

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

[PROPOSED] 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”),<sup>1</sup> 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](http://www.nwirp.org),  
8 <http://www.legalactioncenter.org/litigation/asylum-clock>, [www.mlri.org](http://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](http://www.uscis.gov),  
10 and the EOIR website, [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

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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.

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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 <sup>1</sup> 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](http://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](http://www.uscis.gov), and the EOIR website,  
5 [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).  
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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](http://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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