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12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA
15 Western Division

16 CATHOLIC SOCIAL SERVICES, INC.,—
17 Immigration Program, et al.,

18 Plaintiffs,

19 v.

20 Tom Ridge, Secretary
21 U.S. DEPARTMENT OF HOMELAND
22 Security, , et al.,

23 Defendants.
24
25
26
27
28

Case No. Civ S-86-1343-LKK

JOINT STIPULATION REGARDING
settlement

1 *Additional counsel for defendants:*

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4 **Civil Division**
5 **DAVID J. KLINE**
6 **Principal Deputy Director**
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Of counsel:
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COUNSEL FOR PLAINTIFFS

1 Plaintiffs and Defendants, by and through their undersigned counsel, hereby agree
2 and stipulate as follows:

3 1. Class Definition

4 The following subclasses are entitled to relief pursuant to this Settlement Agreement:

5 (A) All persons who were otherwise prima facie eligible for legalization under §
6 245A of the INA, and who tendered completed applications for legalization under §
7 245A of the INA and fees to an INS officer or agent acting on behalf of the INS,
8 including a QDE, during the period from May 5, 1987 to May 4, 1988, and whose
9 applications were rejected for filing because an INS officer or QDE concluded that
10 they had traveled outside the United States after November 6, 1986 without advance
11 parole.

12 (B) All persons who filed for class membership under *Catholic Social Services, Inc. v.*
13 *Reno*, CIV No. S-86-1343 LKK (E.D. Cal.), and who were otherwise prima facie
14 eligible for legalization under § 245A of the INA, who, because an INS officer or QDE
15 concluded that they had traveled outside the United States after November 6, 1986
16 without advance parole were informed that they were ineligible for legalization, or
17 were refused by the INS or its QDEs legalization forms, and for whom such
18 information, or inability to obtain the required application forms, was a substantial
19 cause of their failure to timely file or complete a written application.

20 For purposes of the class definition, as used in subparagraph (B) the phrase “filed for
21 class membership” shall be determined in accordance with 8 C.F.R. § 245a.10.

22 2. Notice to Defendants' Employees

23 Commencing within fourteen (14) days of the date on which this Settlement
24 Agreement is approved by the district court, Defendants shall use good faith and reasonable
25 efforts to distribute this Settlement Agreement or a summary attached as Exhibit 1 to all of
26 their officers, agents and employees responsible for processing class membership claims or
27 who may in the course of their duties supervise officers who detain or remove putative class
28 members. Defendants shall use good faith and reasonable efforts to serve Class Counsel
with copies of all supplemental instructions or guidelines issued their officers, agents or
employees regarding implementation of this Settlement Agreement.

3. Notice to Class Members

In the event that this agreement is approved by the district court, Defendants shall,
within sixty (60) days from the date of the court's approval, issue a press release and a Class

1 Notice in English and Spanish (the texts of which are attached as Exhibit 2) announcing this
2 Settlement Agreement. The press release, Class Notice, and Class Member Applications
3 (attached as Exhibit 3) shall be distributed to the media and community-based
4 organizations according to INS's normal procedure for doing so, with a copy of these lists
5 provided to Class Counsel. The press release, Class Notice and Class Member Applications
6 shall be posted on Defendants' web site until the end of the application period referenced in
7 ¶ 4 below. The press release, Class Notice and Class Member Applications shall also be
8 made available at Defendants' district offices until the end of the application period
9 referenced in ¶ 4 below. Within sixty (60) days of this Settlement Agreement and during the
10 remainder of the application period specified in ¶ 4, Defendants shall make available to all
11 persons, upon request, a copy of Form I-687, the Class Member Application and
12 instructions, and Form I-765.

13 4. Application Period.

14 In the event that this agreement is approved by the district court, the Defendants
15 shall, within thirty (30) to sixty (60) days after the issuance of Notices required in ¶ 3 above,
16 commence accepting CSS Class Membership Applications and Form I-687, Application for
17 Status as a Temporary Resident, with fee and supporting documentation, from class
18 member applicants. Defendants shall continue to accept such applications for class
19 membership and temporary permanent residence for a period of one year thereafter, and no
20 longer. Applications shall be deemed filed on the date postmarked in accordance with the
21 provisions at 8 C.F.R. § 245a.12(a).

22 5. Filing of Applications.

23 Individuals asserting a claim for relief under this Settlement Agreement shall file a
24 CSS Class Membership Application and a Form I-687, Application for Status as a Temporary
25 Resident, with fee and supporting documentation.

26 The fee for filing a form I-687 shall be the fees applicable by regulation or Federal
27 Register Notice at the time of filing the application(s). (The fee for filing a form I-687, which
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1 has not changed since 1986, is currently \$185 per person with a family cap of \$420, but may
2 be changed to reflect the current cost of adjudication). The fee for fingerprinting is currently
3 \$50 and the fee for filing Form I-765, Application for Employment Authorization, is
4 currently \$120. Except as provided for in ¶ 10, applicants seeking employment
5 authorization must file a Form I-765 with fee if they wish to receive an employment
6 authorization document.

