

**NOTICE OF PROPOSED SETTLEMENT  
AND HEARING IN CLASS ACTION  
FOR SPECIAL IMMIGRANT JUVENILES**

*A court authorized this notice. This is not a solicitation from a lawyer.*

**TO:**

- “[A]liens, including, but not limited to, Special Immigrant Juvenile (“SIJ”) applicants, who, on or after May 13, 2005, apply or applied for SIJ status or SIJ-based adjustment of status based upon their alleged SIJ eligibility.”

You are hereby notified that the parties in *Perez-Olano, et al. v. Holder, et al.*, have presented a proposed settlement of this lawsuit to the Court for approval pursuant to Federal Rule of Civil Procedure 23(e) and a hearing has been scheduled for **December 13, 2010, at 10:00 a.m.**, before the Honorable Dean D. Pregerson of the United States District Court for the Central District of California, 312 N. Spring Street, Courtroom 3, Second Floor, Los Angeles, California. The Court has directed that this notice be provided so that persons whose rights may be affected by the Settlement may have an opportunity to object to it.

**Purpose Of This Notice**

This notice has three purposes: 1) to tell you about the proposed settlement and the fairness hearing; 2) to tell you how to obtain more information, including a copy of the full proposed settlement agreement; and 3) to explain how you may object to the proposed settlement if you disagree with it.

**If you have applied, or wish to apply, for lawful resident status in the United States as an SIJ, this Notice contains important information about your rights. Please read this carefully.**

**Background**

Federal law, 8 U.S.C. § 1101(a)(27)(J) provides a way for certain non-citizen juveniles who have been abused, abandoned, or neglected to apply for immigration status in the United States. This status is known as Special Immigrant Juvenile status (“SIJ status”). Once a juvenile obtains SIJ status, he or she may apply, in accordance with 8 U.S.C. § 1255, for SIJ-based adjustment of status.

Plaintiffs filed this class action (“Perez-Olano”) on May 13, 2005, to challenge certain policies and practices they alleged unlawfully blocked youth from seeking or obtaining SIJ status and lawful permanent residence as SIJs. The parties have now reached a settlement and presented it to the Court for its approval.

## **Description Of Proposed Settlement Agreement**

The following description is only a summary of the key points in the proposed settlement agreement. Information on obtaining a copy of the full, proposed settlement is provided after this summary. The settlement will become effective on the date that the Court approves it. The settlement agreement will be in effect for six (6) years.

The settlement confers benefits on three sub-groups of actual or potential SIJ applicants:

- Minors whose requests for “specific consent” to state court jurisdiction Defendants denied or failed to adjudicate before they turned 18 years of age.
- Minors whose petitions for SIJ classification Defendants denied or revoked pursuant to 8 C.F.R. § 204.11(c)(1) or (5), or § 205.1(a)(3)(iv)(A),(C), or (D).
- Minors in removal proceedings, who have a final removal order that is more than 90 days-old, and, therefore, were unable to seek SIJ-based adjustment of status.

The key terms of the proposed settlement provide:

- Juveniles in HHS custody need obtain specific consent to state court jurisdiction from HHS only if the state court determines or alters their custody status.
- Juveniles who are not in HHS custody are not required to obtain specific consent before they may invoke the jurisdiction of a juvenile court.
- HHS will make efforts to adjudicate requests for specific consent within 30 days of receipt and will implement a process for handling appeals of any denials.
- USCIS will not deny SIJ petitions or SIJ-based adjustment of status applications on account of age or dependency status if, at the time the class member files the petition or application, he or she is under 21 years of age or is the subject of a valid dependency order even if dependency is later terminated on the basis of age.
- USCIS will not revoke SIJ status or SIJ-based adjustment of status if, at the time the class member files the petition or application, he or she is under 21 years of age or the subject of a valid dependency order even if dependency is subsequently terminated on the basis of age.
- SIJ-based adjustment of status applicants may file Form I-765 applications for employment authorization together with their applications for SIJ-based adjustment of status.
- Persons who applied for SIJ status on or after May 13, 2005 and whose applications were denied on account of age or dependency status may file a motion to reopen with USCIS with a fee waiver request, where appropriate. USCIS will then adjudicate such persons’ SIJ status petitions and/or SIJ-based adjustment of status applications in accord with the Settlement’s provisions.
- ICE will join motions to reopen removal proceedings filed by juveniles granted SIJ status if the following criteria have been met: (i) the juvenile requests joinder within 60 days of being notified by USCIS that it has granted him or her SIJ status; (ii) the juvenile is not inadmissible under INA § 212 or removable under INA § 237, on grounds that disqualify him or her from adjustment of status, or if inadmissible, the grounds of inadmissibility have been waived or are waivable.
- Neither USCIS nor HHS has waived any obligation or authority that it may have under the APA to promulgate valid and effective regulations following the effective date of the agreement.
- The settlement agreement terminates six years after the effective date of the agreement.

- The settlement agreement does not include any agreement regarding attorneys fees. Instead, the proposed settlement states that Plaintiffs may attempt to negotiate, request, seek, or solicit fees pursuant to the Equal Access to Justice Act.

### **Obtaining a copy of the Settlement Agreement**

You may obtain a copy of the Settlement Agreement at the following websites:

[www.uscis.gov](http://www.uscis.gov) – under the Legal Settlement Notices tab

[www.ice.gov](http://www.ice.gov)

<http://www.acf.hhs.gov/programs/orr/>

You may also obtain a complete copy of the proposed settlement from class counsel, Center for Human Rights & Constitutional Law, 256 S. Occidental Blvd., Los Angeles, CA 90057, [kheredia@centerforhumanrights.org](mailto:kheredia@centerforhumanrights.org).

### **Procedures For Class Members Who Wish To Object:**

IF YOU AGREE with the proposed settlement, you do not need to do anything. If you wish to attend, you may be present at the public hearing on the proposed settlement as stated above.

IF YOU DISAGREE with the proposed settlement, you have a right to object to it. Your objections will be considered by the Court as it reviews the settlement ONLY IF you follow these procedures:

1. Objections must be filed in writing by mail (Titled: Perez-Olano Settlement Objection), to the Clerk of the United States District Court for the Central District of California, 312 N. Spring Street, Los Angeles, CA 90012

#### **ALL OBJECTIONS MUST CONTAIN THE FOLLOWING INFORMATION:**

Title: Perez-Olano Settlement Objection

Name, address, and telephone number of the person filing the objection.

A statement of the reasons for the objection.

A statement that copies of the objections have also been sent to the attorneys listed at the end of this notice.

2. You must send copies of your objections to all attorneys listed at the end of this notice.
3. The deadline for filing objections and mailing them to the attorneys listed below is November 30, 2010. If Objections are filed by mail, they must be postmarked on or before November 30, 2010 to be considered timely. Objections filed or mailed on or after that date will not be considered. Class members who fail to file objections on or before November 30, 2010 will not be permitted to testify at the settlement hearing.
4. The deadline for filing a notice of intention to appear at the Fairness Hearing (December 13, 2010), must deliver to Class Counsel and Defendants' Counsel and file that notice with the Court, no later than December 6, 2010. The notice of intention to appear must include a

statement indentifying any documents the Class Member will seek to introduce or witnesses the Class Member will seek to call.

Attorneys' Names and Addresses for Defendants and Plaintiffs:

For the Plaintiffs:

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For the Defendants:

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