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The Honorable James L. Robart

FILED ENTERED  
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JUN 2 - 2008  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY  
BY



88-CV-00379-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS ) Case No. 88-379R  
PROJECT, ET AL. )  
PLAINTIFFS, ) ~~PROPOSED~~ ORDER OF  
vs. ) PRELIMINARY APPROVAL OF  
U.S. CITIZENSHIP AND IMMIGRATION ) CLASS ACTION SETTLEMENT  
SERVICES, ET AL. ) (Exhibit 4)  
DEFENDANTS. )  
\_\_\_\_\_)  
)

///

1 Plaintiffs in the above captioned matter, on behalf of themselves, the Class and all  
2 Class Members , and Defendants, by and through their undersigned counsel, have  
3 entered into a Settlement agreement, as of August 2, 2007, subject to the approval of the  
4 Court. The parties have sought provisional certification of the settlement class and  
5 preliminary approval of the settlement.

6 It Is Hereby Ordered that the Settlement is preliminarily approved subject to notice  
7 to the class and final approval by the Court.

8 The settlement class is provisionally approved pursuant to Rule 23 of the Federal  
9 Rules of Civil Procedure as follows:

10 All persons who entered the United States in a non-immigrant status prior to  
11 January 1, 1982, who are otherwise *prima facie* eligible for legalization under § 245A  
12 of the INA, 8 U.S.C. § 1255a, who are within one or more of the Enumerated  
13 Categories described below in paragraph 2, and who —

- 14 A) between May 5, 1987 and May 4, 1988, attempted to file a complete  
15 application for legalization under § 245A of the INA and fees to an INS  
16 officer or agent acting on behalf of the INS, including a Qualified Designated  
17 Agency ("QDE"), and whose applications were rejected for filing  
18 (hereinafter referred to as "Sub-class A members"); or
- 19 B) between May 5, 1987 and May 4, 1988, attempted to apply for legalization  
20 with an INS officer, or agent acting on behalf of the INS, including a QDE,  
21 under § 245A of the INA, but were advised that they were ineligible for  
22 legalization, or were refused legalization application forms, and for whom  
23 such information, or inability to obtain the required application forms, was a  
24 substantial cause of their failure to file or complete a timely written  
25 application (hereinafter referred to as "Sub-class B" members); or
- 26 C) filed a legalization application under INA § 245A and fees with an INS  
27 officer or agent acting on behalf of the INS, including a QDE, and whose  
28 application

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has not been finally adjudicated or whose temporary resident status has been proposed for termination (hereinafter referred to as "Sub-class C.i. members"),

iii. was denied or whose temporary resident status was terminated, where the INS or CIS action or inaction was because INS or CIS believed the applicant had failed to meet the "known to the government" requirement, or the requirement that s/he demonstrate that his/her unlawful residence was continuous (hereinafter referred to as "Sub-class C.ii. members").

**2. Enumerated Categories**

(1) Persons who violated the terms of their nonimmigrant status prior to January 1, 1982 in a manner known to the government because documentation or the absence thereof (including, but not limited to, the absence of quarterly or annual address reports required on or before December 31, 1981) existed in the records of one or more government agencies which, taken as a whole, warrants a finding that the applicant was in an unlawful status prior to January 1, 1982 in a manner known to the government.

(2) Persons who violated the terms of their nonimmigrant visas before January 1, 1982, for whom INS/DHS records for the relevant period (including required school and employer reports of status violations) are not contained in the alien's A-file, and who are unable to meet the requirements of 8 C.F.R. §§ 245a.1(d) and 245a.2(d) without such records.

(3) Persons whose facially valid "lawful status" on or after January 1, 1982 was obtained by fraud or mistake, whether such "lawful status" was the result of  
(a) reinstatement to nonimmigrant status;  
(b) change of nonimmigrant status pursuant to INA § 248;  
(c) adjustment of status pursuant to INA § 245; or

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(d) grant of some other immigration benefit deemed to interrupt the continuous unlawful residence or continuous physical presence requirements of INA § 245A.

In satisfaction of Rule 23(e)(1) of the Federal Rules of Civil Procedure, the parties shall provide notice to the class as follows: (1) Defendants shall post the Settlement agreement and the Exhibits attached to the Settlement agreement in appropriate placed on the USCIS website, [uscis.gov](http://uscis.gov) (2) Plaintiffs shall post the Settlement agreement and the Exhibits attached to the Settlement agreement in appropriate places on plaintiffs' counsels' websites [www.centerforhumanrights.org](http://www.centerforhumanrights.org) and [www.ghp-law.net](http://www.ghp-law.net) (3) Defendants shall distribute the Settlement agreement and the Exhibits attached to the Settlement agreement to all immigration assistance providers listed, as of the Effective Date of this Settlement, on the Roster of Recognized Organizations and Accredited Representatives maintained by the Executive Office for Immigration Review pursuant to 8 C.F.R. 292 and 1292, and the Pro Bono Program section of the EOIR website.

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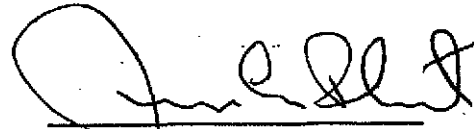
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Objections or comments to the Settlement agreement shall be filed with the Court no later than July 15, 2008. Within thirty days thereafter the parties may respond to any objections and the Court shall proceed to consider final approval.

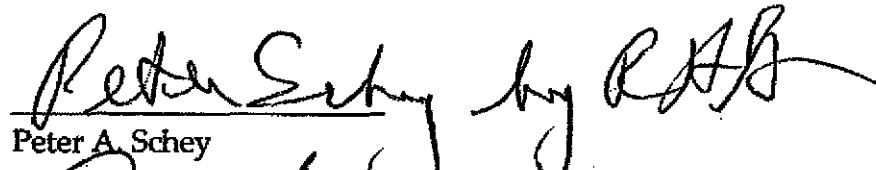
IT IS SO ORDERED

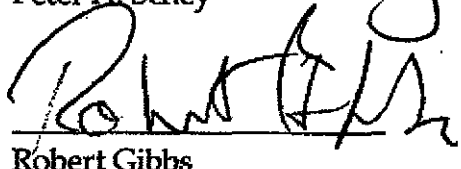
Dated: June 2, 2008



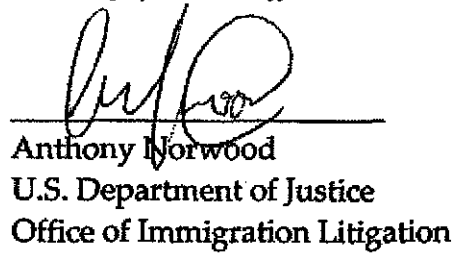
Honorable James L. Robart  
United States District Judge

Presented by:

  
Peter A. Schey

  
Robert Gibbs

*Attorneys for Plaintiffs*

  
Anthony Norwood  
U.S. Department of Justice  
Office of Immigration Litigation

*Attorneys for Defendants*

Settlement