

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
ADMINISTRATIVE APPEALS OFFICE

IN THE MATTER OF:

Amicus: Standing

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BRIEF OF AMICI CURIAE
AMERICAN IMMIGRATION LAWYERS ASSOCIATION AND
AMERICAN IMMIGRATION COUNCIL
REGARDING STANDING OF BENEFICIARIES OF VISA PETITIONS

I. Introduction.

As many federal courts have recognized, beneficiaries have an interest in the outcome of the visa petitions filed for them. These interests are obvious, and include the ability of the beneficiaries and their families to live in the United States. In furtherance of these interests, beneficiaries and their families often have to relocate to the United States, forego other opportunities, and hitch their immigration futures to a visa petition. In addition, several statutes and regulations provide additional benefits to visa petition beneficiaries. Unfortunately, the agency's interpretation of its standing regulations has not kept pace with these statutory and regulatory changes or with developments in the federal courts. In this brief, Amici Curiae American Immigration Lawyers Association (AILA) and the American Immigration Council (Immigration Council) explain why the agency should bring its policies in line with current state of the law.¹

The American Competitiveness in the Twenty-First Century Act (AC21), Title 1, § 106, Pub. L. 106-313 (Oct. 17, 2000), created a new benefit for qualifying beneficiaries of employment-based visa petitions. For the first time, beneficiaries of visa petitions may be approved for adjustment of status notwithstanding a change to

¹ Amici curiae are limiting their arguments to the specific issue raised in the amicus briefing request. There are many instances in which a visa petition beneficiary has interests equal to or greater than that of the petitioner. These include priority date recapture under 8 C.F.R. 204.5(e), H-1B extensions beyond the six year limit under AC21 §§ 104(c), 106(b), grandfathering under INA § 245(i), revocation of approved visa petitions after the beneficiary has immigrated or adjusted status, and visa petition denials that implicate future bars to relief under INA §§ 204(c) or 212(a)(6)(C)(ii).

a new employer if their new position is in a “same or a similar occupation classification” and they have an “application for adjustment of status” that “has been filed and remained unadjudicated for 180 days or more” INA § 204(j). This change in the law significantly alters the analysis of who is an interested party in proceedings before USCIS where beneficiaries qualify under AC21. See § III.A, infra.²

As discussed in § III.B.1, infra, the USCIS possesses authority to immediately bring its policies and procedures in line with statutory and regulatory changes and intervening case law. Accordingly, the agency should interpret ambiguities in the existing regulations consistently with the intent of Congress and permit AC21 beneficiaries to participate in visa petition proceedings. This will avoid serious and ongoing due process violations, discussed in § III.B.2, arising out of USCIS’s present practice of adjudicating petitions without giving AC21 beneficiaries notice and an opportunity to respond. Section III.C proposes specific interim measures that should be adopted in published guidance to provide AC21 beneficiaries with notice and an opportunity to be heard in these cases. Finally, as argued in § III.D, the agency should engage in comprehensive rulemaking to bring its standing regulations in line with the modern view on standing.

² A beneficiary does not have to port to retain an interest in a visa petition filed by an employer for whom he no longer works. Under 8 C.F.R. § 204.5(e), a beneficiary of multiple I-140 visa petitions is entitled to the priority date of the earliest petition, unless that petition is revoked for fraud or misrepresentation. *See also* AFM ch. 22.2(d)(1); 9 FAM 42.53 N3.5. Amici urge the AAO to fashion its decision to recognize beneficiaries’ standing in visa petition proceedings in other contexts.

II. Interests of the Amici Curiae.

AILA is a national organization comprised of more than 14,000 lawyers and law professors practicing, researching, and teaching in the field of immigration and nationality law. AILA seeks to advance the administration of law pertaining to immigration, nationality, and naturalization; to promote reforms in the laws; to facilitate the administration of justice; and to elevate the standard of integrity, honor, and courtesy of those appearing in a representative capacity in immigration, nationality and naturalization matters. AILA's members practice regularly before the Department of Homeland Security and before the Executive Office for Immigration Review, as well as before the United States District Courts, Courts of Appeals, and Supreme Court, often on a *pro bono* basis. In this capacity, many of AILA's constituent lawyer-members represent foreign nationals who will be significantly affected by this case.

The Immigration Council is a non-profit organization established to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. The Council frequently appears before federal courts and administrative tribunals on issues relating to the interpretation of the Immigration and Nationality Act and related regulations.

