



USCIS Update

Nov. 3, 2008

USCIS SETS APPLICATION PERIOD IN NORTHWEST IMMIGRANT RIGHTS PROJECT LEGALIZATION CASE

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced that on Sept. 9, 2008, the U.S. District Court for the Western District of Washington entered an order approving the settlement agreement in the Northwest Immigrant Rights Project (NWIRP) legalization case.

The NWIRP case is a class action lawsuit that involved claims by individuals who were unable to apply or who were deemed ineligible for legalization under the Immigration Reform and Control Act (IRCA) of 1986 because of issues as to whether unlawful status was “known to the government.”

The settlement agreement allows certain individuals who were unable to apply for legalization to apply now for legalization. The settlement also allows certain individuals whose applications were denied for certain reasons, to move to reopen their applications with USCIS for review under specified legal standards. In addition, the agreement allows certain individuals whose applications remain pending to alert USCIS to their cases.

The application period will be open for one year for individuals who meet specific criteria, including entering the United States on a nonimmigrant visa prior to Jan. 1, 1982. The application period will commence Feb. 1, 2009 and end Jan. 31, 2010. More information about the application process may be found at local USCIS offices or online at www.uscis.gov.

Individuals who attempted, but were unable to file, an application under specific circumstances between May 5, 1987 and May 4, 1988, must file a class membership application and an application for legalization on Form I-687 (Application for Status as a Temporary Resident). Individuals who filed during this filing period but whose applications were denied must file a class membership worksheet, Form I-290B, and appropriate filing fee. Individuals who filed during this filing period and have a pending application do not have to file another legalization application; however, they have the option to file a class membership application in order to alert USCIS to the pending case.

The settlement agreement is not a new legalization or “amnesty” program. Only individuals who meet specific criteria will be able to apply for immigration benefits under the agreement. Class members may prepare and file their applications themselves or they may wish to seek the assistance of a reputable attorney, or accredited representative. USCIS cautions class members to be cautious of unscrupulous individuals (including certain immigration attorneys, consultants or “notarios”) and to avoid anyone who guarantees the approval of an application for immigration benefits. Visit the “Finding Legal Advice” section under “Services and Benefits” on the USCIS Web site for more guidance on finding legal representation.



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