

**NOTICE OF PROPOSED SETTLEMENT AGREEMENT  
AND HEARING IN CLASS ACTION FOR NON-CITIZENS WHO HAVE  
RECEIVED OR ARE RECEIVING  
SUPPLEMENTAL SECURITY INCOME**

**KAPLAN, ET AL. v. CHERTOFF, ET AL., Civil Action No. 06-5304  
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**TO:** All non-United States citizens who are receiving or have received Supplemental Security Income (“SSI”) and are or will be subject to the seven-year limit on receiving SSI pursuant to 8 U.S.C. § 1612(a)(2)(A) (such as refugees and asylees), prior to becoming a naturalized United States citizen.

You are hereby notified that a hearing has been scheduled for **Friday, February 29, 2008, at 10:30 a.m.**, before the Honorable Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Courtroom 11a, Philadelphia, Pennsylvania for consideration of a proposed settlement of the claims that have been brought on your behalf in this law suit.

**Purpose Of This Notice**

This notice has three purposes: 1) to tell you about the proposed settlement and the fairness hearing; 2) to tell you how to obtain more information, including a copy of the full proposed settlement agreement; and 3) to explain how you may object to the proposed settlement if you disagree with it.

**Background**

This class action lawsuit (“Kaplan”) was filed on December 6, 2006, to challenge alleged delays by the government in adjudicating applications for adjustment of status (“Form I-485”) and naturalization (“Form N-400”) for those who are receiving or have received SSI benefits and the resulting actual or potential cut-off of SSI benefits. The parties have reached a tentative settlement that the Court has preliminarily approved.

**Description Of Proposed Settlement Agreement**

The following description is only a summary of the key points in the proposed settlement agreement. Information on obtaining a copy of the full, proposed agreement is provided after this summary. The Effective Date of the agreement is the date that the district court approves it and issues a Final Judgment Order that is materially the same as that proposed by the parties as an exhibit to the full proposed agreement. The duration of the settlement agreement will be for two (2) years and eleven (11) months from the Effective Date.

The key terms of the proposed settlement agreement provide that any class member may request Expedited Processing from the United States Citizenship

and Immigration Service (“USCIS”) for pending applications for naturalization or adjustment of status, or for future applications for naturalization or adjustment of status filed during the pendency of the Settlement Agreement, if six months have elapsed since the filing of the pertinent application without a decision. USCIS will request priority processing of any pending or future security checks and provide the earliest available appointment for applications requiring an appointment. If an Oath of Allegiance is required, USCIS will administer or schedule the Oath at the next available opportunity.

USCIS will also, through identifying information provided by SSA, attempt to identify individuals whose SSI benefits have been terminated or will be terminated in the near future and have pending applications for naturalization or adjustment of status. Where those individuals are positively identified, USCIS will automatically expedite their pending application. The automatic expedites will take place close to the end of the first year of the Settlement Agreement.

If a class member has a pending Form I-485 or Form N-400 and has received or is receiving SSI benefits, he or she (or his or her representative) may call USCIS at 1-800-375-5283 (“the USCIS 1-800 number”) and request Expedited Processing. Expedited Processing may also be requested in writing or by going to the local USCIS office.

After the Effective Date of the agreement if Expedited Processing has already been requested, but the applicant has not received notice of a decision, he or she may call the USCIS 1-800 number to verify that an Expedite has been initiated in his or her case. If 45 days have passed since the call to the USCIS 1-800 number with no response, or if the response from USCIS was unsatisfactory, class members should contact Class Counsel.

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 obtain a full copy of the proposed settlement agreement. Defendants do not admit any wrongdoing, fault or liability, nor may their agreement to the preservation of the March 29, 2007, decision on the motion to dismiss be construed as either party’s 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 PROPOSED AGREEMENT. TO UNDERSTAND IT FULLY, YOU SHOULD READ THE ENTIRE AGREEMENT. Copies of the proposed settlement may be obtained from: 1) The USCIS website ([www.uscis.gov](http://www.uscis.gov)); 2) the SSA website ([www.socialsecurity.gov](http://www.socialsecurity.gov)); and local community-based and non-profit organizations through USCIS’s Community Relations Program.

**Procedures For Agreement Or Objection:**

IF YOU AGREE with the proposed settlement, you do not need to do anything at this time. If you wish to attend, you may be present at the public hearing on the proposed settlement as stated above.

IF YOU DISAGREE with the proposed settlement, you have a right to object to it and to the dismissal of the remaining claims in the lawsuit. Your objections will be considered by the Court as it reviews the settlement ONLY IF you follow these procedures:

1. Objections must be filed in writing by mail with the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19102. CONTACT CLASS COUNSEL, NOT THE COURT, REGARDING THE FAIRNESS HEARING.

**ALL OBJECTIONS MUST CONTAIN THE FOLLOWING INFORMATION:**

- a. Name, address, and telephone number of the person filing the objection.
  - b. A statement of the reasons for the objection.
  - c. A statement that copies of the objections have also been sent to the attorneys listed at the end of this notice.
2. You must send copies of your objections to all attorneys listed at the end of this notice.
3. The deadline for receipt of written objections by the Court and the attorneys listed below is February 22, 2008. Objections are filed by mail must be postmarked on or before February 20, 2008 to be considered timely. Objections filed or mailed on or after the above dates will not be considered. Class members who fail to lodge objections on or before February 22, 2008, will not be permitted to testify at the settlement hearing.
4. No later than February 27, 2008, the attorneys for plaintiffs and defendants shall file and serve responses, if any, to objections they timely receive from persons opposed to the proposed settlement.

**Attorneys' Names and Addresses for Defendants and Plaintiffs:**

For the Plaintiffs:  
Jonathan M. Stein, Esq.  
Community Legal Services, Inc.  
of Philadelphia  
1424 Chestnut Street  
Philadelphia, PA 19102

For the Defendants:  
Elizabeth J. Stevens, Esq.  
Office of Immigration Litigation  
Civil Division, Department of Justice  
P.O. Box 878  
Ben Franklin Station  
Washington, DC 20044