7 As to persons who previously filed for class membership as that term is defined in ¶
8 1 above, Defendants shall refund the fee for filing the Form I-687 if such person's
9 application for class membership is denied pursuant to ¶¶ 7 and 8 below.

10 As to those individuals who did not previously file for class membership, as that
11 term is defined in ¶ 1 above, there shall be no refund of the fee for filing the Form I-687 if
12 such person's application for class membership is denied pursuant to ¶¶ 7 and 8 below

13 **6. Adjudication of Applications for Class Membership**

14 CSS Class Membership Applications should be granted if, based on responses to
15 questions asked on the applications, it appears more probable than not that the applicant
16 meets the class definition. A determination that an applicant is a class member is not
17 binding in any manner on Defendants for the purposes of an adjudication on the merits of
18 the application for temporary residence, which shall be conducted *de novo*. Class Member
19 Applications shall not be denied solely because applicants do not possess documentary
20 evidence establishing class membership. Defendants shall treat information and materials
21 submitted in connection with Class Member Application as confidential in accordance with
22 8 U.S.C. § 1255a(c)(5).

23 **7. Intended Denials of Class Membership**

24 Before denying an application for class membership, the Defendants shall forward
25 the applicant or his or her representative a notice of intended denial explaining the
26 perceived deficiency in the applicant's Class Member Application and providing the
27 applicant thirty (30) days to submit additional written evidence or information to remedy
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1 the perceived deficiency.

2 8. Denial of Applications for Class Membership.

3 The Defendants shall send a written notice of the decision to deny an application for
4 class membership to the applicant and his or her attorney of record, with a copy to Class
5 Counsel. The notice shall explain the reason for the denial of the application, and notify the
6 applicant of his or her right to seek review of such denial by a Special Master, on the
7 document attached as Exhibit 4. On review, neither the Defendants nor the applicant shall
8 be permitted to submit new evidence to the Special Master.

9 9. Review by Special Master

10 A. Selection of the Special Master. Each party shall select one person, from a list
11 of three names recommended by the other party, to serve as a Special Master.
12 Appeals from denial of applications for class membership shall be assigned
13 randomly to a Special Master. The two Special Masters shall jointly designate
14 the mailing address for appeals and determine procedures for random
15 assignment.

16 B. Review of Decisions Involving Determination of Class Membership. Any
17 decision by the Defendants denying an application for class membership may
18 be appealed to a Special Master. Any such appeal must be post-marked
19 within thirty (30) days of the date of mailing of the notice denying the
20 application for class membership. The Special Master's review shall be based
21 on the documents and other evidence submitted by the applicant, and any
22 documentary evidence relied upon by the Defendants in reaching the decision
23 to deny the application for class membership.

24 The Special Master shall be paid a fee of \$125 for adjudicating each appeal. Payment
25 of this fee shall be borne by the parties as follows:

- 26 (i). If the appeal involves a denial of class membership based on criminal or
27 security- related grounds, the applicant is responsible for paying the entire fee;

1 and

2 (ii). If the appeal involves a denial of class membership on other than criminal or
3 security-related grounds, the fee shall be borne equally by Defendants and
4 the applicant. The applicant's portion of the fee must accompany his or her
5 notice of appeal. Defendant must submit their portion of the fee within thirty
6 (30) days of being notified by the Special Master that an appeal has been duly
7 filed.

8 C. Review of Other Decisions. An applicant who believes that Defendants have
9 violated his or her individual rights pursuant to paragraphs 3, 4, 5, 7, 10, 12,
10 and 13 of this Settlement Agreement may file a claim with the Special Master.
11 However, prior to filing any such claim, the applicant must advise Defendants
12 by certified mail, or other documented delivery service to an address specified
13 by Defendants, that he or she believes that Defendants have violated his or her
14 rights under Paragraphs 3, 4, 5, 7, 10, 12 and 13. Defendants shall have forty-
15 five (45) days from the date they are notified of the applicant's intent to file a
16 claim under this paragraph in which to investigate and, if appropriate, rectify
17 any deficiency. If fifty (50) days after notifying Defendants of his or her intent
18 to file a claim, the applicant does not receive notice that Defendants have
19 sustained the applicant's challenge, then the applicant may file his or her
20 appeal to the Special Master. Any such appeal must be post-marked within
21 eighty (80) days of the date the applicant advised Defendants of the alleged
22 violation.

23 The Special Master shall be paid a fee of \$65 for adjudicating each appeal under this
24 subparagraph C. The applicant must pay the entire fee at the time he or she files the
25 notice of appeal. If the applicant prevails on the merits of his or her appeal,
26 Defendants must reimburse the applicant the entire fee within a reasonable time after
27 being notified that the applicant prevailed on appeal.

1 10. Renewal of Employment Authorization Documents

2 The Defendants shall, without fee, reissue or renew for a period of one year
3 employment authorization for aliens who were previously issued such employment
4 authorization and advance parole pursuant interim relief orders in *Catholic Social Services,*
5 *Inc. v. Reno*, Civ No. S-86-1343. An applicant shall be entitled to have his or her
6 employment authorization renewed only during the application period and only one time
7 under this provision.

8 11. Adjudication of Applications for Temporary Residence.

