UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 87-4757-WDK **Date:** July 2, 1999

Title: Felicity Mary Newman, et al. v. Immigration and Naturalization Service, et al.

DOCKET ENTRY

Post-it® Fax Note 7671	Date	# of pages ▶
To Anthony Norwood	From Sasha Miller	
Co./Dept.	Co.	
Phone #-	Phone #	
Fax # 202-616-4975	Fax #	

PRESENT:

The Honorable William D. Keller, Judge

R.H. Mazzarella
Courtroom Deputy Clerk

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
None Present

ATTORNEYS PRESENT FOR DEFENDANTS:
None Present

PROCEEDINGS:

Plaintiffs' motions for summary judgment, issuance of final injunctive relief, notice to class and appointment of a special master came on regularly for hearing on June 21, 1999. After considering the briefs filed both in support of and in opposition to said motions, and hearing the arguments of counsel, the Court concludes that plaintiffs' motions should be granted, in part, and denied, in part, for the reasons stated on the record. Accordingly, IT IS HEREBY ORDERED as follows:

1) Summary judgment shall issue in favor of plaintiffs Amir Saeed-Tehrani and Maria Guadalupe Morales-Baldera on plaintiffs' Second Claim for Relief.

2) Defendants, and each of them, are permanently enjoined as follows:

(a) Defendants shall accept and adjudicate applications for legalization under 8 U.S.C. § 1255a of plaintiff class members who attempted to file a completed application and application fee with a representative of the Immigration and Naturalization Service (INS), including a Qualified Designated Entity, during the period from May 5, 1987, to May 4, 1988, but had the application and fee refused by that representative. Plaintiff class members whose standing claims are denied by the INS, and whose applications for legalization the agency therefore will not voluntarily adjudicate, shall be advised in writing of the individualized reasons why the INS contends they lack standing. Plaintiff class members must present their claims to the INS within eighteen (18) months from the date of this Order.

(b) Defendants shall give notice of this Judgment to the members of the plaintiff class identified in subparagraph (a) above. Such notice shall be provided as follows:

(1) Defendants shall provide a copy of the notice, labeled A and attached hereto, to those persons who seek renewal of temporary work permits, issued pursuant to the Court's August 12, 1988 interim relief Order in this case, within eighteen (18) months from the date of this Order;

(2) Within thirty (30) days of this Order, defendants shall post a copy of the notice, labeled B and attached hereto, in a prominent location in the waiting rooms of each INS district office;

(3) Within thirty (30) days of this Order, defendants shall post a copies of the notices labeled A and B and attached hereto, on the INS's web page for a period of six months from the date of this Order;

(4) For a period of eighteen (18) months, commencing at the date of this Order, defendants shall provide a copy of the notice, labeled A and attached hereto, to persons who affirmatively indicate to the INS that they have applied for interim relief under this case (commonly referred to as the "LULAC" or "late amnesty" case); and

(5) Within thirty (30) days from the date of this Order, defendants shall issue a press release, according to their normal procedure for doing so, wherein defendants announce the Court's issuance of this Order and attach copies of the notices labeled A and B and attached hereto, to the press release.

(c) Defendants shall provide plaintiffs' counsel with copies of any denials issued pursuant to 2(a) of this Order, including the name and address of each person who received such a denial.

(d) The interim relief ordered in this case on August 12, 1988 shall terminate as to each individual when the INS makes an individualized determination regarding the standing of that class member. However, the interim relief ordered in this case shall expire two (2) years from the date of this Order.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FELICITY MARY NEWMAN; ET AL. Plaintiffs, vs. IMMIGRATION AND NATURALIZATION SERVICE; ET AL., Defendants.	))))))))))	Civ. No. 87-4757-WDK (CWx)

LULAC/Newman "Late Amnesty" Class Member Explanation Form

This case is commonly known as the "LULAC late amnesty case." The case against the Immigration and Naturalization Service ("INS") has been certified as a class action. Read this explanation carefully as it may effect your right to legalize your status under the 1986"amnesty" law.

On July 2, 1999, this Court issued a permanent injunction requiring the INS to accept and process amnesty applications from "front-desked" class members and identified them as follows:

> **Those who attempted to file a legalization application and fee with the INS or a Qualified Designated Entity (QDE), between May 5, 1987, and May 4, 1988 (the legalization application period), but the INS or QDE refused to accept the application because the applicant had traveled outside of the United States and returned with a visitor's visa, student visa, or any other type of visa or travel document.**

The QDEs were private groups, including many community-based and religious groups, authorized by the INS to accept legalization applications during the 1987-88 application period.

