-400 receipt). Of course  
6 this is a completely false document (and hence a federal crime) as the N-400 interview was  
7 completed and this document contradicts several previous documents and verbal statements  
8 as well as the final decision in the I-751 case **and later activity in the N-400 case.**

9 186. On 5 Sep 2023 Mr. Carr and Mrs. Carr called USCIS at the prescribed number and spoke  
10 with Destiny, ID G010590.

11 They asked that Destiny send an email to the appropriate party to promptly schedule Mrs.  
12 Carr's Oath of Allegiance as stated in the cited I-751 approval notice and, in the  
13 alternative, if an N-400 was not actually approved, that Mrs. Carr be sent a new 10 year  
14 Permanent Resident Card.

15

16 Destiny explained that it is not uncommon for additional interviews to be required even  
17 after the I-751 and N-400 are approved and that Mrs. Carr could not be sent the approved  
18 Permanent Resident card. Implicitly her statement indicates that such formal approvals  
19 were actually effective denials based on false premises.

20

21 At that time Mr. Carr asked that Destiny take notes for details to include in the email she  
22 would send on their behalf.

23

24 Mr. Carr cited 18 U.S. Code Section 1001 which is one of many criminal codes for  
25 falsification of government records and states in part:

26 (a) ... whoever, in any matter within the jurisdiction of the executive... branch of the  
27 Government of the United States, knowingly and willfully --

28 (1) falsifies, conceals, or covers up ... a material fact; ... or

29 (3) makes or uses any false writing or document knowing the same to contain any  
30 materially false, fictitious, or fraudulent statement or entry;

1 shall be fined under this title, imprisoned not more than 5 years

2

3 (3) prohibits taking any action based on a false document with the implicit exceptions  
4 that actions may be taken to: correct the false document or, if the individual is not  
5 authorized to correct the false document, to report the false document to their supervisor  
6 and / or the relevant OIG explaining that there is an existing false document and a  
7 possible federal crime when the document was created.

8 N-400 Interview Scheduled for 11 Oct 2023, Insufficient Notice

9 187. On 06 Sep 2023 USCIS scheduled an interview for 11 Oct 2023 as shown in

10 UscisI797intrvw20231011.pdf (document previously provided to relevant Defendants), but  
11 the actual notice was not received until 15 Sep 2023 when it was too late to respond until the  
12 next week as Mrs. Carr works Tuesday to Sunday and is not able to respond while she is  
13 working.

14 188. The arrival date of this notice is a critical issue as there must have been timely notice of the  
15 interview in order to justify the denial of the N-400 application for failure to appear. In  
16 USCISuspsMailArrivals20230915.pdf (previously provided to relevant Defendants) is an  
17 email from USPS which shows the mail which arrived at their address on 15 Sep 2023. The  
18 notice of 06 Sep 2023 seems to have been mailed on 12 Sep 2023 according to the postmark  
19 shown in the USPS email. As 30 days notice is required for such interviews, the notice on  
20 15 Sep 2023 was not timely for an 11 Oct 2023 interview and the denial of the N-400  
21 application for failure to appear must be overturned due to lack of notice.

22 189. In the contested decision there is no claim of any notice at all and it appears that USCIS  
23 routinely delays mailing documents a few days after the date of the 'notice'. In cases of  
24 mailed documents they adjust the 30 days to 33 days to allow for time in the mail, but there  
25 is no adjustment for delay in printing and actually mailing the notice. Given that this  
26 document took 9 days to arrive, a more realistic adjustment for mailing would be 45 days if  
27 mailed without the normal proof of mailing.

28 Complaint of Falsified Records, 01 Sep 2023 Cancellation

29 190. On 10 Sep 2023, Mr. Carr contacted the USCIS director and DHS IG reporting the

30 contradictory records (was the interview held on 30 Jan 2023 which approved the I-751 and

1 N-400 or was it canceled with no results). With contradictory records, one or more of them  
2 must be false, the foundation of the federal crime of falsification of government records.

3 191. Mr. Carr also asked for acknowledgement of the report within 7 days. No such  
4 acknowledgement has been received to date.

5 192. On 07 Oct 2023, Mr. Carr asked that DoJ assist in correcting these serious defects in USCIS  
6 and DHS IG. The reports of the crime and request for assistance have previously been  
7 provided to relevant Defendants. (Note: Mr. Carr was unaware of the scheduling of the  
8 interview for 11 Oct 2021 on 06 Sep 2023 when he first reported the crime).

9 193. On 12 Sep 2023 Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with  
10 Umika, ID G20028112.

11 They complained of the 1 Sep 2023 I-797 Notice of the canceling of the 30 Jan 2023  
12 N-400 interview due to unforeseen circumstances (described previously). They  
13 explained that the interview was held on that date and the 01 Sep 2023 document is a  
14 false record (and federal crime) which also contradicts the I-751 final decision of 31 Jan  
15 2023 which stated that the N-400 application was approved at that interview. They  
16 advised Umika that she must either correct the false record or, if she did not have the  
17 authority to correct the record, she must contact either her supervisor or the IG or both to  
18 report the crime. Failure to do so on her part would itself be a crime under 18 U.S. Code  
19 Section 1001, part 3, which Mr. Carr read to her after asking her to take notes.

20

21 Mr. and Mrs. Carr also asked that Mrs. Carr immediately be sent the new 48 month  
22 extension letter which was publicly authorized by USCIS on 23 Jan 2023, one week  
23 before the interview (so USCIS was required to have mailed her a copy of the extension  
24 letter before the interview). The USCIS announcement was also about two months after  
25 they had complained to USCIS and the DHS OIG that USCIS had unlawfully left Mrs.  
26 Carr stranded in Thailand due to the absence of such a 48 month extension letter.

27

28 They also asked that USCIS send Mrs. Carr a permanent green card as soon as possible  
29 as there was now a record in the N-400 case indicating that her N-400 application had  
30 not been approved and so there was no basis for withholding the approved green card.

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They also asked that the local representative contact the USCIS director in order to get copies of the emails which properly explained their complaints to date as that was the only method of sending written documents to USCIS for their consideration.

They also asked that the local representative call them back on Monday 18 Sep 2023 at 9AM as Mrs. Carr would be working during normal business hours on Tuesday through Sunday and unable to take calls. No such callback was made. (Note: At this time, Mr. Carr was unaware of the scheduling of the interview for 11 Oct 2021 on 06 Sep 2023 and did not receive notice until 15 Sep 2023.)

First Request to Reschedule Interview

194. On 19 Sep 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with David, ID G009845. (Note: this request was timely as Mr. Carr only learned of the scheduled interview date on 15 Sep 2023)

They requested that the interview scheduled for 11 Oct 2023 be rescheduled as they had prior plans to be out of the country from 10 Oct 2023 to 25 Dec 2023.

Mrs. Carr asked if the interview could be scheduled for only a day or two earlier but they were told that it could not be scheduled earlier.

