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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 PROYECTO SAN PABLO, et al.,

10 Plaintiff,

11 vs.

12 DEPARTMENT OF HOMELAND
13 SECURITY, et al.,

14 Defendant.
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No. CV 89-456-TUC-RCC

ORDER

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17 Pursuant to the Parties' Stipulation (Docket No. 501),
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19 IT IS HEREBY ORDERED:

- 20 1. Plaintiffs' Second Motion to Compel (Docket No. 488) is WITHDRAWN, in
21 consideration of the following stipulated agreement concerning the treatment
22 of legalization applications of class members whose applications were denied
23 by Defendants and are now subject to the provisions of the Court's Amended
24 Order dated June 6, 2007 (Docket No. 475).
25 2. The June 6, 2007 Order required Defendants to reopen such denials and not to
26 adjudicate the applications until the provisions of the order were complied
27 with, including but not limited to providing a response to Freedom of
28 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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