9 The Defendants shall adjudicate each application for temporary residence filed on
10 Form I-687 in accordance with the provisions of § 245A of the Immigration and Nationality
11 Act, 8 U.S.C. § 1255a, regulations, and administrative and judicial precedents the INS
12 followed in adjudicating I-687 applications timely filed during the IRCA application period.
13 In adjudicating I-687s pursuant to this agreement, Defendants shall utilize the standards set
14 forth in 8 C.F.R. § 245a.18(c), or 8 C.F.R. § 245a.2(k)(4), which ever is more favorable to the
15 applicant. Failure to provide evidence other than affidavits shall not be the sole basis for
16 finding that an alien failed to meet the continuous residence requirement. For purposes of
17 establishing residence and presence in 8 C.F.R. § 245a.2(b), the term “until the date of filing”
18 shall mean until the date the alien was “front-desked” or “discouraged from filing”
19 consistent with the Class Definition. In evaluating the sufficiency of applicant’s proof of
20 residence, Defendants shall take into account the passage of time and attendant difficulties
21 in obtaining corroborative documentation of unlawful residence.

22 12. Time for Determining Class Membership and Legalization Applications.

23 A. Defendants shall use good faith and reasonable efforts either to approve
24 applications for class membership or issue notices of intended denials within
25 ninety (90) days. If a notice of intended denial is issued, defendants shall
26 endeavor to issue a final decision on the application for class membership
27 within ninety (90) days after receipt of an applicant's supplemental evidence
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1 or explanation, if any.

2 B. Defendants shall use good faith and reasonable efforts to adjudicate class
3 members' I-687 forms within one hundred and eighty (180) days of approval
4 of their application for class membership.

5 C. If the aggregate volume of Form I-687 applications received under this
6 Settlement Agreement and the Settlement Agreement reached in *Newman v.*
7 *DHS*, Civ 87-4757-WDK (C.D. Cal.), exceeds two hundred forty thousand it is
8 anticipated that the approximate processing times referenced in
9 subparagraphs A and B above will double.

10 13. Removal of Class Applicants from the United States.

11 Defendants shall not remove from the United States or detain any putative class
12 members who appear to be prima facie eligible for class membership under this Settlement
13 Agreement and for legalization under section 245A of the INA. This paragraph shall not
14 apply to any alien who is subject to detention or removal despite his or her having been
15 previously determined to be eligible for class membership. For example, if, after having
16 been deemed a class member, it is found that the alien has been convicted of a crime(s) that
17 render(s) him or her ineligible for legalization, the alien may nevertheless be detained and
18 removed from the United States.

19 14. Reporting on Implementation of This Agreement.

20 Commencing four months after the beginning of the filing period, Defendants shall
21 prepare quarterly reports setting forth the number of Class Membership applications, Forms
22 I- 687, and Forms I-765, that were received, approved, denied and pending. Copies of such
23 report shall be provided to Class Counsel. In the event Defendants believe good cause
24 exists to extend the time periods set forth in ¶ 12 above, Defendants shall provide Class
25 Counsel with a written explanation of such cause and proposed alternative target periods.
26 The parties shall meet and confer in a good faith effort to resolve any disagreements over
27 proposed new target periods prior to petitioning this district court pursuant to ¶ 18 below.

1 Class Counsel for the purposes of this Settlement Agreement is Peter Schey and
2 Carlos R. Holguín, Center for Human Rights and Constitutional Law, 256 S. Occidental
3 Blvd., Los Angeles, CA 90057, telephone (213) 388-8693, facsimile (213) 386-9484, email
4 amnestycoordinator@centerforhumanrights.org.

5 20. This agreement is conditioned upon approval by Tom Ridge, Secretary of the
6 Department of Homeland Security, and the Deputy Attorney General, United States
7 Department of Justice.

8 20. This agreement is subject to approval by the United States District Court
9 pursuant to Federal Rule of Civil Procedure 23.

10
11 _____
12 Earle B. Wilson
13 U.S. Department of Justice
14 P.O. Box 878, Ben Franklin Station
15 Washington, DC 20044
16 202-616-4277
17 Counsel for Defendants

11 _____
12 Peter A. Schey
13 Carlos R. Holguín
14 Center for Human Rights
15 and Constitutional Law
16 256 S. Occidental Blvd.
17 Los Angeles, CA 90057
18 (213) 388-8693
19 Counsel for Plaintiffs

20 Dated: _____

17 _____
18 Robert R. Raymond
19 Assistant General Counsel
20 U.S. Department of Homeland Security
21 Bureau of Citizenship and Immigration
22 Services

23 Dated: _____

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In the United States District Court
for the Eastern District of California

Catholic Social Services, Inc.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

Tom Ridge, Secretary, Department
OF HOMELAND SECURITY, ET AL.,

Defendants.

Case No. Civ S-86-1343-LKK

Attachment 1

(Summary of settlement)

This is a summary of a settlement filed in this case and approved by the Court on _____, 2003 (hereinafter "CSS settlement").