Amici submit the enclosed brief in response to the AAO's April 7, 2015, request for amicus briefing on the issue of beneficiary standing. The underlying issue regarding the standing of beneficiaries to participate in the visa petition process is one of exceptional importance to AILA and its members and to the Council. Recently, AILA and the Council submitted an amicus brief to the U.S. Court of Appeals for the Second Circuit in Mantena v. Napolitano, No. 14-2476, which addressed the standing of a beneficiary who had ported under INA § 204(j). AILA and the Council have particular expertise regarding this issue, and our brief provides the AAO with valuable legal and historical perspective to assist the AAO in considering this issue.³

III. Legal Argument.

A. AC21 effected a significant change in the law by permitting certain I-140 beneficiaries to adjust status independent of the original petitioner.

The agency has long taken the view that beneficiaries of employment-based visa petitions are not able to make submissions in visa petition cases and are not entitled to notice of the proceedings. The agency's standing regulations have been on the books since the 1990s, long before AC21. The agency defined the term "affected party" for the first time through rulemaking in 1990. 55 Fed. Reg. 20767 (May 21, 1990) (final rule adopting 8 C.F.R. § 103.3(a)(i)(iii)(B)). Four years later, the agency adopted a rule providing that petitioners, but not beneficiaries, may be represented by an attorney in visa petition proceedings. 59 Fed. Reg. 1455 (Jan. 11, 1994) (final

³ Amici take no position on the merits of any appeal or any other issues that may be pending in any specific cases before the AAO. Amici thank the AAO for the invitation to appear as amici and we welcome the opportunity to do so in the future.

rule adopting 8 C.F.R. § 103.2(a)(3)). These regulations are out of step with the case law on standing and were implicitly abrogated, at least in part, by AC21.

Under the law prior to AC21, the petitioning employer must have an intent to employ the noncitizen at the time of filing and also at the time the adjustment of status application is adjudicated. See INA § 204(a)(1)(F). A corollary to this requirement was that, under the law prior to AC21, a petitioning employer could unilaterally withdraw a visa petition at any time prior to the adjudication of the beneficiary's adjustment of status application. 8 C.F.R. § 205.1(a)(3)(iii)(C) (approval automatically revoked "[u]pon written notice of withdrawal filed by the petitioner"). Thus, before AC21, whenever an employee-beneficiary changed employment or otherwise permanently separated from the petitioning employer, the beneficiary could no longer pursue adjustment of status based on the visa petition filed by the prior employer. See 59 Fed. Reg. 1455, 1458 (Jan. 11, 1994) ("a petitioner may withdraw an approved petition until such time as the beneficiary has been admitted or has adjusted status."). However, unless the visa petition was revoked for fraud or misrepresentation, the beneficiary would be able to retain the original priority date in future I-140 petitions. 8 C.F.R. 204.5(e); AFM ch. 22.2(d)(1); 9 FAM 42.53 N.3.5.

Congress enacted § 106 of AC21, codified at INA § 204(j), to permit certain I-140 beneficiaries to use the petition to adjust status even where the employer no longer has any continued interest in employing the beneficiary. Section 204(j) applies to beneficiaries of visa petitions whose applications for adjustment of status have

been pending for at least 180 days, and provides that the former employer's visa petition "shall remain valid" for the beneficiary's adjustment of status so long as the beneficiary is employed in a "same or similar occupational classification."

AC21 is a major change from prior law in that, for the first time, qualified beneficiaries of employment-based visa petitions have a statutory right to complete the green card process with an employer other than the original petitioner. Congress, in enacting AC21, changed prior law by providing qualified employment-based visa beneficiaries a tangible interest in a visa petition that was distinct from the petitioner's. Yet, under the agency's interpretation of its regulations predating AC21, petitioners are the only parties who can appear at any stage of the adjudication process for the petition. Because of this interpretation of these regulations, a beneficiary may not currently appear, present arguments, submit evidence, appeal, or receive notice at any stage of the adjudication process.

AC21 stands in stark contrast to the present interpretation of the "affected party" regulation. Once a beneficiary triggers AC21 by filing an adjustment of status application that remains pending for 180 days, the beneficiary has a right to change employment without risking the automatic revocation of the visa petition. In this situation, the original petitioner often will have little incentive to continue participating in the visa adjudication process. In fact, in some cases, the original petitioner may be hostile to the former employee, *e.g.*, where a highly talented employee has left to work for a competitor. But even if the prior employer is not openly

obstructing the visa process for its former employee, it is undoubtedly true that the prior employer is not generally interested in paying counsel or, if *pro se*, spending valuable time responding to filings issued by USCIS regarding the petition for the now-departed employee.