Their request to reschedule the interview was assigned ID T1B2622391513DAL.

Upon a lengthy description of the purpose of the ten week trip, David incorrectly summarized the reason for the trip as 'leisure' which raised concerns for Mr. Carr that their trip was not being given appropriate gravity. They asked that David request that USCIS reschedule for after the completion of their trip on 25 Dec 2023. It turned out that David was restricted to 80 characters in his request and so described the reason for rescheduling as Mrs. Carr will be out of the country from 10 Oct 2023 to 25 Dec 2023 to increase the likelihood that the individual who responded would be aware of the duration of their trip.

1

2 They also asked that Mrs. Carr be provided with a 12 month extension letter as her A-551  
3 stamp would expire on 03 Jan 2023 and if there were health or other problems which  
4 delayed their return, she would no longer have proof that she was authorized to work and  
5 travel freely. David assigned sn 30214416 to a request that a local USCIS representative  
6 call Mrs. Carr from 2028382104 to discuss the extension letter.

7

Unsuccessful Call Back on 21 Sep 2023

8 195. The call back by the local USCIS representative was made on 21 Sep 2023 in the morning.

9 Mrs. Carr was not home (as she was working) but it was rescheduled for later that evening at  
10 7:30PM when Mrs. Carr was likely to be home. Mr. Carr called Mrs. Carr and she came  
11 home a little early and was home by 7PM but the USCIS representative did not return the  
12 call as agreed upon. No further return calls were made for this request.

13

Request that Mr. Carr be Mrs. Carr's Authorized Representative

14 196. Due to the confusion of not being able to get any response from USCIS, on 25 Sep 2023, Mr.  
15 and Mrs. Carr called USCIS at the prescribed number and spoke with Martha, ID G029811.

16

17 They asked about how to submit a G-28 appointment of Mr. Carr as the representative in  
18 this matter. They were told to mail the application to:

19

ATTN: N-400, G28 submission

20

850 NW Chipman Rd, Suite 5000

21

Lees Summit, MO 64063

22

23 An online G-28 request had been submitted on 24 Sep 2023 and the hard copy request was  
24 mailed on 26 Sep 2023. Martha also explained how to submit a document directly to  
25 USCIS on their web site and an electronic copy of the G-28 was submitted on 28 Sep  
26 2023.

27

28 Martha also explained that USCIS responds to G-28 requests within 30 days. No response  
29 has been received to date on this G-28 request.

30

Denial of Reschedule Request, Not Sent to Authorized Email

1 197. While speaking with Martha on 25 Sep 2023, Mr. and Mrs. Carr also learned that on 19 Sep  
2 2023, USCIS had denied their request to reschedule the interview and sent an email to  
3 airpk1961@gmail.com, an email address that is rarely monitored.

4 198. This was not proper. Before they were married Mrs. Carr had used that email and Mr. Carr  
5 had used carrbp@gmail.com. However, since their marriage they have shared their emails  
6 with both parties having full access to both email addresses. As they have a legal union,  
7 they are not required to maintain separate personal email addresses and now reference all  
8 emails to carrbp@gmail.com which is regularly monitored. In rare cases when businesses  
9 insist on separate email addresses for separate persons, they provide Mrs. Carr's old email  
10 address, but that address is not regularly monitored. At no time have they agreed that  
11 USCIS should direct email notices to Mrs. Carr's old email address and none of the  
12 submissions to USCIS have authorized the use of that email address. The actual email from  
13 USCIS was previously provided to relevant Defendants as  
14 USCISnotReschedule20230919.pdf. It stated in part: "Type of service requested: --  
15 Appointment Reschedule ... USCIS has reviewed your request for a rescheduled  
16 appointment, and we regret to inform you that your request has been denied based on the  
17 information provided. Failure to comply with your appointment notice or to appear for your  
18 scheduled interview may result in adjudication of your application based on the available  
19 information."

20 New request to Reschedule Interview

21 199. Due to the delay in their receipt of the denial of their request to reschedule the interview  
22 (sent on 19 Sep 2023, found on 25 Sep 2023), Mr. Carr uploaded a timely explanation of the  
23 reasons for rescheduling the interview on 27 Sep 2023 which has been previously provided  
24 to relevant Defendants as PostponeInterviewUntilAfter25Dec2023.pdf along with copies of  
25 the flight tickets, date restricted European visas, hotel reservations, required medical  
26 insurance coverage and European bus tour tickets, all of which are non-refundable. The  
27 document explains that the purpose of the trip is religious obligations, family obligations,  
28 business promotion, business training and education, and leisure. Planning for the trip was  
29 started in Feb 2023 and the leisure portion of the trip was to celebrate the approval of Mrs.  
30 Carr's N-400 application for naturalization as USCIS stated in

1 I797forMSC2091582908-ioe9752855294.pdf on 31 Jan 2023.

2 200. On 2 Oct 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with  
3 Crystal, ID G027432.

4 Mr. and Mrs. Carr asked that Crystal submit a new request to reschedule the interview  
5 based on the documents submitted on 27 Sep 2023. Crystal explained that they could not  
6 make a new request to reschedule the interview until 15 days after the previous denial on  
7 19 Sep 2023, i.e. 04 Oct 2023 (after the start of Mrs. Carr work week).

8  
9 They explained that they had provided additional justification for rescheduling the  
10 interview which has been uploaded for USCIS to consider.

11  
12 They asked that USCIS review the uploaded G-28, separately filed online and sent via  
13 mail and submitted electronically 28 Sep 2023. Crystal explained that USCIS has 30 days  
14 to act on G-28 requests.

15  
16 201. On 10 Oct 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with  
17 Antoinette, ID G0023588.

18 Mr. and Mrs. Carr asked that Antoinette submit a new request to reschedule the interview  
19 explaining that it was more than 15 days after the previous denial of the request to  
20 reschedule and explained that they had submitted additional documentation.

21  
22 Antoinette contradicted the previous representative, Crystal, and stated that new requests  
23 to reschedule can only be made more than 30 days after a previous denial. As interviews  
24 are scheduled with the nominal 30 days notice (33 days if notice is by mailing), this would  
25 ensure that USCIS never reconsiders any denial of rescheduling no matter what the  
26 extenuating circumstances. As this claim also contradicts the previous representative it is  
27 likely that Antoinette's and possibly Crystal's claims are false and, hence, federal crimes.

28 Access to Case Records Unlawfully Denied

29 202. On 01 Sep 2023, Mr. Carr submitted a request for the entire record in the I-751 and N-400  
30 cases via an online submission of a G-639 FOIA request. Mr. Carr asked for every email,

1 message, or other records which reference the two receipts in this matter (MSC2091582908  
2 and IOE9752855294) including both audio and video recordings. The request was assigned  
3 request ID NRC2023277190 and the response was made on 05 Oct 2023.