1. Class definition

The following persons are entitled to benefits under this CSS settlement:

A. All persons who are otherwise prima facie eligible for legalization under § 245A of the Immigration and Nationality Act ("INA"), and who tendered completed applications for legalization under § 245A of the INA and fees to an INS officer or agent acting on behalf of the INS, including a QDE, during the period from May 5, 1987 to May 4, 1988, and whose applications were rejected for filing because an INS officer or QDE concluded that they had traveled outside the United States after November 6, 1986 without advance parole.

B. All persons who filed for class membership under *Catholic Social Services, Inc. v. Reno*, CIV No. S-86-1343 LKK (E.D. Cal.), ("CSS") and who are otherwise prima facie eligible for legalization under § 245A of the INA, who, because an INS officer or QDE concluded that they had traveled outside the United States after November 6, 1986 without advance parole were informed that they were ineligible for legalization, or were refused by the INS or its QDEs legalization forms, and for whom such information, or inability to obtain the required application forms, was a substantial cause of their failure to timely file or complete a written application.

As used in subparagraph (B) the phrase "filed for class membership" includes the spouses and children of persons who actually filed for class membership as provided in 8 C.F.R. § 245a.10.

2. Distribution of CSS settlement or this summary.

The CSS settlement requires that within fourteen (14) days from the date on which the district court approves the settlement, or on which the separate settlement in *Newman et al v.*

1 INS et al., 87-4757-WDK (CWx) (C.D. Cal.), (“Newman”) is approved by the court,
2 whichever is later, the Department of Homeland Security (“DHS”) must use good faith and
3 reasonable efforts to distribute the CSS settlement or this summary thereof to all DHS
4 officers, agents and employees who will be responsible for processing class membership
5 claims. The DHS must also use good faith and reasonable efforts to provide the CSS
6 settlement or summary to all DHS personnel who may in the course of their duties detain or
7 remove individuals who may be CSS class members. DHS must use good faith and
8 reasonable efforts to serve Class Counsel with copies of all supplemental instructions or
9 guidelines it issues regarding implementation of this Settlement Agreement.

6 3. Notice to Class Members

7 The CSS settlement requires the Bureau of Citizenship and Immigration Services (“BCIS”) to
8 issue a press release and a Class Notice in English and Spanish (the texts of which are
9 attached as Attachments 2 and 3) announcing the CSS settlement within 60 days following
10 the court’s approval of the agreement, or the court’s approval of the *Newman* settlement,
11 whichever is later.. The press release, Class Notice, and Class Member Application sheet
12 (attached as Attachment 4) must be distributed to the media and community-based
13 organizations according to the BCIS’s normal procedure for doing so. BCIS shall provide
14 class counsel with a copy of the lists to which these materials are distributed. The press
15 release, Class Notice, Class Member Applications and Appeal to Special Master of Denial of
16 Class Membership shall be posted on the BCIS’s web site until the end of the application
17 period referenced in ¶ 4 below. The press release, Class Notice, Class Member Applications
18 and Appeal to Special Master of Denial of Class Membership shall also be made available at
19 BCIS district offices until the end of the application period referenced in ¶ 4 below. Within
20 60 days of this Settlement Agreement and during the remainder of the application period
21 specified in ¶ 4, BCIS shall make available to all persons, upon request, a copy of Form I-
22 687, CSS Class Member Applications and instructions, and Form I-765.

16 4. Application Period.

17 Within 30 to 60 days after notice is issued to class members under ¶ 3, above, BCIS shall
18 begin accepting CSS Class Membership Applications and Forms I-687, Application for
19 Status as a Temporary Resident, with fee and supporting documentation, from class
20 member applicants. BCIS shall continue to accept such applications for class membership
21 and temporary residence for a period of one year thereafter, and no longer. Applications
22 shall deemed filed on the date postmarked in accordance with the provisions at 8 C.F.R. §
23 245a.12(a).

21 5. Filing of Applications.

22 Individuals asserting a claim for relief under the CSS settlement must file a CSS Class
23 Membership Application and a Form I-687, Application for Status as a Temporary Resident,
24 with fee and supporting documentation.

25 The fee for filing all forms in connection with the application process shall be the fees
26 applicable by regulation or Federal Register Notice at the time of filing the application(s).
27 Except as provided in ¶ 10 below, applicants must file a Form I-765 with fee if they wish to
28 receive an employment authorization document.

27 If a person previously filed for class membership as that term is defined in ¶ 1 above, BCIS

1 shall refund the fee for filing the Form I-687 if such person's application for class
2 membership is denied. Individuals who did not previously "file for class membership" as
3 that term is defined in ¶ 1 above, shall receive no refund of the fee for filing the Form I-687
4 if such person's application for class membership is denied.

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6. Adjudication of class member applications and legalization applications

The BCIS will approve CSS Class Membership Applications if, based on responses to questions asked on the application, it appears more probable than not that the applicant meets the class definition. A determination that an applicant is a class member is not binding in any manner for the purposes of an adjudication on the merits of the application for temporary residence, which shall be conducted *de novo*. Class Member Applications shall not be denied solely because applicants do not possess documentary evidence establishing class membership. The DHS must treat information and materials submitted in connection with Class Member Application as confidential in accordance with 8 U.S.C. § 1255a(c)(5).

