

**NOTICE OF FINAL SETTLEMENT AGREEMENT
IN CLASS ACTION CONCERNING ISSUANCE OF DOCUMENTATION TO INDIVIDUALS
GRANTED PERMANENT RESIDENT STATUS BY
THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**SANTILLAN, ET AL. v. MUKASEY, ET AL., No. C 04-2686-MHP; AND
PADILLA, ET AL. V. RIDGE, ET AL., No. C 08-1531-MHP
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIV.**

TO: All persons who were or will be granted lawful permanent resident (LPR) status by the U.S. Executive Office for Immigration Review (EOIR), through the Immigration Courts or the Board of Immigration Appeals (BIA), and to whom the U.S. Citizenship and Immigration Services (USCIS) has not issued evidence of registration as a lawful permanent resident (LPR) or to whom USCIS does not issue such evidence if the person is granted LPR status in the future.

You are hereby notified that at a fairness hearing held on July 21, 2008, the Honorable Marilyn H. Patel of the United States District Court for the Northern District of California, San Francisco Division, finally approved a settlement of the claims that have been brought on your behalf in this class action.

Background

The class action lawsuit Santillan, et al. v. Mukasey, et al., No. C 04-2686 MPH (Santillan) was filed on July 6, 2004, to challenge alleged delays by USCIS in issuing documentation of status (*e.g.*, a Permanent Resident Card (Form I-551) or green card, or a temporary document) to individuals who had been granted, or would be granted, LPR status by immigration judges or by the BIA. The Court preliminarily approved the parties' proposed settlement agreement at a hearing on June 16, 2008 and issued a signed order on June 19, 2008. Following distribution of notice to the class of the fairness hearing scheduled for July 21, 2008, the Court approved the settlement agreement and vacated its earlier injunction of December 22, 2005. The settlement agreement incorporates the class certified in Padilla, et al. v. Ridge, et al., No. C 08-1531 MHP (Padilla). Therefore, the agreement applies to all members, present and future, of the combined Santillan and Padilla lawsuits. This Notice and the agreement do not apply to individuals who were granted their LPR status by USCIS, by U.S. Customs and Border Protection (CBP), or by the former Immigration and Naturalization Service (INS).

Description of Approved Settlement Agreement

The following description is only a summary of the key points in the settlement agreement. Information on obtaining a copy of the full agreement is provided after this summary. The Effective Date of the agreement is July 22, 2008, the date that the district court approved it and vacated its earlier permanent injunction. The duration of the settlement agreement will be for two (2) years from the Effective Date.

The key terms of the settlement agreement provide that any class member who is granted adjustment to LPR status in Immigration Court or BIA proceedings will be given a written description of the procedures for obtaining documentation of status. Except in certain cases involving national security or public safety, USCIS will issue each class member his or her Permanent Resident Card (Form I-551) within thirty (30) business days of the class member's attendance at an appropriately scheduled appointment at the local USCIS office, unless biometrics are required. Where biometrics are required, USCIS will provide an appointment at a USCIS Application Support Center within 15 days, and the Permanent Resident Card will be produced within 15 business days of that appointment. In certain emergency travel and work circumstances, a class member may seek issuance of temporary status documentation. DHS may withhold documentation of LPR status from a class member beyond any of the time periods stated in the agreement, where Defendants possess specific and particular information that the class member may be a risk to national security or public safety. However, any such decision to withhold documentation must be certified in writing by the USCIS Director or Deputy Director.

If a class member does not receive his or her Permanent Resident Card within the time periods described above, he or she may contact a USCIS national Point of Contact (POC). USCIS then will have twenty-one (21) business days to inquire into the status of the class member's documentation and to issue the Permanent Resident Card. If the class member does not receive the card after the 21 days, he or she may go to USCIS and will be issued temporary documentation valid for at least six months. USCIS will provide class counsel with quarterly reports listing class members who have contacted the national POC but who still have not been issued their LPR status documentation.

Where a class member has exhausted all of the time periods and procedures for issuance of LPR status documentation required by the agreement, and still has not received such documentation, he or she may pursue an individual claim for documentation in any court with jurisdiction. The agreement also provides for class counsel to bring class claims to enforce the agreement under specified conditions.

The Court has fully vacated its permanent injunction order of December 22, 2005. The Court's August 24, 2005, summary judgment order shall not be vacated, but as the settlement agreement states, that decision cannot be used to show that a fact or claim that was in dispute in this lawsuit has been decided previously.

The agreement further provides that, in consideration of the other provisions in the agreement, class members release all Defendants from all Settled Claims. For a complete description of the releases and settled claims, you should review the final settlement agreement. Defendants do not admit any wrongdoing, fault or liability, nor may their agreement to the preservation of the August 24, 2005, summary judgment decision be construed as Defendants' acceptance of any of the findings of fact or conclusions of law contained in that decision. The settlement agreement cannot be used against Defendants as evidence of any presumption, concession or admission of any liability, negligence, fault or wrongdoing in future actions.

For Further Information:

THIS IS A SUMMARY OF THE AGREEMENT. TO UNDERSTAND IT FULLY, YOU SHOULD READ THE ENTIRE AGREEMENT. Copies of the settlement may be obtained from: 1) The USCIS website at www.uscis.gov (click on Laws & Regulations and then click Legal Settlement Notices); 2) the EOIR website at www.usdoj.gov/eoir; or 3) the ICE website at www.ice.gov. Copies are also being distributed to immigration assistance providers listed on the EOIR Roster of Recognized Organizations and Accredited Representatives (*see* 8 C.F.R. §§ 292 and 1292); and to immigration assistance providers listed on the Pro Bono Program section of the EOIR website.

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