4 203. However, the response was only 32 pages and was only the original I-751 and N-400  
5 applications. On 31 Oct 2023 a new FOIA request was submitted via email a copy of which  
6 was previously provided to relevant Defendants as USCISfoiRqst.pdf. Note that this is a  
7 violation of the applicant's due process right to have access to the evidence against the  
8 applicant. Mr. Carr had requested access to every record which the tribunal relied on to  
9 deny the N-400 application, but was denied access to all such records. It is also possible  
10 that the claim that there were only two responsive documents was a federal crime of  
11 falsifying government records as it is clear that more records were requested and there was  
12 no justification for withholding the other documents.

13 USCIS Denies N-400 Citizenship Application for Failure to Appear

14 204. The Decision from USCIS dated 13 October 2023 previously provided to relevant  
15 Defendants as USCISdeny20231013.pdf states:

16 On July 11, 2022, you filed a Form N-400, Application for Naturalization, with U.S.  
17 Citizenship and Immigration Services (USCIS) under section 319 of the Immigration and  
18 Nationality Act (INA). After a thorough review of the information provided in your  
19 application for naturalization, the documents supporting your application, and your  
20 testimony during your naturalization interview, USCIS has determined that you are not  
21 eligible for naturalization. Accordingly, USCIS must deny your application for  
22 naturalization. ...

23

24 On November 13, 2018, you obtained conditional permanent resident status through your  
25 spouse and your conditions were removed on January 30, 2023. USCIS received your  
26 Form N-400 on July 11, 2022, and on January 30, 2023, you appeared for an interview to  
27 determine your eligibility for naturalization.

28

29 At the beginning of your naturalization interview, an Immigration Services Officer placed  
30 you under oath and then administered the naturalization test. At that time you were unable

1 to write a sentence in ordinary usage of the English language, and answer 6 of 10 U.S.  
2 Government and history (civics) questions correctly. Since you did not achieve a passing  
3 score on the English or civics portions of the naturalization test, on October 11, 2023, you  
4 were scheduled for a second interview to retake these portions of the naturalization test.  
5 On October 11, 2023, you did not appear as requested. Further, you have not provided  
6 USCIS with a good reason for your absence. Your failure to appear at the second  
7 interview means you have not passed the English or civics testing requirements for  
8 naturalization. As a result, you are ineligible for naturalization since you have not  
9 demonstrated your ability to pass the English or civics requirements for naturalization.  
10 Therefore, USCIS must deny your application for naturalization. See INA 312 and Title 8,  
11 Code of Federal Regulations (8 CFR) section 312.5(a) and (b).

12  
13 If you believe that you can overcome the grounds for this denial, you may submit a  
14 request for a hearing on Form N-336, Request for a Hearing on a Decision in  
15 Naturalization Proceedings, within 30 calendar days of service of this decision (33 days if  
16 this decision was mailed). See attached 8 CFR 336.2 (a) and 103.8(b). Without a properly  
17 filed Form N-336, this decision will become final. See INA 336.

#### 18 USCIS Refuses to Provide New Green Card

19 205. On 19 Oct 2023, Mr. and Mrs. Carr called USCIS at the proscribed number and requested  
20 that Mrs. Carr be sent a new Green Card as her I-751 was approved on 31 Jan 2023 but the  
21 Green Card was withheld as her N-400 was also approved and her Certificate of  
22 Naturalization was imminent. However, the purported Decision of 14 Oct 2023 clearly  
23 indicates that USCIS does not intend to provide Mrs. Carr with the promised Certificate of  
24 Naturalization in the foreseeable future.

25 206. This request resulted in a referral of T1B2922301353MSC which concerned 'Non Delivery  
26 of Permanent Resident Card'. It was answered on 27 Oct 2023 with the document  
27 previously provided to relevant Defendants as USCISnoGreenCard20231027.pdf which  
28 listed 'Type of service requested: -- Non-Delivery of Permanent Resident Card' but answered  
29 with: "You ... contacted U.S. Citizenship and Immigration Services (USCIS) because you  
30 have not received your denial, termination or revocation notice. We have enclosed a copy of

1 the notice for your reference. Please note that we are not able to extend the period for you to  
2 file an appeal from this decision. Therefore, follow the instructions on your notice carefully  
3 and submit accordingly."

4 207. There was no notice attached and the text does not make sense with respect to the request  
5 for a green card from an approved application. It appears to be the standard form letter  
6 message for a denial of a request.

7 208. The form letter does mention the requirement to contest an unfavorable decision within 30  
8 days and, of course, pay the \$700 fee first. However, as this decision referred to was an  
9 approval which was illegally contorted by false pretenses to be an effective denial, the text of  
10 the response is not responsive to actual request.

11 209. It appears that when USCIS attempts to effectively deny an application by claiming approval  
12 based on false pretenses, there is no way to appeal or correct the error other than the federal  
13 district courts.

14 Legal Arguments

15 Lack of Jurisdiction

16 210. Of primary importance is the lack of jurisdiction for USCIS to revise or ignore a prior final  
17 decision.

18 211. It is well understood that in the interest of justice to all parties in an action, there must be  
19 some final closure of arguments and litigation. Final decisions are intended to provide that  
20 relief to all parties with the caveat that each party has 30 days to notify all other parties of  
21 any pending disagreements. This is normally done through a notice of appeal requirement,  
22 generally within 30 days after proof of service of the decision by the prevailing party.

23 212. If USCIS had any complaints or concerns with the findings of facts in the I-751 decision of  
24 31 Jan 2023, they should have raised the concerns within 30 days of publication of the  
25 decision.

26 213. As there is no avenue for USCIS to submit a motion for reconsideration of a matter which  
27 was decided by USCIS, the only forum where USCIS can seek redress is a new action in the  
28 federal district courts.

29 214. To provide otherwise is to deny all applicants to USCIS from the justice of having any final  
30 decision.

1 Lack of Notice to Support Failure to Appear

2 215. Another fundamental principle of due process is that all participants must be given adequate  
3 and sufficient notice of any action. It is clearly a travesty of justice to deny an application  
4 because of failure to appear when there is no evidence of notice.

5 216. In particular, in this case there is compelling evidence showing that Mr. Carr did not receive  
6 notice of the upcoming interview until less than 30 days before the interview, i.e. 15 Sep  
7 2023 for a hearing on 11 Oct 2023. As such, the improper denial must be overturned.

8 Lack of an Independent and Impartial Tribunal

9 217. One of the fundamental premises of due process is to have matters decided by an  
10 independent and impartial tribunal. It is important to recognize that Mr. Carr had filed  
11 numerous complaints with the DHS OIG concerning malfeasance and other unlawful  
12 activities by USCIS. His final complaints were for the federal crimes of falsifying  
13 government records by several employees who reported directly or indirectly to the director  
14 who made the final decision.

15 218. It is absurd to even consider that the Field Office Director, Ms. Montgomery, could be  
16 unbiased in resolving a matter in which several of her employees were accused of federal  
17 crimes which would surely reflect poorly on her own performance and future career  
18 opportunities.