7. Intended Denials of Class Membership

Before denying an application for class membership, the applicant or his or her representative shall be sent a notice of intended denial explaining the perceived deficiency in the applicant's Class Member Application and providing the applicant 30 days to submit additional written evidence or information to remedy the perceived deficiency.

8. Denial of Applications for Class Membership.

The BCIS shall send written notice of a decision to deny an application for class membership to the applicant and his or her attorney of record, with a copy to Class Counsel. The notice shall explain the reasons for the denial of the application and notify the applicant of his or her right to seek review of such denial by a Special Master, on the document attached as Attachment 5, a copy of which should be mailed to the applicant along with the notice of decision. On review, neither the BCIS nor the applicant shall be permitted to submit new evidence to the Special Master.

9. Review by Special Master.

A. Selection of the Special Masters. Each party shall select one person, from a list of three names recommended by the other party, to serve as a Special Master. Appeals from denials of applications for class membership shall be assigned randomly to a Special Master. The two Special Masters shall jointly designate the mailing address for appeals and determine procedures for random assignment.

B. Review of Decisions Involving Determination of Class Membership. Any decision by BCIS denying an application for class membership may be appealed to a Special Master. Any such appeal must be post-marked within 30 days of the date of mailing of the notice denying the application for class membership. The Special Master's review shall be based on the documents and other evidence submitted by the applicant, and any documentary evidence the BCIS relies on in reaching the decision to deny the application for class membership.

The Special Master shall be paid a fee of \$125 for adjudicating each appeal under

subparagraphs (i) and (ii) below. Payment of this fee shall be paid by the parties as follows:

(i) If the appeal involves a denial of class membership based on criminal or security-related grounds, the applicant is responsible for paying the entire fee; and

(ii) If the appeal involves a denial of class membership on other than criminal or security-related grounds, the fee shall be paid equally by the BCIS and the applicant. The applicant's portion of the fee must accompany his or her notice of appeal. The BCIS must submit its portion of the fee within 30 days of being notified by the Special Master that an appeal has been duly filed.

C. Review of Other Decisions. An applicant who believes that DHS has violated his or her individual rights pursuant to ¶¶ 3, 4, 5, 7, 10, 12, or 13 of the Settlement Agreement may file a claim with the Special Master. However, prior to filing any such claim, the applicant must advise the DHS by certified mail, or other documented delivery service to an address specified by DHS, that he or she believes that DHS has violated his or her rights under paragraphs 3, 4, 5, 7, 10, 12, or 13. DHS shall have 45 days from the date it is notified of the applicant's intent to file a claim under this paragraph in which to investigate and, if appropriate, rectify any deficiency. If 50 days after notifying DHS of his or her intent to file a claim, the applicant does not receive notice that defendants have sustained the applicant's challenge, then the applicant may file his or her appeal to the Special Master. Any such appeal must be post-marked within 80 days of the date the applicant advised Defendants of the alleged violation.

The Special Master shall be paid a fee of \$65 for adjudicating each appeal under this subparagraph C. The applicant must pay the entire fee at the time he or she files the notice of appeal. If the applicant prevails on the merits of his or her appeal, DHS must reimburse the applicant the entire fee within a reasonable time after being notified that the applicant prevailed on appeal.

10. Renewal of Employment Authorization Documents

The BCIS shall, without fee, reissue or renew for a period of one year employment authorization to applicants in the class defined herein who were previously issued such employment authorization pursuant to interim relief orders in *Catholic Social Services, Inc. v. Reno*, CIV No. S-86-1343 LKK (E.D. Cal.). An applicant shall be entitled to have his or her employment authorization renewed only during the application period and only one time under this provision.

11. Adjudication of Applications for Temporary Residence.

BCIS shall adjudicate each application for temporary residence filed on Form I-687 in accordance with the provisions of § 245A of the Immigration and Nationality Act, 8 U.S.C. § 1255a, regulations, and administrative and judicial precedents the INS followed in adjudicating I-687 applications timely filed during the IRCA application period. In adjudicating I-687s pursuant to this agreement, BCIS shall utilize the standards set forth in 8 C.F.R. § 245a.18(c), or 8 C.F.R. § 245a.2(k)(4), which ever is more favorable to the applicant. For purposes of establishing residence and presence in 8 C.F.R. § 245a.2(b), the term, "until the date of filing" shall mean until the date the alien was "front-desked" or "discouraged from filing" consistent with the Class Definition. In evaluating the sufficiency of applicants'

1 proof of residence, the BCIS shall take into account the passage of time and attendant
2 difficulties in obtaining corroborative documentation of unlawful residence. An application
shall not be denied solely because the applicant seeks to establish continuous unlawful
residence only with affidavits or declarations.

3 12. Time for Determining Class Membership and Legalization Applications.

4 A. BCIS shall use good faith and reasonable efforts either to approve applications for
5 class membership or issue notices of intended denials within ninety (90) days of receipt. If a
6 notice of intended denial is issued, the BCIS shall endeavor to issue a final decision on the
application for class membership within ninety (90) days after receipt of an applicant's
7 supplemental evidence or explanation, if any.

