

Exhibit D:

**NOTIFICATION OF ELIGIBILITY FOR RELIEF  
UNDER BARAHONA V. ASHCROFT TO ELIGIBLE CLASS MEMBERS  
WHOSE CASES ARE REMANDED TO THE IMMIGRATION COURT**

(Pursuant to paragraphs II.B.3.c, II.B.3.d, II.B.4.c, or II.B.5 of the settlement agreement)

On [date], the District Court for the Northern District of California approved a settlement agreement which provides that certain eligible class members under the class action litigation known as Barahona v. Ashcroft, No. C 97-0895, are eligible to apply for relief from deportation, known as Renewed suspension.

If you receive this notice, then your case has been remanded from the Board of Immigration (BIA) appeals (after pending at the BIA or having been reopened by the BIA) to the Immigration Court, and you are a class member who is eligible to apply to the Immigration Judge for renewed suspension.

The Barahona class action lawsuit challenged BIA and Immigration Court directives that prohibited immigration judges and the Board of Immigration Appeals from granting suspension of deportation during the period between February 13 and April 1, 1997. On April 1, 1997, a new law (IIRIRA section 309(c)(5)) took effect that made people ineligible for suspension if they had not been continuously physically present in the United States for a period of seven years at the time that they were served with an Order to Show Cause (the document that begins deportation proceedings). Under the settlement, eligible class members who could have been granted suspension during the period between February 13 and April 1, 1997, before this new restriction took effect, will be given the opportunity to apply for suspension under the standards that existed prior to April 1, 1997.

Renewed suspension means suspension of deportation as that form of relief existed under ' 244 of the Immigration and Nationality Act (INA), before it was amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (and any subsequent amendments). All applicants for suspension are required to have at least seven years of continuance physical presence in the United States. Brief, casual and innocent departures during that period are allowed. The amendments that took effect on April 1, 1997 changed the law as noted above. As a result of the settlement in Barahona, you are now eligible for suspension of deportation, and IIRIRA ' 309(c)(5) rule (also called the Stop time rule) will not apply to your case. In the settlement this is called Renewed suspension.

Because your case is being remanded from the BIA to the Immigration Court, and you are an eligible class member, you are now eligible to be considered for renewed suspension before the Immigration Court. You will be notified of a date for a hearing at which you can present your suspension case and you will also be given the opportunity to submit more documentation in support of your application.

This notice is provided in accordance with paragraph II.B.3.c, II.B.3.d, II.B.4.c, or II.B.5 . of the Barahona settlement agreement. The full agreement can be found at \_\_ F.Supp.2d. \_\_, and

is also reproduced on the EOIR website, at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).