19 Additional Federal Crimes by Ms Montgomery

20 219. One of the foundations of any government of law is to have accurate written records of all  
21 proceedings. That is almost certainly why Congress has decided to make it a serious federal  
22 crime to falsify any government record.

23 220. When Director Montgomery cited the approval of the I-751 application without mentioning  
24 the finding of an approval of the N-400 application, she falsified the record by omitting  
25 required facts..

26 221. When Director Montgomery stated 'Further, you have not provided USCIS with a good  
27 reason for your absence.' without mentioning the original request to reschedule she  
28 committed the crime of falsifying the record by failing to include required facts. Further,  
29 Director Montgomery does not mention the extensive documentation of substantial financial  
30 and personal impact required to change long standing plans in order to attend the interview.

1 This evidence was provided to USCIS, and she falsified the record by omitting critical facts.  
2 222. The entirety of her decision is based on timely notice and lack of response but she fails to  
3 discuss any of the factors which are critical elements of her decision.

#### 4 Right of Appeal Prohibitive / Denied

5 223. The contested decision continues with the following text:

6 If you believe that you can overcome the grounds for this denial, you may submit a  
7 request for a hearing on Form N-336, Request for a Hearing on a Decision in  
8 Naturalization Proceedings, within 30 calendar days of service of this decision (33 days if  
9 this decision was mailed). See attached 8 CFR 336.2 (a) and 103.8(b). Without a properly  
10 filed Form N-336, this decision will become final. See INA 336.

11 224. An initial reading of this paragraph suggests that there are administrative procedures for  
12 appealing such bad decisions. However, while USCIS borrows heavily from judicial  
13 terminology in describing their processes and procedures creating the semblance of 'due  
14 process', the reality is USCIS does not provide any of the elements of due process.

15 225. In particular, the required fee to file N-336, request for a hearing, is a hefty \$700 while the  
16 fee for filing a new N-400 is only \$625. Similarly, the filing fee for a motion to reconsider is  
17 also \$700 as is the fee for filing a 'Notice of Appeal'. For a budget minded applicant, the  
18 filing fees with federal district courts are a much more affordable \$350 (admittedly heavily  
19 subsidized) so that applicants with limited assets may only be able to afford to file with the  
20 district courts rather than pursue the absurdly expensive administrative alternatives.

21 226. The likely reason that federal district courts are heavily subsidized is that justice should be  
22 provided to all persons and should not be restricted to the wealthy who can afford substantial  
23 fees.

#### 24 Automated Phone System Prevents Applicants from Being Heard

25 227. It is a violation of due process for USCIS to restrict applicants to an automated phone system  
26 for all questions, concerns, requests, and evidence.

27 228. First of all, USCIS can not require all applicants to have phone access. They must provide a  
28 physical address where applicants and their representative or interpreter can ask questions  
29 and present concerns, requests, issues, and evidence. Appointments can not be required  
30 though substantial waits may be required without an appointment.

1 229. This in person access is required as each applicant must be permitted to be heard whether  
2 they have access to a phone or are technically savvy.

3 230. Further, it is a violation of due process when the automated phone system hangs up on  
4 applicants who are not able to correctly state their needs. The system must instead pass the  
5 request on to a human representative to hear the issues of the applicant **though this option**  
6 **may be deferred during non-business hours and holidays.**

7 231. While providing this human access can be a significant expense, it is required for the due  
8 process opportunity to be heard.

9 232. If USCIS chooses it can also provide online secure messaging to applicants and their  
10 representatives as a cost effective way of providing a reliable and less expensive method  
11 raising concerns and getting responses.

#### 12 Difficult Appointment of Spouse as Representative

13 233. It is a violation of the due process for USCIS to restrict the ability of an I-751 applicant's  
14 spouse to represent the applicant.

15 234. Due process requires the right to representation though not necessarily by an attorney. As  
16 the spouse is an American citizen, they almost certainly have better English and U.S.  
17 government skills. As such they are ideal representatives for their immigrant spouses.

18 235. In fact it is completely legal and proper for a spouse to represent the other party as needed in  
19 a real legal union (a.k.a. marriage). In truth, one of the signs of a fake marriage would be the  
20 absence of the citizen spouse to represent the immigrant spouse.

#### 21 Inclusive Assumptions for Freedom of Information Act Requests

22 236. As due process requires that the applicant have full access to all of the evidence presented  
23 against him or her, the FOIA default must be to provide all records including audio and  
24 video recordings which the tribunal has access to.

#### 25 Plaintiffs Were Damaged by USCIS's Unlawful Decisions and Actions

26 237. The refusal of USCIS to provide Mrs. Carr with her Certificate of Naturalization harmed  
27 Mrs. Carr by limiting her ability to vote and enjoy other privileges of citizenship. Also, Mrs.  
28 Carr has close family members (which includes two sons, a brother, and two sisters  
29 including Mrs. Von Kramer) who have been denied their right to apply for immigration and

1 be placed in the queue for Permanent Residence (Green Card) as well as, potentially,  
2 citizenship.

3 **Count 8**

4 **DHS OIG Takes No Action To Address Criminal Behavior**

5 238. The Plaintiffs repeat and re-allege paragraphs 1 through 237, as if fully set forth herein.

6 239. On 4 Dec 2022, Mr. Carr complained via DHS OIG Hotline that Mrs. Carr had been  
7 stranded in Thailand through the unlawful, knowing failure of USCIS to abide by the  
8 statutory mandates of 8 CFR Section 216.4 ... "Upon receipt of a properly filed Form I-751,  
9 the alien's conditional permanent resident status shall be extended automatically, if  
10 necessary, until such time as the director has adjudicated the petition."

11 240. Mr. Carr was assigned case number HLCN1670132157186 but has not received any further  
12 response from DHS OIG.

13 241. On 5 Dec 2022 expanded on his complaint against USCIS and received case number  
14 HLCN1670226793068 but has not received any further response.

15 242. It is possible that the announcement on 23 Jan 2023 of a new 48 month extension letter was  
16 based on Mr. Carr's complaint on 4 Dec 2022 that Mrs. Carr was stranded in Thailand due to  
17 the expiration of her 24 month extension letter.

18 243. However, Mrs. Carr's freedom to work and travel freely was never restored as she never  
19 received the 48 month extension letter.

20 244. On 10 Sep 2023, Mr. Carr notified the DHS OIG directly through the IG of the federal  
21 crimes committed by USCIS. He also opened a complaint via DHS OIG Hotline and was  
22 assigned case number HLCN1694292030038.

23 245. On 13 Nov 2023, Mr. Carr notified the DHS OIG directly through the IG of the additional  
24 federal crimes committed by USCIS as well as the 'whistleblower' retaliation taken by  
25 USCIS against Mrs. Carr for Mr. Carr's widespread reports of federal crimes. Mr. Carr also  
26 opened another complaint via DHS OIG Hotline and was assigned case number  
27 HLCN1699850033209.