8 B. BCIS shall use good faith and reasonable efforts to adjudicate class members' I-687
9 forms within one hundred and eighty (180) days of approval of their application for class
membership.

10 C. If the aggregate number of Form I-687 applications received under the CSS
11 settlement and the settlement reached in *Newman v. DHS*, Civ. 87-4757-WDK (C.D. Cal.),
exceeds 240,000, it is anticipated that the approximate processing times referenced in
12 subparagraphs A and B above will double.

Class Counsel for the purposes of this Settlement Agreement are Peter Schey and Carlos R. Holguin, Center for Human Rights and Constitutional Law, 256 S. Occidental Blvd., Los Angeles, CA 90057, telephone (213) 388-8693, facsimile (213) 386-9484, e-mail amnestycoordinator@centerforhumanrights.org.

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1 In the United States District Court
2 for the Eastern District of California

3 Catholic Social Services, Inc.,—
4 IMMIGRATION PROGRAM, ET AL.,

Case No. Civ S-86-1343-LKK

5 Plaintiffs,

Attachment 2

(Class notice)

6
7 v.

8 Tom Ridge, Secretary, Department
9 of Homeland Security, et al.,

10 Defendants.

11 **IMPORTANT CSS CLASS NOTICE**

12 This Notice contains important information about your rights. Please read it carefully.

13 **Who is a CSS Class Member?** You may be a CSS Class Member if —

14 1. You lived unlawfully in the United States from before January 1, 1982, until some time
15 between May 5, 1987 and May 4, 1988 (the application period for the amnesty program)
16 when you (or your parent or spouse) attempted to file a completed application and
17 application fee with a representative of the Immigration and Naturalization Service ("INS")
18 including a Qualified Designated Entity ("QDE"), but had the application and fee refused
19 by that representative because you had traveled outside of the United States after
20 November 6, 1986, and returned without INS permission, and you were otherwise eligible
21 for legalization; or

22 2. you (or your parent or spouse) applied for a work permit under the CSS case, and during
23 the application period you had been informed by an INS officer or QDE employee that you
24 were ineligible for legalization because you had traveled outside of the United States after
25 November 6, 1986, and returned without INS permission, or were refused by the INS or its
26 QDEs legalization forms on account of that travel, and that information, or inability to
27 obtain the application forms, was a substantial cause of your failure to timely file or
28 complete a written application, and you were otherwise eligible for legalization.

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

What proof do I need of class membership?

You do not need a copy of your (or your spouse or parent's) original 1987-88 amnesty
application to prove you are a class member. You must fill out a CSS "Class Membership
Application." You may also submit additional statements or evidence showing that you or
your parent or spouse were turned away by the INS or a QDE between May 5, 1987 and

1 May 4, 1988, such as statements from friends or relatives.

2 ***What are the benefits of Class Membership?***

3 Class members may apply for amnesty under the 1986 law. Class members who are eligible
4 for amnesty under the 1986 law, who show that they lived in the United States continuously
5 and unlawfully from before January 1982 until the time the INS turned them away in 1987-
6 88, may be granted employment authorization, permission to travel abroad, and
7 "Temporary Resident Status." Eighteen months later class members granted Temporary
8 Resident Status may apply for permanent resident status.

9 ***How do I apply for CSS Class Membership?***

10 You may ask the Bureau of Citizenship and Immigration Services ("BCIS") (the agency
11 which used to be called the INS) or a community organization or lawyer for (1) a "CSS Class
12 Membership Application," and (2) an "Application for Temporary Resident Status (I-687)."
13 These documents are also available on the internet at the BCIS website or at
14 www.centerforhumanrights.org. You must submit the Class Membership and I-687
15 applications to the BCIS between _____, 2003 and _____ 2004.

16 You may contact the lawyers representing the class at (213) 388-8693, ext. 100, or by mail
17 addressed to Center for Human Rights, 256 S. Occidental Blvd., Los Angeles, Ca. 90057, or
18 by email to amnestycoordinator@centerforhumanrights.org
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In the United States District Court
for the Eastern District of California

Catholic Social Services, Inc.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

Tom Ridge, Secretary, Department
OF HOMELAND SECURITY, ET AL.,

Defendants.

Case No. Civ S-86-1343-LKK

Attachment 3

(Class member Claim
AND INSTRUCTIONS)

INSTRUCTIONS

This claim must be completed by all persons who believe they are CSS class members and wish to apply to legalize their status under the 1986 Immigration Reform and Control Act. You may consult with a community organization, church group or lawyer to help you fill out this form.

Who is a CSS Class Member?

You may be a CSS Class Member if you:

- (1) lived continuously and illegally in the United States from *before* January 1, 1982, *until* some time between May 5, 1987 and May 4, 1988, when you (or your parent or spouse) visited the INS or a Qualified Designated Entity (QDE) to apply for the 1986 "amnesty" program, *and*
- (2) you (or your parent or spouse) were turned away by the INS or the QDE because you (or your parent or spouse) had, or the INS thought that you had, traveled outside the U.S. after November 6, 1986 without INS permission.