This creates a significant problem for beneficiaries, their new employers, and the agency where there are unresolved issues in relation to the prior employer's petition—a problem that severely undermines the viability of AC21. When the agency issues an adverse action (*i.e.*, a request for evidence, notice of intent to deny or revoke) in the visa petition proceeding, the current practice is to issue it only to the petitioner and to only permit the petitioner to participate. But in this scenario, the agency's outdated interpretation of its standing regulations conflicts with the rights provided to beneficiaries in AC21 and results in adjudications that lack input from any impacted stakeholders. Excluding beneficiaries from the adjudication process deprives the agency of legal arguments and evidence that could favorably resolve the case. This, in turn, leads directly to an increase in litigation because most federal courts have held, contrary to USCIS, that beneficiaries can challenge adjudication errors. Thus, permitting beneficiaries to participate will ultimately benefit the agency.

As discussed in the next section below, the agency has authority to issue interpretative guidance permitting AC21 beneficiaries to participate in visa petition

proceedings. This will cure significant due process issues arising from the agency's present failure to provide notice and an opportunity to be heard to AC21 beneficiaries.

- B. The Agency has a duty to interpret its regulations consistently with the INA and should favor an interpretation that avoids a constitutional violation.

USCIS has authority to reasonably interpret ambiguities in the statutes and regulations it administers. See National Family Planning & Reprod. Health Ass'n v. Sullivan, 979 F.2d 227, 230-231 (D.C. Cir. 1992) (agency is free to “alter the interpretative and policy views reflected in regulations construing an underlying statute, so long as any changed construction of the statute is consistent with express congressional intent”). This is a particularly important role for the agency when a new Congressional enactment implicates an existing regulation. The AAO should issue interpretative guidance permitting AC21 beneficiaries to receive notice and participate in the adjudication process because a contrary result would violate the due process rights of such beneficiaries and result in decisions made on incomplete and inaccurate records.

1. The AAO should interpret its standing regulations in a way that avoids a conflict with AC21.

The agency's standing regulations do not specifically address AC21 beneficiaries because such beneficiaries did not exist at the time the regulations were adopted. The present regulation states that an “affected party . . . means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.” 8 C.F.R. § 103.3(a)(1)(iii)(B) (emphasis added). Additionally, 8 C.F.R. §

103.2(a)(3) states that “[a] beneficiary of a petition is not a recognized party in such a proceeding.” Until the agency can engage in rulemaking, see Arg. § III.D, infra, the AAO should interpret these regulations as not applying to AC21 beneficiaries because such beneficiaries do have “legal standing” in a visa petition proceeding. Otherwise, the regulations conflict with AC21 and are additionally internally incoherent because most of the courts to consider the question have found that AC21 beneficiaries have legal standing.

As discussed supra, § III.A, AC21 provided for the first time that a beneficiary may adjust status based on the petitioner’s I-140 even if the beneficiary is no longer working for the petitioner. In doing so, AC21 created an implicit conflict with the agency’s interpretation of its standing regulations because in many cases, the AC21 beneficiary is the only party with any ongoing interest in the prior employer’s visa petition. The AAO should permit AC21 beneficiaries to participate to protect the integrity of the adjudication process because the alternative is to have the agency issuing decisions without the participation of any party.

Moreover, issuing guidance along these lines will bring USCIS’s views on AC21 standing in accord with those of the federal courts to have considered the issue. Indeed, many federal courts have held that all visa beneficiaries, not just AC21 beneficiaries, have legal standing to challenge erroneous decisions issued by USCIS. As one court explained, “the immigrant beneficiary is more than just a mere onlooker; it is her own status that is at stake when the agency takes action on a preference

classification petition.” Abboud v. INS, 140 F.3d 843, 847 (9th Cir. 1998) (quoting Sanchez v. Trujillo v. INS, 620 F. Supp. 1361, 1363 (W.D.N.C. 1985)). Accord Kurapati v. USCIS, 775 F.3d 1255, 1260-61 (11th Cir. 2014) (per curiam); Patel v. USCIS, 732 F.3d 633, 638 (6th Cir. 2013); Bangura v. Hansen, 434 F.3d 487, 499-500 (6th Cir. 2006); Ghaly v. INS, 48 F.3d 1426, 1434 n.6 (7th Cir. 1995); Taneja v. INS, 795 F.2d 355, 358 n.7 (4th Cir. 1986).