28 246. It is the DHS OIG's responsibility to not only insure that such serious malfeasance and  
29 deprivation of a person's constitutionally guaranteed rights do not happen but also that the  
30 harm from failures is redressed to the degree possible by the monitored agency (USCIS in

1 this case).

2

### Count 8

3

#### **DoJ Takes No Action To Address Criminal Behavior**

4 247. The Plaintiffs repeat and re-allege paragraphs 1 through 246, as if fully set forth herein.

5 248. On 3 Mar 2023 Mr. Carr notified the DoJ Attorney General via mail of the allegations raised  
6 against the USPS, USPS OIG, and USPS BoG. The DoJ had previously been copied on the  
7 allegations as they were raised to the relevant agencies.

8 249. The DoJ opened reference NM301959635 for the matter with email contact of  
9 [criminal.division@usdoj.gov](mailto:criminal.division@usdoj.gov), referring the matter to the Postal Inspection Service.

10 250. On 20 June 2023 Mr Carr notified the DoJ via mail of federal crimes and malfeasance in the  
11 DoS and related agencies and asking assistance in correcting the unlawful actions. Mr. Carr  
12 did not request the prosecution of any party. The DoJ had previously been copied on the  
13 various complaints with the DoS agencies.

14 251. On 8 Sep 2023 Mr. Carr asked for the assistance of the DoJ with respect to the USCIS and  
15 related agencies. The DoJ had previously been copied on the various complaints with the  
16 USCIS agencies.

17 252. On ~~9~~10 Oct 2023, Mr. Carr again asked the DoJ for assistance with the USPS problems  
18 clarifying that he was not seeking prosecution of any party but instead seeking to end the  
19 federal crimes and other unlawful practices.

20 253. On 25 Oct 2023, Mr. Carr again asked the DoJ for assistance in correcting the unlawful  
21 practices by CIGIE with respect to failing to maintain proper standards for IG's and OIG  
22 employees. He did not request the prosecution of any party, only assistance in preventing  
23 unlawful conduct. .

24

25

### **Relief Soughts**

26 PRAYER FOR RELIEF

27 WHEREFORE, The Plaintiffs ask this Court to enter Orders:

28

29

#### **USPS, OIG and DoJ Corrections**

30 1. Directing USPS to provide a credit for future services for \$26.35 to Mr. and Mrs. Carr; In the

- 1 alternative, USPS can provide a credit to Mr. Carr's credit card (the same card which was  
2 charged initially) or a check in that amount to Mr. Carr in the event that USPS finds it too  
3 cumbersome to add support for credits for future services to its online web services.
- 4 2. Directing USPS to update its dispute / credit process so that postal customers can get  
5 guaranteed refunds for late deliveries with a single visit / web form with the presumption that  
6 the delivery was late as attested by the customer (and notice that falsifying a government  
7 record is a federal crime).
- 8 3. Directing USPS OIG to do a preliminary investigation whenever USPS delivery records  
9 conflict with the customer's attestation. USPS OIG must refer the matter to DoJ in all cases  
10 where there is clear evidence that either the customer or the delivery driver falsified a  
11 government record. Due to the automated nature of many USPS records, this determination  
12 could be automated to a substantial degree so that USPS OIG staff only need to get involved  
13 with cases where there are clear indications of falsification of government records.
- 14 4. Directing USPS to promptly correct all incorrect delivery records, certainly before they are  
15 accumulated and reported to Congress and the U.S. public or used for computing management  
16 bonuses.
- 17 5. Directing USPS OIG, DoS OIG, and DHS OIG to expeditiously investigate all plausible  
18 allegations of federal crimes. In the event that an OIG does not have sufficient resources to  
19 expeditiously investigate all plausible allegations of a federal crime sufficiently to determine  
20 if a federal crime is likely, it can refer the matter to local management or other parties for  
21 resolution, but it must report all such plausible allegations of federal crimes to DoJ which it  
22 does not investigate itself. If an OIG finds that any allegation of a federal crime is likely it  
23 must expeditiously report the matter to DoJ whether or not the crime is deemed to be worthy  
24 of prosecution. The determination of prosecution is reserved solely to DoJ.
- 25 6. Directing DoJ to investigate USPS BoG, USPS management, USPS IG, and USPS OIG  
26 management to determine if there were illegal orders preventing USPS OIG staff from  
27 reporting federal crimes to the DoJ. If there is evidence of such illegal orders, all such orders  
28 must be properly rescinded. Any penalties or prosecution is solely at the discretion of DoJ.
- 29 7. Directing DoJ to investigate USPS BoG and USPS management to determine if there were  
30 illegal orders encouraging falsifying delivery records (a.k.a. improper 'Stop the Clock' scans).

1 If there is evidence of such illegal orders, all such orders must be properly rescinded. Any  
2 penalties or prosecution is solely at the discretion of DoJ.

3 **Department of State Corrections**

- 4 8. Directing DoS to provide a credit for future services of \$80.00 to Mr. and Mrs. Carr and  
5 \$624 to Mrs. Von Kramer. These credits can be used by the parties themselves, their family,  
6 or their friends. In the alternative, the DoS can provide checks in those amounts to the  
7 Plaintiffs in the event that DoS finds it too cumbersome to support these credits in their  
8 otherwise automated payment system.
- 9 9. Directing DoS to ensure that all visa denials include clear and specific references to the  
10 evidence considered and rationale for denial. All visa denials must be reviewed by  
11 supervisors and corrected if there is not clear and specific references to the evidence  
12 considered and the rationale for denial. The applicant must be promptly informed of the  
13 rationale for the rejection in writing in any case. Any visa denials which are not corrected in  
14 this fashion should be referred to the DoS OIG and reported to the DoJ for any such  
15 omissions for decisions on prosecution for falsification of government records through  
16 omission of required facts.
- 17 10. Directing DoJ to work with DoS to ensure that all the elements of Due Process are properly  
18 implemented in the visa application review process with particular attention to the right to  
19 representation and the right to access all the evidence presented against the applicant.
- 20 11. The European Schengen visas could be considered as a starting point as they are able to  
21 provide fair and consistent visitor visas at an affordable rate, often relying on global firms  
22 who handle much of the burden of collecting and reviewing the required paperwork.
- 23 12. Directing DoS OIG to investigate whether there were unpublished unlawful policies or  
24 guidance provided to interviewers such as denying non immigrant visas to older widows of  
25 deceased American citizens or applicants with concurrent immigration applications. All  
26 such policies must be rescinded and any decisions on prosecution is reserved to the DoJ.
- 27 13. Directing DoS to evaluate all non-immigrant visa applications since 1 Jan 2018 to the  
28 present on a per country basis to determine the denial rate for applications where according  
29 the applicant was over 57 years old and marital status listed in the application would be  
30 indicative of eligibility for SSA survivors' benefits, specifically deceased spouse who was  
31 an American citizen or permanent resident with more than ten years residence and not

1 remarried.