You may be a class member *whether or not* at the time you (or your parent or spouse) visited an INS or QDE office to apply for amnesty between May 5, 1987 and May 4, 1988, you had a complete written application and fee ready to be filed.

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

Must I have presented a complete application to the INS during the amnesty application period to be a class member?

No, but class members (or their parents or spouse) must have visited an INS or QDE office during the amnesty application period (May 5, 1987 to May 4, 1988), advised an INS or QDE official that they wished to apply for amnesty, advised the INS or QDE (or the INS or QDE believed) that they had traveled outside the United States without INS permission after November 6, 1986, and been told that they were ineligible to apply for amnesty.

1 You may also be a class member if you attempted to file a complete amnesty application and fee with
2 the INS or a QDE during the amnesty application period (May 5, 1987 to May 4, 1988), or your
3 parent or spouse tried to do so, and the application was rejected because you or your parent or spouse
4 had traveled outside the United States without INS permission after November 6, 1986, or the INS
5 believed you had done so.

6 **What proof do I need that I was turned away by the INS during the application period?**

7 You do *not* need a copy of the amnesty application you or your parent or spouse may have filled out
8 or presented to the INS during the 1987-88 application period.

9 Fill in the CSS Class Membership Application, including as much information as you remember
10 about the visit to an INS or QDE office when you were turned away between May 5, 1987 and May
11 4, 1988.

12 While it is not required, you may strengthen your claim if you attach statements from any relatives or
13 friends who know that you were turned away by the INS or a QDE when trying to apply for amnesty
14 during the application period (May 5, 1987 to May 4, 1988). For example, if you are still in contact
15 with someone who went with you to the INS or a QDE when you were turned away, or who helped
16 you fill out an application that was rejected, that person can provide you with a statement explaining
17 what they remember.

18 **What are the benefits of Class Membership?**

19 Persons whom the BCIS (formerly the INS) or the Court determines are class members may apply for
20 employment authorization, travel permits, family unity benefits, Temporary Resident Status, and,
21 later, permanent resident status under the 1986 amnesty law.

22 **How do I obtain the forms to apply for CSS class membership and legalization?**

23 You can obtain the forms from your local BCIS (formerly called the INS) office. Local community
24 groups or an immigration lawyer's office may also have the forms available. You can also obtain the
25 forms from the BCIS web site,
26 <http://www.immigration.gov/graphics/formsfee/forms/index.htm>, or class counsels' web
27 page, www.centerforhumanrights.org.

28 **When must I file my application?**

**You must submit the applications to the BCIS between _____, 2003, and
_____, 2004. Applications must be postmarked no later than _____, 2004.**

How do I file my application?

You must mail your Class Membership Claim and Form I-687 with a filing fee in the amount of
\$_____ to the following address: CSS Class Member Claims, Bureau of Immigration and
Citizenship Services, _____. The BCIS will normally respond within 90 days by
either sending you an approval notice, a denial notice, or a notice that it intends to deny your
application unless you provide additional information.

If you receive an approval notice, the BCIS will proceed to decide your I-687 legalization application,
which it should normally do within 120 days of approving the Class Membership Claim.

If the BCIS decides that you are *not* a class member, your I-687 application fee will be refunded.
Your refund will be delayed if you appeal the decision that you are not a class member. If the appeal

1 decides that you are a class member, BCIS will then process your legalization application. If the
2 appeal decides that you are not a class member, your application fee will be refunded.

3 [Note that if you did not apply for a work permit under CSS, your filing fee is not refundable.]

4 **Be sure to keep a copy of everything that you submit to the BCIS and if possible obtain proof of
5 mailing from the U.S. Post Office. You may also send a copy of your application to class counsel
6 at the Center for Human Rights and Constitutional Law, address below.**

7 **What if the BCIS intends to deny my applications?**

8 Applicants whose applications for Class Membership or legalization the BCIS intends to deny will be
9 sent a notice of intended denial and you will have at least 30 days to correct whatever problems the
10 BCIS identifies in either the application for Class Membership or the legalization application.

11 **What if the BCIS denies my applications?**

12 If the BCIS denies your Class Member Claim you may appeal to a Special Master—someone
13 appointed by the Court—to reconsider your Class Member Application.

14 If your application for legalization is denied, you will be sent instructions on how you may appeal
15 that decision administratively.

16 **Will the BCIS use the information in my Class Member Application or legalization application to
17 deport me?**

18 No. Unless you commit fraud, all information you submit in connection with a CSS Class Member
19 Application or legalization application may be used only to decide those applications and not to
20 obtain a deportation order against you.

21 **Will I receive permission to work and travel abroad while my applications are being decided?**

22 Yes, so long as it appears from your applications that you probably meet the requirements of class
23 membership and eligibility for legalization. Individuals to whom the INS previously granted a CSS
24 work permit (whether or not you still have that work permit), are entitled to renew their work
25 authorizations for one year without a fee. You may apply to renew your old work permit at your local
26 BCIS office. You may also apply for advance parole to travel abroad. After that, you may apply to
27 renew work permits or obtain travel documents with a fee until your legalization application has been
28 finally administratively decided.

If you were never issued a CSS work permit and you now want a work permit, you must file a Class
Membership Application, I-687 legalization application, and I-765 application for employment
authorization with all appropriate fees.

