

# Lawsuit on Visa Bulletin

Last updated July 17, 2007

## **AILF Welcomes Government Reversal on Permanent Resident Applications ("Green Cards")**

The American Law Foundation (AILF) is pleased that the Department of Homeland Security (DHS) and Department of State (DOS) have announced they will comply with their own regulations and policies and accept the "green card" applications of tens of thousands of intending immigrants. A class action lawsuit scheduled to be filed by AILF today on behalf of all affected intending immigrants argued that the government must do exactly that. AILF is gratified that the government accepted AILF's arguments and belatedly is doing what it should have done in the first place.

"The government's reversal today is exactly what our thousands of plaintiffs and class members would have sought in their lawsuit," said Nadine Wettstein, Director of AILF's Legal Action Center and lead counsel in the lawsuit. "We were literally on the electronic courthouse steps, when we learned that a solution was imminent."

AILF's lawsuit alleged that the federal government's refusal to accept tens of thousands of applications for green cards (and discouraging thousands of other workers from even applying) violated federal statutes, regulations and policies, as well as the U.S. Constitution.

The announcements by DHS and DOS allow intending immigrants to file applications for adjustment of status "green cards" until and including August 17, 2007. They also allow these applicants to pay the current fees, even though the fees otherwise will increase on July 31, 2007.

These changes resolve the majority of the issues in the class action lawsuit AILF has prepared. The one issue unresolved is for the "Other Workers." This is a small group of people who should have been allowed to file adjustment applications all during June 2007. Mid-month, however, DHS shut their window of opportunity. The announcement from DHS and DOS does not allow them to apply. AILF will assess the situation for this group of people and will consider whether litigation will proceed for them.

AILF worked with intending immigrants from across the country to prepare the class action suit. Many of these applicants have waited in line for years and were following the government's rules to obtain a green card.

"The American Immigration Law Foundation created its Legal Action Center to protect fundamental principles of due process and demand government accountability under immigration law," said Benjamin Johnson, AILF's Executive Director. "Sadly, there are very few checks and balances left in our immigration laws to guard against government misconduct or abuse of power. AILF and its outstanding legal team will continue to do all that it can to ensure that our dysfunctional immigration laws are not made worse by agency misconduct or mismanagement. Even in this emotionally charged environment where it often appears to be open season on immigrants," said Johnson, "our government cannot disregard the law."

"Compelling the government to correct this wrongdoing sends a message that all the recent talk about respecting those immigrants who are trying to follow the law isn't just empty rhetoric," said Paul Zulkie, President of AILF. "These are legal immigrants going through the process in the right way. To have the door slammed in their faces would have been a violation of basic principles of fairness and due process."

AILF is very grateful to the hundreds of people - intending immigrants and their lawyers - who have contacted us to be plaintiffs and support the litigation. We received emails and calls from more than 500 people in the last two weeks. Your efforts enabled us to prepare a very strong challenge to the government's actions.

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