2 14. DoS is further directed that if the denial rate for the identified applicants is more than one  
3 standard deviation higher than all applicants for the specific country, then all identified  
4 applicants must be contacted and offered a credit for the prior denied visa application(s),  
5 adjusted for any increases in the application fees. Further, the prior applicant must also be  
6 provided with the SSA's preliminary determination of current eligibility for survivors'  
7 benefits based on the deceased spouse's work history and other dates provided by DoS from  
8 the visa application.

9 **SSA Order**

10 15. Directing SSA to reconsider the finding that Mrs. Von Kramer's does not have five years of  
11 lawful presence in the United States. As Mrs. Von Kramer was unlawfully prevented from  
12 visiting the United States in 2019, 2020 and 2021 with the stated goal of, among other  
13 things, establishing a lawful presence, the SSA is directed to credit her with having met the  
14 requirements of lawful presence for those three years. If her actions in 2022 and 2023 or  
15 later years meet the requirements for lawful presence, then Mrs. Von Kramer must be held to  
16 have established a lawful presence in the United States and granted the benefits thereof.

17 16. Any DoS identified applicants whose previous non-immigrant visas may have been  
18 improperly denied as determined above and who later are granted non-immigrant visas  
19 should also be given letters from the DoS stating that the applicant may have been denied  
20 prior visa applications unlawfully and asking that SSA credit the applicant with 'lawful  
21 presence' for the years when they may have been unlawfully denied the ability to visit the  
22 U.S. with the letter identifying the date of the first improper denial and the date of the first  
23 approved visa.

24 **CIGIE Corrections**

25 17. CIGIE must review its standards and policies to ensure that all IG's and OIG employees are  
26 aware of the requirements to expeditiously investigate and report federal crimes. In the  
27 event that a particular OIG does not have sufficient resources to expeditiously investigate all  
28 plausible allegations of a federal crime sufficiently to determine if a federal crime is likely, it  
29 can refer the matter to local management or other parties for resolution, but it must report all  
30 such plausible allegations of federal crimes to DoJ which it does not investigate itself. If a

1 particular OIG finds that any allegation of a federal crime is likely it must expeditiously  
2 report the matter to DoJ whether or not the crime is deemed to be worthy of prosecution.  
3 The determination of prosecution is reserved solely to DoJ.

4 18. Directing the DOJ to investigate the failure of CIGIE to itself promptly investigate and  
5 report federal crimes. All such practices and policies which led to past failures must be  
6 rescinded. The decision on penalties and prosecution are reserved solely to the DoJ.

7 USCIS Corrections

8 Credit for Visa Fees when Stranded Overseas

9 19. Directing USCIS to provide a credit for future services with USCIS to Mr. and Mrs. Carr for  
10 \$80 for use on their behalf as well as their family members and friends. This credit is half  
11 of the business / tourist visa application fee which was required in order for Mrs. Carr to  
12 return to the U.S. when she was stranded in Thailand in 2022. The fee was \$160, but DoS  
13 has been requested to provide the other half for their unlawful denial of such a visa to Mrs.  
14 Carr in 2017. In the alternative USCIS may choose to provide checks to all injured parties  
15 as an alternative to credits for future services in this and other reparations, but this is solely  
16 at the option of USCIS. It is possible that the total reparations requested may justify  
17 handling them as credits for future services.

18 Right to work and travel freely as well as right to vote

19 20. The primary relief sought is for Mrs. Carr to receive her Certificate of Naturalization as  
20 soon as possible. However, specific relief sought include orders directing:  
21 A. Mrs Carr should receive her 48 month extension letter or a 1 year extension letter as soon  
22 as possible, specifically within one week of the date of issuance of the court's order.  
23 B. Mrs Carr should receive her 10-year Permanent Resident Card as soon as possible.  
24 Specifically within one month of the court's order.  
25 C. Mrs. Carr should have her Oath of Allegiance ceremony scheduled and completed within  
26 1 month and her Certificate of Naturalization issued within 2 months of the court's order.

27  
28 In the event that this court determines that it does not have jurisdiction to fully order the  
29 implementation of the Final Decision of 31 Jan 2023 approving both of Mrs. Carr's I-751  
30 and N-400 applications, the court is asked review the Denial of Mrs. Carr's N-400

1 application on 14 Oct 2024 ‘de novo’ per [8 USC section 1421\(c\)](#).

2 Credit for Delay in Granting Citizenship

3 21. Directing USCIS to credit Mrs. Carr with additional credits for the deprivation of the rights  
4 of citizenship to include the rights for close family members to seek immigration  
5 authorizations as well as the right to vote and such. As it is not possible retroactively grant  
6 Mrs. Carr the right to vote and others rights of being a U.S. citizen (such as the right to visit  
7 Europe without a European visa) the family members should be credited with twice the  
8 delay in her citizenship, i.e. their position in the queue for immigration visas should be  
9 adjusted as if their application was received earlier. The doubling of their credit in queue  
10 position corrects not only the delay in their application but also they get their citizenship  
11 rights (e.g. voting) earlier in compensation for the deprivation of Mrs. Carr’s citizenship  
12 rights (e.g. voting). For Mrs. Carr the computation of the credit for family members  
13 immigration should be based on the delay in citizenship which should be from 13 Nov 2021  
14 to the date when her Certificate of Citizenship is actually given to her. The 2021 is used  
15 because that is the earliest date that Mrs. Carr was eligible to become a citizen and is in  
16 recognition of the unwarranted challenges and barriers USCIS placed on her citizenship.  
17 Indeed Mrs. Carr would have become a citizen on that date had USCIS permitted it.

18 Credit for Extraneous I-751 Fees

19 22. Directing that Mrs. Carr be given a credit for future services with USCIS for the extraneous  
20 I-751 application fees of \$680 which were duplicated with N-400 services (interview and  
21 biometrics). Mrs. Carr never received any I-751 specific services and should not have been  
22 charged for the services. This credit can be used for future services with USCIS for herself,  
23 her family, Mr. Carr’s family, or Mr. or Mrs. Carr’s friends.

24 Review of Other I-751 and N-400 Records

25 23. Directing that USCIS databases should be queried for all I-751 records processed since 1  
26 Jan 2018 to determine how many other records were similarly falsified. In particular, how  
27 many I-751 applications by quarter were approved but with no permanent resident card or  
28 Certificate of Naturalization issued within 90 days.

29 24. If the identified applicants are found to have a statement in the I-751 approval that the  
30 corresponding N-400 had been approved then these applicants should be issued a Certificate  
31 of Naturalization as soon as possible if they have not already been issued said certificate.

1 25. All such applicants should be similarly credited for future services with USCIS for their use,  
2 their families use, or their friends use for the cost of the I-751 application fee. In addition,  
3 any relatives who apply for immigration visas based on their citizenship status should be  
4 credited with double the time of the original applicant's delay. The delay is computed to be  
5 from the date of the I-751 claim of N-400 approval to the actual date of issuance of a  
6 Certificate of Naturalization.