***Do not contact the Court for information. For assistance, you may contact the lawyers
representing the class at (213) 388-8693 ext. 100, or by mail at Center for Human Rights, 256 S.
Occidental Blvd., Los Angeles, Ca. 90057, or email
amnestycoordinator@centerforhumanrights.org***

CSS/Newman (LULAC) Class Membership Worksheet

Last Name First Name Middle Initial A Number

Please complete this Class Membership worksheet if you are applying for legalization under the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1255a , pursuant to the settlement agreements reached in Catholic Social Services v. Ashcroft et al. (CSS) or Newman v. Ashcroft et al. (Newman/LULAC).

In order to apply, answer every question on this Class Membership worksheet and staple it, with any attachments, to the top of your completed and signed Application for Status as a Temporary Resident (Form I-687). Please clearly mark your response in the boxes provided below:

- 1. During the period between May 5, 1987 and May 4, 1988, did you (or a parent or spouse) visit an INS office to apply for legalization, but were turned away because the INS or the QDE believed that (1) you had traveled outside the United States after November 6, 1986, without advance parole, OR (2) you had traveled outside the United States and returned after January 1, 1982, with a visitor's visa, student visa, or any other type of visa or travel document? YES NO
2. Did you enter the United States before January 1, 1982, and then reside in continuous unlawful status, except for brief absences, from before 1982 until the date you (or your parent or spouse) were turned away by the INS when you (or your parent or spouse) tried to apply for legalization in 1987-88?
3. Were you continuously physically present in the United States, except for brief, casual and innocent departures from November 6, 1986 until the date you (or your parent or spouse) were turned away by the INS when you (or your parent or spouse) tried to apply for legalization?
4. Have you ever been convicted of a felony or three or more misdemeanors, or have you ever been convicted of crimes, or committed acts which make you inadmissible pursuant to any provision of the Immigration and Nationality Act including but not limited to: 212(a)(2)(A)(i)(I) (crime involving moral turpitude); 212(a)(2)(B) (multiple criminal convictions); 212(a)(2)(C)(controlled substance traffickers); 212(a)(2)(A)(i)(II) (controlled substances); 212(a)(3) (security and related grounds)?

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5. Did you (or your parent or spouse) apply for a work permit or otherwise register for class membership under CSS or Newman/LULAC before October 1, 2000. If "yes," attach copies of any available proof (for example, your CSS or Newman work permit). **YES NO**

6. When you (or your parent or spouse) visited the INS or a QDE during the legalization application period, did you (or your parent or spouse) bring with you a completed legalization application and fee?

NOTE: If you answered "Yes" to questions 1, 2, and 3, "No" to question 4, and "Yes" to **either** question 5 **or** 6, your answers indicate that you may be eligible for legalization under the settlement agreements.

I certify, under the penalty of perjury under the laws of the Unites States of America, this worksheet and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the Department of Homeland Security needs to determine eligibility for the benefit I am seeking.

I understand that information I provide in connection with this Class Membership Worksheet is confidential and may not be used to arrest or deport me or for any purpose unrelated to the adjudication of this Class Membership Worksheet except as provided in 8 U.S.C. § 1255a(c)(5).

Signature

Date

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**In the United States District Court
for the Eastern District of California**

Catholic Social Services, Inc.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

TOM RIDGE, SECRETARY, DEPARTMENT
of Homeland Security, et al.,

Defendants.

Case No. Civ S-86-1343-LKK

Attachment 4

(Appeal to Special Master of
Denial of Class Membership)

Instructions

Use this form if you wish to appeal a final denial of class membership. Appeals will be decided by a CSS Special Master.

Do not use this form if you have only received a Notice of Intent to Deny your class membership application.

Mail this form, along with a copy of your Class Membership Application and the final denial of your Class Membership Application, to CSS Special Master, PO Box _____, _____.

Fee: With this appeal form you must enclose a check or money order in the amount of \$65 made payable to "CSS Special Master."

If you do not have a copy of your Class Membership Application, mail this form, your final denial, and your check or money order to the Special Master at the address listed above. The Special Master will obtain a copy of your Class Membership Application.

Copy: Be sure to keep a copy of everything that you mail to the CSS Special Master.

Complete the information requested below.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone () _____ INS A number (if any) _____

1) Do you have and have you attached a copy of your Class Membership application form? Yes /___/ No /___/

2) You must attach a copy of the denial of your CSS Class Membership application form. Have you attached a copy? Yes /___/ No /___/

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3) You must attach a check or money order payable to CSS Special Master in the amount of \$65. Have you attached a check or money order as required? Yes /___/ No /___/

If your application for Class Membership was denied because you have a prior criminal conviction, you must attach a check or money order payable to CSS Special Master in the amount of \$125. Have you attached a check or money order as required? Yes /___/ No /___/

4) Explain why you believe your application for Class Membership was incorrectly denied. You are not required to fill in this section, but may do so if you wish. You may attach a separate sheet of paper with you explanation if it is too long to fit on this page.

(Please use additional sheets of paper if you need more space to explain your complaint)

Dated: _____

Signature _____