The Supreme Court’s recent decision in Lexmark Int’l, Inc. v. Static Control Components, Inc., ___ U.S. ___, 134 S. Ct. 1377 (2014), clarifies that courts should be expansive when considering a plaintiff’s interest. Standing comes in two varieties. First, constitutional standing concerns whether the plaintiff has a “case or controversy” that may be addressed by the federal judiciary. Second, statutory standing, formerly known as “prudential” standing, concerns whether “as a matter of statutory interpretation” Congress intended to permit plaintiffs to sue under the statute at issue. Lexmark, 134 S. Ct. at 1386. Lexmark addressed the latter variety.

The Court set forth a two-part test to determine whether a plaintiff has statutory standing. First, the Court considers whether the plaintiff is within the “zone of interests” protected by the statute. The Court liberally construes a plaintiff’s possible interest in a lawsuit and will find standing unless the plaintiff’s interests are marginal:

we have often “conspicuously included the word ‘arguably’ in the test to indicate that the benefit of any doubt goes to the plaintiff,” and have said that the test “forecloses suit only when a plaintiff’s ‘interests are so marginally related to or inconsistent with the purposes implicit in

the statute that” it cannot reasonably be assumed that Congress authorized the plaintiff to sue.

Lexmark, 134 S. Ct. at 1389 (quoting Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak, 567 U.S. ___, 132 S. Ct. 2199, 2210 (2012)).

Second, the Court has limited a statutory cause of action “to plaintiffs whose injuries are proximately caused by violations of the statute.” 134 S. Ct. at 1390. This requires an analysis of “whether the harm alleged has a sufficiently close connection to the conduct the statute prohibits.” 134 S. Ct. at 1390. Applying these factors to the controversy presented to the Court, the Court did not hesitate to unanimously conclude that the plaintiff in that case had standing to sue.

Accordingly, the AAO should issue published guidance permitting AC21 beneficiaries to participate in the adjudication process as this will avoid a conflict with AC21 and the Supreme Court’s views on legal standing as expressed in Lexmark. It can do so by interpreting the regulation such that the regulatory limit on a beneficiary’s standing does not apply when the beneficiary is, in fact, an “affected party”—that is, a party with “legal standing” as consistently defined by the federal courts. See, e.g., Patel, 732 F.3d at 637-38; Kurapati, 775 F.3d at 1259-61; Cheeku, Inc. v. Napolitano, 2014 U.S. Dist. LEXIS 10604 at *7-8 (N.D. Ill. 2014); Betancur v. Roark, 2011 U.S. Dist. LEXIS 158118, at *8 (D. Mass. 2011); Musunuru v. Holder, 2015 U.S. Dist. LEXIS 10403, at *7-8 (E.D. Wis. 2015).

2. Permitting AC21 beneficiaries to participate will avoid due process violations and preserve agency resources.

USCIS should take immediate action to permit AC21 beneficiaries to participate because AC21 altered the landscape and implicitly invalidated the agency's standing regulations. Permitting AC21 beneficiaries to participate in visa petition proceedings involving their prior employer is also required by the Fifth Amendment's guarantee of due process of law.

The hallmark of due process is the right to be heard. Beneficiaries of visa petitions who have ported to a new employer presently receive no notice before adverse action is taken on the former employer's visa petition, even though they are likely the only party with an ongoing interest in the petition. This violates the fundamental principle that the government must give notice "to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Mullane v. Central Hannover Bank & Trust Co., 339 U.S. 306, 314 (1950). Mullane concerned notice by publication to putative members of a trust regarding issues relating to the trust. Although obviously arising in a different context, Mullane is instructive in that the Court disapproved notice by publication as to individuals for whom the trust possessed "names and post-office addresses of those affected" but failed to provide notice by "ordinary mail to the record addresses." 339 U.S. at 318.

Here, the agency does not provide any notice to beneficiaries regarding actions taken in visa petition proceedings, by publication or otherwise. The agency's current practice of issuing notices solely to petitioners where the agency has contact

information for the beneficiary of the visa petition violates the core principle of Mullane that notice should be given to all interested parties prior to issuing an adverse decision. While agency regulations do not presently require that notice be given to beneficiaries under these circumstances, as discussed in Arg. § III.B.1, supra, an interpretation of these regulations as prohibiting such notice would conflict with AC21 and therefore cannot stand. This is particularly true since there is no regulation prohibiting the agency from providing notice in these circumstances.