7 26. If the number of applicants and immigration credits are so large as to substantially impact  
8 current immigration queue members, USCIS is directed to apply to Congress to get  
9 sufficient additional slots for each country so as to preserve the integrity of the queue for  
10 that country.

#### 11 Falsified Records Must Be Corrected

12 27. Further, all falsified records should be deleted (actually hidden to avoid potential database  
13 corruption) with new records of a falsified record being inserted at the same date and time of  
14 the deleted/hidden record. There should be an additional corresponding record at the current  
15 date and time which includes the content of the falsified record for later review.

16 28. All reports to Congress and other entities which relied on these falsified completion records  
17 must be revised to note the number of records which were previously recorded as processed,  
18 but were actually pending correction of the false resolution. The corrected resolutions  
19 should be added to current reports as approvals from previously denied falsified records (a  
20 new category).

#### 21 Adjustments for Language / Cultural Differences

22 29. Just as USCIS has added exemptions for people with medical impairments, as well as  
23 exemptions based on age, USCIS is directed to extend these exemptions to consider the  
24 education opportunities presented to a particular individual before they were 21. They  
25 should also be extended to consider the difficulty in mastering English based on the nation  
26 of birth.

27 30. For example, there could be an annual review by country of the rate of application for  
28 citizenship as well as the rate of granting citizenship. Exemptions should be granted to  
29 individuals from countries like Thailand where mastering English is extremely difficult for  
30 those who are older and poorly educated. The exemptions should be granted based on age  
31 less years of formal training in English before they were 21 and sufficient to correct the rate

1 of citizenship approvals to match those of countries such as Canada or the United Kingdom  
2 where the rate of granting citizenship is, presumably, highest.

3 31. The approval rate would be the number of approvals from a particular country divided by  
4 the number of permanent residents from that country who are eligible to apply for  
5 citizenship, not the number who actually apply. It is expected that there will be a large  
6 backlog of residents from Buddhist / Muslim countries who would like to be citizens but did  
7 not apply because the English and Civics test was too difficult for them to pass based on  
8 their lack of exposure to English in their youth.

9 32. For countries such as Thailand and other Buddhist / Muslim countries, this would likely  
10 mean eliminating the English and civics test for all N-400 applicants for a few years until  
11 the rate of granting citizenship matches that of Canada or the United Kingdom. This would  
12 be a valuable correction to eliminate the past unlawful discrimination against certain groups  
13 based on religion, race, culture, and age.

14 USCIS Must Correct Time For Legal Notice

15 33. USCIS be directed to allow more time for timely notices of actions. If USCIS wishes to  
16 update its notice process to record and publish accurate records of the actual date of mailing  
17 of notices, 7 days could be added to the actual date of mailing for notices. Three days for  
18 first class mail is insufficient to be confident of prompt receipt.

19 34. As it generally takes USCIS 6 days to print a notice and prepare it for mailing, this would  
20 normally be 45 days after the date of the decision itself to allow for unforeseen delays in  
21 processing before and after mailing.

22 35. Of course, any denials based on assumed notice without an accurate record of delivery  
23 (signature required mailing or process server), would be conditional and must be easily  
24 contestable in the event that there was not actual timely delivery. The applicant must be  
25 able to contest the denial without any additional fees by explaining any extenuating  
26 circumstances which prevented timely notice or appearance (e.g. applicant was in the  
27 hospital and did not receive the notice or was not able to appear or answer while  
28 hospitalized).

29 36. For all cases where USCIS denied an application for failure to appear and there was not 45  
30 days notice nor any record of the actual date of mailing, all such actions since 1 Jan 2018  
31 must be remanded to USCIS for proper processing overturning all denials where there was

1 not proof of timely notice.

2 37. The applicant must be given a credit for the filing fees for the original application as well as  
3 having the application opened again for proper consideration. All denial records must be  
4 updated to note the denial was overturned due to lack of notice. All reports to Congress and  
5 others which were based on the improper denial (showing an application was processed)  
6 must be corrected to show that the application was incorrectly denied and has been returned  
7 to an active status.

8 Adjustment of USCIS Fees for Appeal, Reconsideration

9 38. USCIS fees for N-336 requests to review, motions to reconsider, notice of appeal, and actual  
10 appeal filing must be reduced so that they are not prohibitive. It is suggested that no motion  
11 to argue or motion to reconsider should cost more than 5% of the federal district court filing  
12 fee (now \$350, hence no more than \$17.50). Actual appeal filing fees should not exceed  
13 half the district court filing fees, e.g. \$175. There must be no fee for N-336 and other  
14 motions to reconsider when the applicant is contesting presumptive / conditional denials for  
15 failure to appear as the applicant must be provided the opportunity to explain failures in  
16 actual notice or extenuating circumstances which prevented appearance or answering (e.g.  
17 hospitalization).

18 39. The justification for this is to encourage applicants to seek redress with the USCIS rather  
19 than going directly to the district courts. It also furthers due process by making the  
20 proceedings fair and providing opportunities for applicants to be heard / argue their cases as  
21 necessary.

22 USCIS Must Restore Interview Waivers and

23 Cease Criminal Background Reviews for I-751 Applications

24 40. The administrative policies implemented by the prior USCIS director in the 2018 time frame  
25 must be rescinded. They do not provide any improvement in enforcement and greatly harm  
26 applicants' rights in these matters. *They are also in direct violation of the waiver or*  
27 *interview within 90 days requirement explicitly stated in 8 CFR Section 216.4(b)(1) and*  
28 *cited above.*

29 41. Mrs. Carr is requesting that interview waivers be resumed at an accelerated rate so that at  
30 least 2 months of backlog are eliminated each month. Realistically that means that three  
31 months of applications must be granted their permanent resident card each month without

1 the optional interview and without further delay.

2 42. This should eliminate the current **illegal** four year backlog within two years.

3 43. Once the backlog is reduced to three months the accelerated approvals can be eliminated  
4 and mandatory approvals without interview will only be for those applications which have  
5 languished in the queue for ~~in excess of~~ **up to** three months and the total number of pending  
6 applications exceeds the number of new applications.

7 44. If there are concerns about applicants not understanding the criminal background questions  
8 in English, USCIS can provide written copies of the criminal background questions  
9 translated into all the appropriate languages. However, these questions should only be  
10 applied to new applicants for immigration visas, not approved permanent residents.

11 45. USCIS should immediately begin with interview waivers for the oldest applications, but if  
12 USCIS wishes, it can send out new forms to potential waiver recipients asking for  
13 authorization to access all of their social media, mobile and credit rating records for both  
14 spouses. Failure to provide authorization or the appropriate accounts and addresses would  
15 result in a delay of any interview waivers. All applicants who authorized full electronic  
16 access to their records could be granted waivers before ~~any~~ **applicants** who did not provide  
17 such access **though the delay in the scheduling of an interview is restricted to 90 days in 8**  
18 **CFR Section 216.4(b)(1) in all cases.**

19 46. Over time, USCIS could develop AI programs which very accurately identify fake  
20 marriages based on the contents or lack of social media and other records. Given the vast  
21 amount of information available through phone records (e.g. Google's timeline which could  
22 show the location of each spouse for every day and night of their purported marriage), social  
23 media and credit histories, the interview itself appears to be a highly ineffective and very  
24 expensive method of identifying fake marriages. A well trained AI program could identify  
25 fake marriages with substantially greater accuracy at a fraction of the cost of interviews.

