



U.S. Citizenship
and Immigration
Services

IMPORTANT NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
FOR INDIVIDUALS WHO HAVE
FILED A REFUGEE/ASYLEE RELATIVE PETITION (Form I-730 Petition)
ON BEHALF OF A RELATIVE

A proposed settlement of a federal class action lawsuit may affect your rights.

In May 2010, a class action lawsuit, *Tsamcho v. Napolitano*, No. 10 CV 2029 (E.D.N.Y.), was filed in federal court for the Eastern District of New York, challenging U.S. Citizenship and Immigration Services' (USCISs') reopenings and denials of refugee /asylee Form I-730 petitions when the relative of the Petitioner (the Beneficiary) was unable to appear at the U.S. Consulate or Embassy for an interview.

The lawyers for plaintiffs and defendants have agreed on terms to settle this litigation. The lawyers for both sides believe that the proposed settlement agreement is best for all Class Members. The Court must approve the settlement agreement in order for it to take effect.

If you are a member of the class, you have a right to learn about the terms of the proposed settlement and to comment on or object to the terms.

WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

Any refugee or asylee who has submitted or will submit a Form I-730 petition to USCIS and whose Form I-730 petition was approved or will be approved by USCIS, but whose Beneficiary of that Form I-730 petition did not or will not appear for a Consular Interview for processing on the original appearance date is a member of the Class and will be affected by the Settlement.

THE TERMS OF THE PROPOSED SETTLEMENT

USCIS has agreed not to deny, but instead to hold (administratively close) approved Form I-730 petitions when the Beneficiary does not appear at a U.S. Consulate or Embassy for an interview and processing. The Form I-730 petition will continue to be processed when the individual who

requested the petition (the Petitioner) notifies USCIS that the Beneficiary is available to appear at the U.S. Consulate or Embassy.

USCIS has agreed to reopen Form I-730 petitions that were previously approved but then reopened and denied because the Beneficiary did not appear for processing at the U.S. Consulate or Embassy. In those cases, the reopened Form I-730 petition will not be denied, but will be held (administratively closed) until the Beneficiary can appear at the U.S. Consulate or Embassy for processing. There will be no fee to reopen the Form I-730 petition, but the individual who filed the petition must contact USCIS to have the Form I-730 petition reopened and to continue its processing. Individuals who have had their I-730 petitions denied will be able to call a toll-free number to have the case reopened.

USCIS has also agreed that if you do not know when your Beneficiary will be able to attend a Consular Interview, USCIS will not deny, but instead will hold (administratively close) the I-730 petition. You can contact USCIS before your Beneficiary will be able to attend a Consular Interview, and USCIS will then continue to process your request.

WHAT IS A FAIRNESS HEARING?

Before the settlement can take effect, the Court will hold a “Fairness Hearing” to decide whether the settlement is fair, reasonable, and adequate and whether it is in the best interests of the Class Members. At the hearing, Class Counsel and the Defendants will ask the Court to approve the settlement agreement. If there are objections, the Court will consider them. The Court will then decide whether to approve the settlement.

HOW DO I GET MORE INFORMATION?

If you wish to look at the entire proposed settlement agreement before deciding whether to comment, object or attend the Fairness Hearing, you can ask for a copy from Tsamcho Counsel at: New York Legal Assistance Group, Seven Hanover Square, 18th floor, New York, New York 10004 or by calling 212-946-0353.

YOU DO NOT NEED TO DO ANYTHING TO BE PART OF THIS SETTLEMENT.

You do not have to do anything to take advantage of this settlement. But, if you are a Class Member and you want to comment on the terms of the settlement or if you disagree with the proposed settlement, you can state your opinion or tell the Court why you do not agree with the settlement or some part of it. The Court will consider your views.

To comment or object, send your comments to Tsamcho Counsel at New York Legal Assistance Group, Seven Hanover Square, 18th Floor, New York, New York 10001. Write down your objections or comments and at the top of the first page write Tsamcho v. Napolitano, No. 10 CV 2029 (E.D.N.Y). Sign your name and put your address and telephone number on the bottom of your letter.

OR

You are welcome to come to the Fairness Hearing to tell the judge what you think. The Court will hold a Fairness Hearing on February 25, 2013, at 10:30 am, at United States District Court, Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, NY 11201.