“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” Matthews v. Eldridge, 424 U.S. 319, 333 (1976). USCIS’s present interpretation of the regulations provides neither notice nor an opportunity to respond to AC21 beneficiaries. As discussed in the next section, the AAO should exercise its power to interpret ambiguities in the regulations and adopt published guidance providing AC21 beneficiaries with notice and an opportunity to respond to avoid any further due process violations. See Stinson v. United States, 508 U.S. 36, 45 (agency’s interpretation of its own regulations will be controlling so long as it “does not violate the Constitution or a federal statute”).

No court has squarely addressed the constitutional due process rights of AC21 beneficiaries.⁴ There can be no question that AC21 beneficiaries have a strong

⁴ Several courts have, in passing, quoted the common refrain that visa beneficiaries do not have a property interest in a visa petition, but the courts that have done so have failed to analyze the historical record or examine how AC21 marked a significant departure from prior law. See, e.g., Betancur v. Roark, 2012 U.S. Dist. LEXIS 14762 (D. Mass. 2012) (rejecting due process argument with one sentence without analyzing AC21 and citing cases that do not involve AC21); Patel v. Johnson, 2 F. Supp. 3d 108, 127 (D. Mass. 2015) (rejecting due process challenge without analyzing change in the

interest in any adverse actions taken in relation to their prior employer's visa petition. As noted by one court, "it is the alien, not the employer, who is entitled to a visa." Patel v. USCIS, 732 F.3d 633, 636 (6th Cir. 2013). See also Shalom Pentecostal Church v. Acting Sec'y, DHS, 783 F.3d 156 (3rd Cir. 2015); Kurapati v. USCIS, 775 F.3d 1255, 1261 (11th Cir. 2014) (per curiam).

The AAO should not wait for a court to find that the agency's failure to provide notice or an opportunity to respond violates due process, and should instead take affirmative steps, outlined below, to address the issue. Even if the AAO believes that these procedures are not constitutionally required, the recommended procedures will benefit the agency by permitting it to reach accurate adjudications with the participation of all stakeholders and will avoid conflicting with the beneficiary-protective intent of AC21.

- C. The AAO should issue published guidance permitting AC21 beneficiaries to participate in visa petition proceedings because the regulations are silent, and therefore ambiguous, as to whether AC21 beneficiaries may be given notice and an opportunity to respond.

The agency's regulations require notice to be given to "the petitioner or applicant" of all actions taken on a visa petition. See 8 C.F.R. §§ 103.2(b)(8)(iii), 103.2(b)(19). While the regulations do not mandate notice to beneficiaries, there is nothing in the regulations prohibiting such notice. The current regulations also provide that a beneficiary is not an affected party in a visa petition proceeding. 8

law effected by AC21, and citing only a single case that did not involve AC21); Musunuru v. Holder, 2015 U.S. Dist. LEXIS 10403 (D. Wis. 2015) (rejecting due process challenge without analyzing how AC21 altered the legal landscape).

C.F.R. § 103.3(a)(1)(iii)(B). As discussed supra, Arg. § III.B.1, this regulation is nonsensical in that it purports to permit any person with “legal standing” to participate, but then arbitrarily excludes beneficiaries. But putting aside the regulation’s consistency with governing law as to visa petition beneficiaries in general, the enactment of AC21 significantly altered the law. See Arg. III.A, supra. A regulation that clearly conflicts with an act of Congress is invalid. Allen v. United States, 173 F.3d 533, 536 (4th Cir. 1999). The AAO should address this problem by issuing interim, published guidance providing potential AC21 beneficiaries with notice and an opportunity to respond to adverse actions in visa petition proceedings.

Publishing a precedential decision permitting beneficiaries of employment-based visa petitions to be heard in the adjudication process will solve several problems. The agency has an obligation to provide AC21 beneficiaries with notice and an opportunity to respond in these proceedings. See Arg. § III.B.2. But aside from the due process concerns, permitting AC21 beneficiaries to appear and present arguments will benefit the agency because it will provide a more complete and accurate record for a decision, and will permit the agency to favorably resolve cases where the beneficiary is able to overcome the basis for the adverse action. This, in turn, increases administrative efficiency by avoiding unnecessary litigation in federal court.

