



## Questions and Answers

### **New Address Change Procedures for *ABC* Class Members**

#### **Q. What is the *ABC* settlement agreement?**

*American Baptist Churches v. Thornburgh* is the settlement of a class action lawsuit brought in 1985 by Salvadorans and Guatemalans who believed that the United States government had discriminated against them in deciding their asylum claims. On December 19, 1990, the United States District Court for the Northern District of California gave initial approval to a settlement agreement between the Departments of Justice and State and the class members, which entitled class members to a new adjudication of their asylum applications by an Asylum Officer. The agreement was approved on January 31, 1991 and published as *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991).

The agreement defined class members as Salvadorans in the United States as of September 19, 1990 and Guatemalans in the United States as of October 1, 1990. Sections added later to the agreement limited relief to class members who registered for benefits and applied for asylum by certain dates. Guatemalan class members were required to apply for asylum on or before January 3, 1995. Salvadoran class members were required to apply for asylum on or before January 31, 1996 (with an administrative grace period to February 16, 1996). The agreement also excluded persons convicted of aggravated felonies at any time and persons apprehended while trying to enter the United States on or after December 19, 1990. After the Immigration and Naturalization Service (INS) was reorganized as three different agencies within the U.S. Department of Homeland Security (DHS), one of those three agencies, U.S. Citizenship and Immigration Services (USCIS), assumed responsibility for applying the terms of the settlement agreement in deciding asylum claims.

#### **Q. Why is the *ABC* Project Post Office Box going to be closed?**

**A.** The former INS established the *ABC* Project Post Office Box in Washington, D.C. to provide a centralized location for the approximately 240,000 *ABC* class members to submit changes of address via Form I-855, *ABC* Change of Address Form. At that time, many *ABC* class members who were eligible to seek benefits of the settlement agreement had not yet applied for asylum or any other benefit with the former INS, and therefore had no A-number and no record in a national database system, such as the Refugee, Asylum, and Parole System (RAPS), for the INS to update. By creating a central location at which the INS could receive changes of address from *ABC* class members, the *ABC* Project Post Office Box eliminated confusion and simplified the process of reporting a change of address for *ABC* class members, particularly those who had not yet applied for asylum or any other immigration benefit.



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The *ABC* Project Post Office Box no longer serves the purpose for which it was intended. *ABC* class members must have applied for asylum in order to retain their benefits under the settlement agreement, and the deadlines for applying for asylum have long passed. Many *ABC* class members have also filed applications for relief under Section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA 203) (Public Law 105-100) and the regulations (8 CFR part 240, (H)). *ABC* class members now have records in central DHS databases, where their addresses may be updated, and a separate centralized location for submitting changes of address is no longer required.

Additionally, *ABC* class members with pending asylum and/or NACARA 203 applications are now required to follow standard DHS procedures for submitting change of address notifications. Under current DHS procedure for reporting changes of address, an *ABC* class member who has an asylum and/or NACARA 203 application pending with USCIS is required to submit Form AR-11, Alien's Change of Address Card, to a centralized DHS location (listed below) and should also notify the Asylum Office responsible for his or her case(s) of the change of address. Applicants can notify the Asylum Office by sending a copy of the Form AR-11 or a letter that contains the address change to the Asylum Office mailing address.

Because *ABC* class members have to follow standard DHS procedures for reporting a change of address, including reporting the address change to the central DHS address and the Asylum Office, submission of changes of address to the *ABC* Project Post Office Box is unnecessary. Closing the *ABC* Project Post Office Box and discontinuing Form I-855 eliminates confusion for *ABC* class members and ensures that address changes are properly updated in accordance with current DHS procedure.

### **Q. When will USCIS discontinue Form I-855, *ABC* Change of Address?**

**A.** The Form I-855, *ABC* Change of Address, will be discontinued with the effective closing of the *ABC* Project Post Office Box on November 30, 2005.

### **Q. When will the *ABC* Project Post Office Box be closed?**

**A.** USCIS was to close the *ABC* Project Post Office Box on October 5, 2005, sixty (60) days after publication in the Federal Register of the Notice announcing the change in procedure for *ABC* class members to report a change of address to USCIS. USCIS officially closed the *ABC* Project Post Office Box on November 30, 2005. Before closing the *ABC* Project Post Office Box, USCIS, through the media and community based organizations, publicly informed *ABC* class members of the need to submit Form AR-11 directly to the central DHS address and the request that they additionally notify in writing the appropriate Asylum Office of any change of address.

### **Q. What will happen to change of address notifications that are sent to the *ABC* Project Post Office Box after it is closed?**



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**A.** The U.S. Postal Service will not forward Form I-855, *ABC* Change of Address, or other mail sent to the *ABC* Project Post Office Box to the Asylum Offices. The U.S. Postal Service will return to the sender all mail addressed to the *ABC* Project Post Office Box after the box has been closed, as long as the mail contains a return address on the envelope. Mail without a return address will be destroyed.

It is important that a class member notify USCIS of any changes to ensure that the class member receives notice of his or her asylum interview. An *ABC* class member may lose the right to an *ABC* asylum interview and USCIS may deny his or her asylum application if the class member fails to appear for an interview and that failure to appear has not been excused for good cause.

**Q. What if a class member sends a change of address notification to the *ABC* Project Post Office Box after it is closed?**

**A.** The U.S. Postal Service will return to the sender all mail addressed to the *ABC* Project Post Office Box after the box has been closed, as long as the mail contains a return address on the envelope. Mail without a return address will be destroyed. *ABC* class members wishing to report a change of address must follow standard DHS procedure for reporting a change of address as described below in the section titled, *How should ABC class members notify USCIS of a change of address?*

**Q. How should *ABC* class members notify USCIS of a change of address?**

**A.** Part 265 of Title 8 Code of Federal Regulations requires all aliens, including *ABC* class members, who change their address, to file Form AR-11, Alien Change of Address Card, within 10 days of any change of address, at the following address:

For regular US Postal Service:

U.S. Department of Homeland Security  
Change of Address  
P.O. Box 7134  
London, KY 40742-7134

For overnight mailings only:

U.S. Department of Homeland Security  
Change of Address  
1084-I South Laurel Road  
London, KY 40744

Applicants may obtain Form AR-11 at their nearest post office, nearest DHS office, online at <http://uscis.gov/graphics/formsfee/forms/ar-11.htm>, or by calling the USCIS forms request line at 1-800-870-3676.

Additionally, *ABC* class members should notify the Asylum Office that has jurisdiction over the class member's asylum application of any change of address. They can do this by sending to the Asylum Office responsible for the asylum application a copy of the Form AR-11 or a signed and dated letter containing the change of address. The information in the change of address notice or AR-11 should be clearly printed.

Individuals should not use any copies of the Form I-855 to notify USCIS of a change of address after the *ABC* Project Post Office Box is closed. After the *ABC* Project Post Office Box is closed, Form AR-11,



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Alien's Change of Address Card, is the only form to be used by an alien to officially report a change of address to USCIS.