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**CLASS ACTION LAWSUIT FILED OVER USCIS REFUSAL TO ACCEPT  
CONCURRENT FILINGS OF ADJUSTMENT OF STATUS  
APPLICATIONS FOR RELIGIOUS WORKERS**

USCIS's refusal to accept concurrent adjustment of status applications for special immigrant religious workers is being challenged in a national class action filed in Seattle on November 23, 2007. *Ruiz-Diaz, et al. v. USA, et al.*, No. C07-1881 RSL (W.D. Wash.).

Agency policy is to accept "concurrent filing" for family-based and other employment-based permanent resident applications, but not for religious workers. Concurrent filing of the underlying visa petition with the adjustment application, would make it possible for the religious worker and family members to continue to reside and work in the U.S. beyond the five year limitation on non-immigrant religious workers, while the agency works through the necessary investigation of the application. Under current agency practice, CIS adjudication of the underlying visa petition often takes so long that the five years in nonimmigrant status expires before the applicant can submit the second stage application for adjustment of status, thus forcing him/her to stop work and depart the United States.

The agency policy is challenged as violating the constitutional protections of freedom of religion, equal protection and due process, as well as the Religious Freedom Restoration Act, and the Immigration and Nationality Act.

Named plaintiffs include Gabriel Ruiz-Diaz who is employed by the Church of the Nazarene; Cindy Lee Marsh, employed by the Impact Church International; Hyun Sook Song, employed by the Zion Castle Church; and Gadiel Gomez, employed by the Central Presbyterian Church.

Class certification is sought for a national class of individuals and their derivative family members, who are in the United States, who are beneficiaries of an I-360 Petition that has been filed, or will be filed, and who would be eligible to apply for adjustment of status, but for the refusal of the agency to accept concurrent filing of the I-485 adjustment application.

Plaintiffs' class counsel previously successfully litigated an individual case in Seattle that required CIS to accept a concurrently filed adjustment application for a religious worker. **Hillcrest Baptist Church v. USA**, No. 06-1042Z (Feb. 23, 2007). The court found the agency policy to violate the equal protection and due process protections of the Constitution. The agency did not appeal the decision.

Religious workers who meet the class definition do not need to take any specific action in order to be included in the class, and benefit by any court orders entered in this case. Potential class members or their counsel should contact class counsel for an intake form.

Class counsel are particularly interested in talking with counsel who have clients whose R-1 fifth year will expire soon.

For further information, contact class counsel: Robert Pauw or Robert Gibbs at 206-682-1080.; [rpauw@ghp-law.net](mailto:rpauw@ghp-law.net) or [rgibbs@ghp-law.net](mailto:rgibbs@ghp-law.net).