



USCIS Update

May 15, 2008

USCIS SETTLES KAPLAN CLASS ACTION

SSI Beneficiaries can request expedited processing of Forms I-485 and N-400

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) has entered into a settlement agreement in a national class action, *Kaplan, et al. v. Chertoff, et al.*, CV 06-5304, which was filed in the U.S. District Court for the Eastern District of Pennsylvania.

The suit was brought by non-U.S. citizens who had lost or who were about to lose their eligibility for Supplemental Social Income (SSI) based on a statutory seven-year limit found at 8 U.S.C. §1612(a)(2)(A), and who were unable to become naturalized U.S. citizens before the loss of SSI benefits. In addition to DHS and USCIS, the Federal Bureau of Investigation (FBI) and the Social Security Administration (SSA) are part of the settlement agreement. The class was represented by attorneys at Community Legal Services in Philadelphia, the HIAS and Council Migration Services in Philadelphia, Ballard Spahr Andrews & Ingersoll LLP, pro bono counsel, and the Sargent Shriver National Center on Poverty Law. The settlement agreement took effect March 5, 2008, and will remain in effect until February 5, 2011.

Under the settlement agreement USCIS will expedite Applications to Register Permanent Status or Adjust Status (Form I-485) – commonly referred to as ‘green card’ applications – and Applications for Naturalization (Form N-400) of current or former SSI beneficiaries if the application has been pending with USCIS for more than six months. Expedited processing includes USCIS requesting an accelerated FBI Name Check as well as prioritizing other USCIS internal actions, such as the scheduling of an interview. USCIS will work with SSA to identify individuals who have lost or who will lose their SSI benefits within the next year and who already have an I-485 or N-400 pending with USCIS. USCIS will then expedite those cases even if the applicant has not yet requested expedited processing and even if the application has not been pending for six months.

If you are not a U.S. citizen currently receiving SSI benefits or you have had your benefits terminated or suspended due to the seven-year limit, you can request expedited processing of your I-485 or N-400 by calling the USCIS toll free number at (800) 375-5283 or (800) 767-1833 (TTY), or by contacting your local USCIS office in person or in writing. You should keep a record of this call or contact.

If you have not yet filed an I-485 or N-400 and are eligible to do so, you may also apply for a fee waiver when you file the application. You may also request expedited processing when you file the application. Be sure to write the word “**KAPLAN**” on the outside of the mailing envelope of your application.

To learn more about becoming a U.S. citizen, applying for adjustment of status, or to receive information about fee waivers, visit USCIS websites at www.uscis.gov/naturalization, www.uscis.gov/greencard, and www.uscis.gov/feewaiver. General information can also be obtained by contacting the National Customer Service Center at (800) 375-5283.