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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

PROYECTO SAN PABLO, et al.,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendant.

No. CV 89-456-TUC-RCC

ORDER

Pursuant to the Parties' Stipulation (Docket No. 501),

IT IS HEREBY ORDERED:

1. Plaintiffs' Second Motion to Compel (Docket No. 488) is WITHDRAWN, in consideration of the following stipulated agreement concerning the treatment of legalization applications of class members whose applications were denied by Defendants and are now subject to the provisions of the Court's Amended Order dated June 6, 2007 (Docket No. 475).
2. The June 6, 2007 Order required Defendants to reopen such denials and not to adjudicate the applications until the provisions of the order were complied with, including but not limited to providing a response to Freedom of Information Act ("FOIA") requests for tapes and transcripts of prior

1 deportation hearings, and accepting and adjudicating waiver applications.
2 Defendants have filed an appeal of that Order to the Ninth Circuit, challenging
3 the provisions of the order regarding waivers. By agreement of the parties, the
4 Court stayed Defendants' compliance with the waiver adjudication
5 requirements of the June 6, 2007 Order (Section III) pending the outcome of
6 Defendants' appeal. (Docket No. 492).

7 3. The procedure for reopening applications pursuant to the Court's June 6, 2007
8 Order shall be as follows: Class members shall submit motions to reopen on
9 Form I-290B and shall pay the filing fee for a motion to reopen (currently
10 \$585), or submit a request for a waiver of the filing fee pursuant to 8 C.F.R.
11 § 103.7(c). Class members who filed motions to reopen prior to the Court's
12 May 4, 2007 Order that are still pending do not have to resubmit a new motion
13 to reopen or submit fees for subsequent extension of their employment
14 authorization documents.


15 4. Class members who wish to file a waiver application must use Form I-690, and
16 pay the required fee; however, there is no requirement that class members file
17 a waiver application, or that class members who previously filed a waiver
18 application file a new waiver application.

19 5. Class members who submit motions to reopen as described in paragraph 3
20 above may submit a Form I-765 Application for Employment Authorization,
21 and may obtain annual renewals of such employment authorization. From this
22 date forward, no filing fee shall be required for such initial applications for
23 employment authorization or for renewals of such employment authorization.
24 Any class members requested to submit their biometrics at an Application
25 Support Center (ASC) will be required to pay the biometric services fee
26 (currently \$80); although USCIS anticipates that few if any class members will
27 be required to submit their biometrics at an ASC.
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- 6. Defendants shall adjudicate such employment authorization applications from class members within 90 days, or failing that, upon the request of a class member, issue an interim employment authorization document as required by 8 C.F.R. § 274a.13(d).
- 7. Defendants will hold in abeyance the applications of class members who properly submit motions to reopen pursuant to the Court's Orders of May 4, 2007 and June 6, 2007, and who either submit or have submitted accompanying waiver applications, that are the subject of this lawsuit, until the resolution of the appeal pending before the Ninth Circuit.
- 8. Defendants shall post instructions alongside the previously posted notices to *Proyecto* class members in readily accessible locations on their website, and maintain such instructions until the final adjudication of each class member's application. Said instructions shall be in the form attached to this stipulation. *See Exhibit A.*
- 9. Each party will bear its own fees and costs associated with the second motion to compel (Docket No. 488). Plaintiffs will not seek attorney's fees or costs under the Equal Access to Justice Act, or any other provision of law, for this second motion to compel.

DATED this 3rd day of March, 2008.



Raner C. Collins
United States District Judge