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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4
5 AT SEATTLE
6

7 NORTHWEST IMMIGRANT RIGHTS PROJECT,) Case No. 88-379R
8 ET AL.,)
9 Plaintiffs,) Exhibit 1
10 vs.) CLASS NOTICE
11 U.S. CITIZENSHIP AND IMMIGRATION)
12 SERVICES, ET AL.,)
13 Defendants.)
14)
15 _____)

16 IMPORTANT CLASS NOTICE
17

18 This Notice contains important information that may pertain to you. Please read it
19 carefully.

20 Under the Court-approved settlement in *Northwest Immigrant Rights Project, et al., v.*
21 *United States Citizenship and Immigration Services* ("NWIRP"), formerly known as
22 *Immigrant Assistance Project v. INS* ("IAP"), certain individuals who were turned away
23 when they attempted to apply for legalization or "amnesty" under the Immigration
Reform and Control Act of 1986 may now apply for legalization.

24 The settlement also allows certain individuals who filed applications and whose
25 applications were denied for certain reasons, to move to reopen the application with the
26 United States Citizenship and Immigration Services ("CIS") to have the application
decided under specified legal standards.

27 The individuals entitled to benefits under the Court's order are *NWIRP* class members.
28

WHO IS A *NWIRP* CLASS MEMBER?

The requirements for *NWIRP* class membership are quite complex, and you should consult a qualified attorney or community-based immigrant assistance agency if you think there is any possibility that you may be a *NWIRP* class member.

In summary, you must meet three types of requirements to be a *NWIRP* class member:

- (1) General legalization requirements. You must meet all of the following general requirements for legalization:
 - (a) You entered the United States on a non-immigrant visa (for example a visitor's visa, or student visa, or temporary worker visa) prior to January 1, 1982; and
 - (b) You lived continuously and illegally in the United States from prior to January 1, 1982 until some time between May 5, 1987, and May 4, 1988, when you visited the INS or a Qualified Designated Entity ("QDE") to apply for legalization under the 1986 "amnesty" law; and
 - (c) You have not been convicted of certain criminal offenses: (1) one felony or three misdemeanors in the United States, (2) any crime involving moral turpitude, such as theft or fraud, except a single petty offense or a juvenile conviction, or (3) any drug offense, except simple possession of marijuana under 30 grams.
- (2) *NWIRP* requirements. Next, you must fall into at least one of the following three categories:
 - (a) You violated your nonimmigrant status prior to January 1, 1982 and the violation of status is evident based on a review of federal government files (for example, you worked without authorization before January 1, 1982 and you have Social Security records, tax records, or other federal government records to show income relating to your pre-1982, unauthorized work in your name; or you were here with a non-immigrant visa and before 1982, you failed to file annual or quarterly address reports with the INS, as then required by the law); or
 - (b) You entered the United States prior to January 1, 1982 as a student (on "F" or "J" visa) or as a temporary workers (on "H" or "L" visa), and you failed to maintain your status through January 1, 1982 (for example, before January 1, 1982, you dropped out of school, took less than a full course of

1 study, transferred schools without advance INS authorization, or terminated
2 your authorized H or L employment); or

3 (c) After January 1, 1982, you obtained reinstatement to nonimmigrant status,
4 or entry into the United States on a nonimmigrant visa, or a change of
5 nonimmigrant status, or adjustment of status, or some other immigration
6 benefit that apparently put you in lawful immigration status, though you
7 did not qualify for such benefit (for example, because when you applied for
the benefit, you did not inform INS or the consulate that you had previously
worked without authorization).

8 (3) Filing/front-desking requirements. Finally, you must have made a significant
9 effort to apply for legalization during the 1987-88 application year. You must have
10 done *one* or more of the following:

11 (a) Between May 5, 1987 and May 4, 1988, you attempted to file a complete
12 application for legalization under § 245A of the INA and fees with an INS
13 officer or agent acting on behalf of the INS, including a QDE,¹ and had your
application rejected for filing; or

14 (b) Between May 5, 1987 and May 4, 1988, you attempted to apply for
15 legalization with an INS officer, or agent acting on behalf of the INS,
16 including a QDE, but were advised that you were ineligible for legalization,
17 or were refused a legalization application form, and this information, or
18 inability to obtain an application form, was a substantial cause of your
19 failure to file or complete a timely written application; or

20 (c) You filed an application for legalization between May 5, 1987 and May 4,
21 1988; and

22 (i) no final decision has been made on your application and it remains
23 pending; or

24 (ii) your application was denied, or

25 (iii) your application was initially approved and then later terminated (or
26 proposed for termination) because your violation of status prior to
27 January 1, 1982 was not "known to the government," or because you

28 ¹ QDEs were usually community-based non-profit organizations (such as Catholic
Charities) that were authorized to accept amnesty applications for the INS.
Settlement

1 were reinstated to nonimmigrant status or granted a visa or some
2 other benefit that put you in a lawful immigration status.

3 **ANSWERS TO FREQUENTLY ASKED QUESTIONS**

- 4
- 5 • What are the benefits of class membership?

6 Certain class members who attempted to file applications (as described in the Worksheet
7 at III) during the 1986-87 amnesty application year may apply now for legalization under
8 the 1986 amnesty law. Class members who were able to timely file an application during
9 the 1987-88 application year, but had their applications denied or left undecided may now
10 have their applications decided under the specified legal standards of this settlement.

