

The Honorable Richard A. Jones
United States District Judge

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

B.H., M.A., A.S.D., M.F., H.L.,
L.M.M.M., B.M., G.K., L.K.G., and D.W.,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

U.S. CITIZENSHIP AND
IMMIGRATION SERVICES;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Janet
NAPOLITANO, Secretary, Department of
Homeland Security; Alejandro
MAYORKAS, Director, U.S. Citizenship
and Immigration Services; Eric H.
HOLDER, Jr., Attorney General of the
United States; Juan OSUNA, Director,
Executive Office for Immigration Review,

Defendants.

No. CV11-2108-RAJ

SUPPLEMENTAL CLASS NOTICE
REGARDING AMENDMENT OF
SETTLEMENT AGREEMENT AND
ATTORNEYS' FEES

IMPORTANT REVISED CLASS NOTICE

This Notice contains important information that may pertain to you. Please read it
carefully. Under the Settlement Agreement in *B.H., et al. v. United States Citizenship and
Immigration Services, et al.*, No. CV11-2108-RAJ (W.D. Wash.) (also referred to as

1 “ABT Settlement Agreement”),¹ certain individuals who seek to file an asylum
2 application or have already filed an asylum application, are entitled to new procedures
3 relating to the crediting of time toward eligibility for employment authorization.
4

5 The complete Settlement Agreement, including definitions of Class Members, exact
6 terms of the relief, and the exact terms of any process available to seek review of an
7 alleged violation of the Settlement Agreement, may be found at www.nwirp.org,
8 <http://www.legalactioncenter.org/litigation/asylum-clock>, www.mlri.org, and [www.ghp-](http://www.ghp-law.net)
9 [law.net](http://www.ghp-law.net). In addition, this information is available on the USCIS website, www.uscis.gov,
10 and the EOIR website, www.usdoj.gov/eoir.
11

12 The Court held a Fairness Hearing on the Proposed Settlement Agreement on September
13 20, 2013. No formal objection to the settlement was received; however, the Court
14 received a letter raising concerns regarding a single issue. In response to this letter of
15 concern, the parties proposed adding language to Part III.A.5.a. to clarify one point of the
16 settlement agreement, italicized below in bold:

17
18 Following a BIA remand of a case for the adjudication of an
19 asylum claim, whether on appeal from an immigration judge
20 decision or following a remand from a U.S. Court of Appeals, for
21 purposes of EAD eligibility, the applicant will be credited with the
22 number of days that elapsed between the initial immigration judge
23 denial and the date of the BIA remand order. ***In addition, the***
24 ***applicant will accrue time creditable toward employment***
25 ***authorization from the date of the BIA remand order going***
26 ***forward, exclusive of applicant caused delays.*** An asylum
27 applicant seeking employment authorization must attach a copy of
28 the complete BIA order remanding the case for the adjudication of
29 an asylum claim to the immigration court to his or her application
30 for employment authorization.
31

32 The modified Settlement Agreement also includes a revision to Part III.A.5.c., adding
33 language addressing the implementation timeframe to mirror language that appears
34 elsewhere in the Agreement, although the Court received no objection addressing this
35 issue. The new language of Section 5.c. now reads, with the additional language italicized
36 in bold: “The relief described in this Agreement in Section III.A.5. shall apply to all
37 Remand Subclass members whose asylum cases have been remanded and whose asylum
38 cases are pending before EOIR at the time the Defendants implement these settlement
39 terms, and shall apply prospectively. ***Defendants will implement these resolutions within***
40 ***six (6) months of the Effective Date of this Agreement.***”
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42 ¹ The original caption for this action listed “A.B.T., K.M.-W., G.K., L.K.G., [and] D.W.” as the individual
43 plaintiffs. This Notice will refer to this action as “ABT,” the Settlement Agreement in this action as “the
44 ABT Settlement Agreement,” claimants under the Agreement as “ABT claimants,” and the claim review
45 process under the Agreement as the “Individual ABT Claim Review process.”

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2 A red-lined version of the Settlement Agreement is available at www.nwirp.org and
3 <http://www.legalactioncenter.org/litigation/asylum-clock>. In addition, this information is
4 available on the USCIS website, www.uscis.gov, and the EOIR website,
5 www.usdoj.gov/eoir.

6
7 In addition, at the Fairness Hearing the Court directed the parties to provide additional
8 notice to the Class Members of the proposed payment of Attorney's Fees and Costs of
9 \$425,000. Details of claimed attorney and paralegal work demonstrating that this is a
10 reasonable payment may be found at www.nwirp.org and
11 <http://www.legalactioncenter.org/litigation/asylum-clock>.

12
13 Any objections to the above revisions of the proposed settlement agreement or to the
14 proposed payment of Attorney's Fees and Costs should be submitted to the Court within
15 thirty (30) days of the date of this notice. The notice to the Clerk of the Court shall be
16 sent to: Clerk, U.S. District Court for the Western District of Washington, 700 Stewart
17 Street, Seattle, WA 98101, and both the envelope and letter shall state "Attention:
18 *A.B.T., et al. v. United States Citizenship and Immigration Services, et al.*, No. CV11-
19 2108-RAJ (W.D. Wash.)." Copies shall also be served on counsel for Plaintiffs and
20 counsel for Defendants as set forth below:

21
22 TO PLAINTIFFS:

23
24 Matt Adams
25 NORTHWEST IMMIGRANT RIGHTS PROJECT
26 615 2nd Avenue, Suite 400
27 Seattle, WA 98104

28
29 TO DEFENDANTS:

30
31 J. Max Weintraub
32 Senior Litigation Counsel
33 United States Department of Justice, Civil Division
34 Office of Immigration Litigation – District Court Section
35 P.O. Box 868, Ben Franklin Station
36 Washington, D.C. 20044

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38 Dated: September 27, 2013
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