Amici are aware of instances where the original petitioner withholds immigration documents, including approval notices, from beneficiaries either as a

means to keep them with the petitioner or to punish them for leaving. These beneficiaries often cannot obtain these documents through FOIA because they are redacted. The beneficiaries need these documents throughout the immigration process, such as to show that a petition was filed or approved. By recognizing the standing of AC21 beneficiaries, USCIS will protect the beneficiaries from unscrupulous former employers and their attorneys. This is, in turn, consistent with the clear intent of Congress in enacting AC21 to protect beneficiaries.

Amici recommend that USCIS adopt the following interim procedures until it may engage in a rulemaking process to comprehensively amend its standing regulations. USCIS should:

1. Provide notice to the beneficiary at the time of the filing of any application for adjustment of status based on an employment-based visa petition that the beneficiary may have a right to port the visa petition to a new employer under AC21;
2. Provide notice to potential AC21 beneficiaries of any subsequent actions taken with regard to the petitions and an opportunity to respond to any adverse actions; and
3. Fully consider any responsive briefing or evidence submitted by the beneficiary in adjudicating the underlying visa petition.

By taking the above actions, the agency will be protecting the due process rights of all potential AC21 beneficiaries by providing them with notice of their rights

under AC21 and an opportunity to be heard in response to any adverse actions. Permitting all stakeholders to participate is also in the agency's best interest because it will assist the agency in making fair and well-founded adjudications.

As to the second recommendation relating to notice of adverse actions, such notice should be issued to beneficiaries with pending adjustment applications regardless whether the adjustment application has yet been pending 180 days. Otherwise applicants whose adjustment cases have not been pending 180 days could accrue the 180 days during the response period for the RFE, NOID or NOIR. Due process requires that all such beneficiaries have notice and an opportunity to respond.

These actions will increase administrative efficiency and avoid unnecessary litigation by permitting the agency to receive and review legal and evidentiary submissions from all interested parties and consider them during the adjudication process.

- D. The agency should reconsider through notice and comment rulemaking its regulations regarding standing because standing rules should be consistent between the agency and the federal courts.

Amici also recommend that the agency engage in a notice and comment rulemaking procedure to amend the regulations governing who has standing to participate in visa petition proceedings. Doing so will bring the agency's views on standing in line with the views of the federal judiciary on the issue.

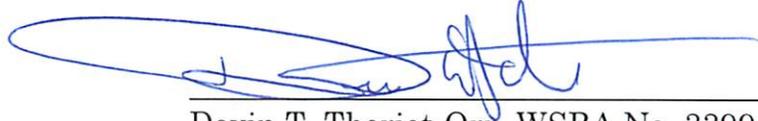
As discussed in detail in § III.B.1, supra, judicial views on standing have changed in the years since the agency last considered this issue. USCIS's prohibition

on permitting beneficiaries from participating in visa petition proceedings is significantly out of step with the views of the federal judiciary. USCIS should engage in a rulemaking proceeding to reexamine its standing rules with a view to permitting all beneficiaries to have notice and an opportunity to respond in all visa petition proceedings, not just those implicated by AC21.

IV. Conclusion.

When a beneficiary files an application for adjustment of status based on an employment-based visa petition, the beneficiary should receive notice of his or her rights under AC21. The AAO should issue published guidance clarifying that employment-based beneficiaries seeking adjustment of status should receive notice of their rights under AC21 and have an opportunity to respond to adverse actions. This will ultimately benefit the agency because it will allow the agency to have a full and well-developed legal and factual record before adjudicating such cases.

Respectfully submitted this 21st day of May, 2015.



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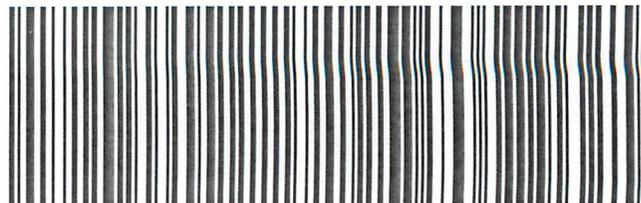
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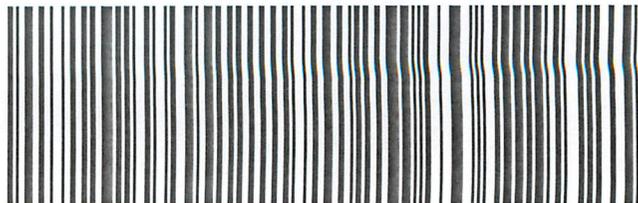
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