11 While their legalization applications (or requests for decision or reconsideration) are
12 pending, class members are entitled to remain in the United States and to employment
13 authorization. Class members may also be granted advance parole.

14 Class members whose legalization applications are approved will receive "Temporary
15 Resident Status," and 18 months later become eligible to apply for permanent residence.

16 Class members granted temporary residence may have their spouses and children apply
17 to remain with them in the United States under "family unity" status if the family
18 member resided in the United States on May 4, 1988. Persons who have applied for and
19 been granted family unity status may receive work authorization and permission to
20 remain in the United States lawfully.

- 21 • How do I prove I am a class member?

22 *Persons who filed during the 1987-88 application year.* Class members whose timely filed
23 applications are still pending or who have received a notice of proposed termination of
24 the approval of their applications, may (but are not required to) submit a **NWIRP Class
25 Member Worksheet** to the USCIS. Such **NWIRP Class Member Worksheet**, together
26 with any available copies of their timely filed applications, receipts, and any notices that
27 the former INS or the USCIS sent them regarding their applications to NWIRP Worksheet,
28 USCIS, National Benefits Center, Box 9001, Lees' Summit, MO 64002-9001 .

Persons who were turned away during the 1987-88 application year. If you did not manage to
get a legalization application on file during the 1987-88 application year, then you must
submit a "Class Member Worksheet" and application for temporary residence (Form I-
687) to the CIS.

USCIS will generally decide within 120 days whether or not it agrees that you are a class
member. If the CIS thinks you are not a class member, you will be given an opportunity to

1 submit evidence that you are. You may do this by producing a copy of your original 1987-
2 88 amnesty application or declarations from persons who know you tried to apply for
3 legalization between May 1987 and May 1988, but were turned away.

4 Applicants, other than Subclass C members, shall attach to the Class Member Worksheet
5 any available evidence regarding their non-immigrant entry into the United States before
6 January 1, 1982, including, for example, copies of passports, entry stamps, visa
7 applications, I-94's, I-20's, airline travel records, documents showing that they were
8 present in the United States in non-immigrant status prior to or shortly after January 1,
9 1982, or credible declarations regarding entry prior to January 1, 1982 with a non-
10 immigrant visa. If an applicant does not possess or is unable to obtain this type of
11 evidence, the applicant may submit a sworn statement including the U.S. Consulate
12 where the pre-1982 non-immigrant visa was applied for, the approximate date that it was
13 obtained, the type of visa obtained, the approximate date when the visa was used to enter
14 the United States, where the applicant entered the United States using the non-immigrant
15 visa, and a brief description of any activities that the class member engaged in consistent
16 with the terms of the visa immediately after entering the United States.

17 If despite such evidence, the CIS still believes you are not a class member, then you may
18 appeal to a court official, called a Special Master, who will decide whether you are a class
19 member.

- 20 • How long do I have to apply for class member benefits?

21 If you were prevented from filing for legalization during the 1987-88 application year, you
22 must submit a Class Member Worksheet and completed legalization application form to
23 the USCIS in the 12 month period beginning February 1, 2009, and ending January 31, 2010.

24 If you filed a legalization application during the legalization application period from May
25 1987 to May 1988 but have never had that application decided, the USCIS will now decide
26 your application. You may (but are not required to) send to the USCIS a class member
27 worksheet and a letter requesting that the USCIS now make a decision on your
28 application, and if available to you, attach copies of your application filed in 1987-88, your
receipt, and any notices that the former INS or CIS sent you regarding your application.

29 If you filed a legalization application during the legalization application period from May
30 1987 to May 1988, but the INS denied your application (and you did not file an appeal to
31 the AAO or the AAO denied your appeal), you may file a motion to reopen (re-decide)
32 your application within one year from the date you receive a written notice of this
33 settlement mailed to you by the CIS.

- 34 • What if I have already applied for legalization as a *Catholic Social Services (CSS)* or
35 *Newman/LULAC* class member, or have applied for residence under the LIFE Act?

1 Under the terms of the settlement, CIS will apply the *NWIRP* adjudication standards to
2 *CSS/Newman* and LIFE Act applications. If your application was denied without proper
3 consideration of the standards of Paragraph 8 of this settlement, you may ask for your
4 *CSS/Newman* or LIFE Act case to be reopened. You must submit a Class Member
5 Worksheet and a Form I-290B. You should consult with an attorney or community-based
6 legal services organization about your rights and remedies.

- If I am denied legalization, will I be deported?

7 Under the amnesty law, applications and the information they contain are confidential
8 and generally may not be used to put you into removal (deportation) proceedings.
9 Generally, the information in your application may only be used to make a determination
10 on your application for amnesty, or, if you commit fraud in the application, to prosecute
11 you criminally.

- Where can I obtain forms and further information?

11 For further information and forms, go to the web site of class counsel,
12 www.centerforhumanrights.org. and www.ghp-law.net Forms and information are also
13 available on the U.S. Citizenship and Immigration Service's web site, www.uscis.gov/

14 You may also contact the lawyers representing the class:

15 CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
16 256 S. Occidental Blvd.,
17 Los Angeles, CA 90057
18 (213) 388-8693, exts. 104 or 109
19 E-mail: amnestycoordinator@centerforhumanrights.org

20 GIBBS HOUSTON PAUW
21 1000 Second Ave., Suite 1600,
22 Seattle, WA 98104
23 (800) 654-9155
24 E-mail: info@ghp-law.net

25 Do not contact the Court for information.
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