#### 26 Required Access Provided to Applicants

27 47. USCIS must immediately disable hang ups by the automated phone system and instead fail  
28 over to a human representative. Further, USCIS must send notices to all active applicants of  
29 the address where they can go without any appointment to ask questions and raise concerns.  
30 USCIS must respond to in person questions, **concerns** and requests.

31 48. Secure messaging systems are now relatively routine technology and should be offered as an

1 addition to the MyUSCIS web page to provide a more reliable and cost effective alternative  
2 for those applicants who choose to use this option. It is absurd to require technically savvy  
3 applicants or their representatives to navigate the lengthy automated phone system to get to  
4 speak to a person who will reduce their input to 80 characters at great expense to USCIS and  
5 great information loss from incomplete or inaccurate transcription.

#### 6 USCIS Must Guarantee Applicants' Right to Representation

7 49. USCIS must grant immediate approval to any spouse who files to become an applicant's  
8 representative. Further, the application form itself must be adjusted to allow that option on  
9 the application itself.

10 50. Pending I-751 applicants must be notified immediately of their ability to add their spouse as  
11 a representative via a simple phone call.

#### 12 More Expansive FOIA Responses

13 51. USCIS must change its defaults for FOIA requests to provide access to every record  
14 including audio and video recordings which reference the requested receipt number.

#### 15 DHS OIG Corrections

16 52. Directing DHS OIG to ensure that it promptly investigates and reports all federal crimes as  
17 described above. Further, while the decision to prosecute resides solely with the DoJ, the  
18 DHS OIG needs to ensure that serious malfeasance such as depriving foreign nationals of  
19 their constitutional rights is promptly investigated and corrected. Further, the DHS OIG  
20 must ensure that appropriate and timely redress is provided to injured parties.

21 53. For example, if a foreign national is unlawfully stranded overseas, the DHS OIG must  
22 ensure that the offending agency corrects the defect promptly, perhaps sending a PDF file  
23 with the required extension letter via email to the stranded party in time to not hinder their  
24 travel plans. The 23 Jan 2023 approval of a 48 month extension letters was too late and was  
25 not provided to the injured party in this case.

#### 26 DoJ Corrections

27 54. Directing the DoJ to investigate and track all plausible allegations of federal crimes as  
28 necessary to insure that the criminal behavior is not repeated and that injured parties receive  
29 appropriate redress. It is acceptable for local OIG's or even local management to complete  
30 the bulk of the investigations as long as the DoJ monitors the results and does not forego the

1 option of criminal prosecution until adequate remediation is put in place to prevent future  
2 crimes and redress is provided to all injured parties.

3 55. Directing the DoJ to investigate all failures of OIG’s to expeditiously report plausible  
4 federal crimes to the DoJ as described above. Any failures to report federal crimes must be  
5 investigated as potential ‘obstruction of justice’ crimes though prosecution remains the  
6 purview of the DoJ and the threat of prosecution should ~~can~~ be used as a cudgel to insure  
7 future adherence as well as redress when appropriate.

8 56. Granting the Plaintiffs such additional relief as the interests of justice may require, together  
9 with their costs and disbursements in maintaining this action.

10 Respectfully submitted,

11 Verification of Complaint

12 We the undersigned Plaintiffs hereby affirm under penalty of perjury in both the  
13 United States and Thailand that as individuals:

- 14 1. I have reviewed the allegations and believe all of the allegations to be true to
- 15 the best of my knowledge.
- 16 2. I have reviewed the associated documents and exhibits and believe them to
- 17 be true and accurate copies with the exception of the documents identified as
- 18 being redacted. The redacted documents have only been altered to remove
- 19 sensitive personal information according to normal redaction procedures.

20  
21 I hereby reaffirm that the above is true to the best of my knowledge under penalty  
22 of perjury in both the United States and Thailand.

23  
*Is Brian P. Carr*

*Is Air Carr*

\_\_\_\_\_  
Brian P. Carr  
1201 Brady Dr  
Irving, TX 75061

\_\_\_\_\_  
Rueangrong Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 27 Mar 2024  
Location: Irving, TX

Date: 27 Mar 2024  
Location: Irving, TX

24

*/s Buakhao Von Kramer*

\_\_\_\_\_  
Buakhao Von Kramer

105 - 3 M 5 T YANGNERNG

SARAPEE, CHIANG MAI 50140 THAILAND

6 Date: 27 Mar 2024

7 Location: Irving, TX

8  
9  
10 CERTIFICATE OF SERVICE

11  
12 On the recorded date of submission, I electronically submitted the foregoing  
13 document with the clerk of court for the U.S. District Court, Northern District of  
14 Texas, using the electronic case filing system of the court. I also hereby certify that  
15 on this same date no copies were served via U.S. mail as all parties in this matter  
16 were enrolled in the court’s electronic case filing (and service) system.

17  
18 *Is Brian P. Carr*

19  
20 \_\_\_\_\_  
Brian P. Carr

21 1201 Brady Dr

22 Irving, TX 75061

23  
24  
25  
26 CERTIFICATION OF ELECTRONIC SIGNATURES

27  
28 In accordance with TXND LR 11.1(d), on the recorded date I received permission  
29 from Mrs. Carr and Mrs. Von Kramer to sign this document electronically on their  
30 behalf after having provided them with the relevant sections of the document in  
31 English and translated into Thai (relying on Google Translate). We then discussed  
32 the documents in English (as Google Translate does always provide meaningful  
33 translations) and the only concerns about accuracy was Mrs. Von Kramer’s concern  
34 that the document specifies precise dates and times for the various visa interviews

1 and she really does not remember that level of detail about those events (several  
2 years ago).

3  
4 I assured Mrs. Von Kramer that the dates and times were established from the  
5 electronic records of the appointment (e.g. the official appointment document to  
6 allow applicant entry into the consulate) which I had retained. I explained that her  
7 signature does not indicate she remembers the interviews being on that date at that  
8 time but rather that she has no knowledge or recollection to the contrary. She does  
9 remember interviews of that nature in that time frame.

10  
11 In turn, Mr. Carr qualifies that almost none of the details in this now sworn  
12 statement (no longer allegations) were based on his recollection but rather careful  
13 review of electronic records which he has retained and maintained and which he  
14 believes to be accurate.

15

16

*Is Brian P. Carr*

17

18

Brian P. Carr

19

1201 Brady Dr

20

Irving, TX 75061

21 Date: 28 Mar 2024

22 Location: Irving, Texas

23



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