

## **July 23, 2014: District Court Issues Final Approval of Settlement Agreement**

On July 21, 2014, the District Court issued a **final approval** of the settlement agreement in *Duran Gonzalez*. Read the [Settlement Agreement](#) for a full explanation of who qualifies as a class member and what steps class members must take in order to seek relief.

*Duran Gonzalez* is a Ninth Circuit-wide class action regarding eligibility for adjustment of status under INA § 245(i) along with an accompanying I-212 application (consent to reapply) for individuals who previously were removed. In a 2007 decision in this suit, *Duran Gonzales v. DHS*, 508 F.3d 1227 (9th Cir. 2007), the Ninth Circuit held that individuals who previously were removed are no longer eligible for adjustment of status with an I-212 waiver unless they remain outside the United States for at least ten years. However, after remand, and another appeal, the Ninth Circuit subsequently remanded the case again to the district court for consideration of plaintiffs' retroactivity claims; i.e., that plaintiffs' remain eligible to adjust status based on the law in effect at the time they filed their adjustment and I-212 applications. See *Duran Gonzales v. DHS*, 712 F.3d 1271 (9th Cir. 2013). The settlement involves remedies for class members with retroactivity claims, including some class members with reinstatement orders under INA § 241(a)(5). The amended class definition (i.e., a description of who is covered by the agreement) is set out on pages 3-5 of the settlement agreement.

The settlement agreement covers individuals in the Ninth Circuit who filed an adjustment of status application and an I-212 application on or after August 13, 2004 and on or before November 30, 2007. Individuals who did not file *both* an adjustment application and an I-212 application on or after August 13, 2004 and on or before November 30, 2007 are *not* covered by the settlement agreement.

Class counsel will be issuing an FAQ about the settlement in the upcoming weeks and **will be hosting a webinar on Wednesday, July 30, 2014 at 10 PST**. Click [here](#) to register for the webinar.

**Additional Information:** For more information about the *Duran Gonzalez* can be found on the [litigation page](#) of American Immigration Council website.