If you believe you are a "front-desked" class member, you may have the right to file and have the INS process your amnesty application, and to be issued or reissued a temporary work permit. The Court has established the following procedures for requesting that your amnesty application be accepted:

1) **ON OR BEFORE FEBRUARY 2, 2001**, "front-desked" class members must obtain, fill out and then file with the INS a "Legalization Questionnaire" form. These forms may be obtained from any INS office or from Peter Schey and Carlos Holguin, the attorneys for the class, whose address is listed at the end of this document. When you fill out the Legalization Questionnaire form, you should provide the INS as much detail as possible regarding your attempt to file an application between May 5, 1987, and May 4, 1988, with the INS or a QDE. For example, state the date or approximate date (month and year) when you attempted to file an application, the location of the INS or QDE office where your application and fee were rejected, and if anyone accompanied you when your application was rejected, give their names and addresses, and/or the names and addresses of any persons whom you told that the INS or a QDE refused to accept your application. When you file your Legalization Questionnaire form

CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW
256 S. OCCIDENTAL BOULEVARD
LOS ANGELES, CA 90057
Telephone: (213) 388-8693
Facsimile: (213) 386-9484

Embargoed for release to 2 p.m. EST, Friday, July 2, 1999

Court Orders INS to Accept "Late Amnesty" Applications 100,000 Immigrant Families Effected

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Contacts: Peter A. Schey, President, CHRCL, (213)388-8693 Ext. 104, cell (213) 507-3412
Carlos Holguin, General Counsel, CHRCL, (213)388-8693 Ext. 109,
home 805/270-0912

(Los Angeles, CA) Following over ten years of litigation, several appeals and one Supreme Court decision, on Friday, July 2, 1999, at 2:30 p.m., PST, United States Federal District Court Judge William Keller issued a nationwide class action permanent injunction requiring the INS to accept amnesty applications from a group of over 100,000 applicants from whom the INS refused to accept applications during the one-time amnesty program authorized by Congress which ran for 12 months from May 1987 to May 1988.

Under INS regulations which were in effect during much of the one-year application period, when almost 2 million immigrants applied to legalize their status, those who had briefly traveled outside the United States were considered "ineligible to apply" for the program. In May 1988, Judge Keller ruled the INS's travel rule was illegal because it violated the amnesty law in which Congress specifically permitted brief travel abroad during the required period of continuous residence from 1982 to 1987. In July 1988 Judge Keller issued an order requiring the INS to accept late applications for three months from those who it had illegally turned away. INS appealed that decision to the Ninth Circuit Court of Appeals, which upheld the injunction. INS then appealed to the Supreme Court which in 1994 set aside the injunction, but ordered the lower court to identify those class members who had timely attempted to file completed applications and fees, and to grant them a remedy. The Supreme Court also ordered the lower courts to decide whether applicants who appeared at INS office without complete applications, and were turned away, were also entitled to a remedy.

In 1996 the lower court refused to dismiss the claims of applicants who visited INS offices without complete applications in their hands, and INS again appealed. In 1998 the Ninth Circuit Court of Appeals returned the case to Judge Keller and ordered that he consider a remedy for those applicants who tendered completed applications during the application period but had them rejected because they had traveled abroad. Today, Judge Keller issued a nationwide permanent injunction requiring that the INS accept and process the applications of such class members.

A copy of the court order is attached.

continued next page

with the INS, you may also provide a sworn written statement from any person who accompanied you to an INS or QDE office between May 5, 1987, to May 4, 1988 when your application was not accepted, or from any person whom you told that the INS or a QDE refused to accept your application. If you still have the original legalization application which was rejected by the INS during the May 5, 1987, to May 4, 1988 application period, or a copy, mail a copy to the INS with your Legalization Questionnaire form. However, it is not required that you still have in your possession the original or a copy of the amnesty application which was rejected by the INS or a QDE during the application period in order to apply now. Mail your completed Legalization Questionnaire form and any supporting documents to the address listed on the Legalization Questionnaire form. For your own protection, keep a copy of your Legalization Questionnaire form and any other documents you send to the INS. You may also send a copy of your completed Legalization Questionnaire form and any supporting documents to your class counsel in this case, Peter Schey & Carlos Holguin, whose address appears at the end of this document. Do not mail your documents to the Court.

2) Once the INS receives your completed Legalization Questionnaire form and any supporting statements you include with it, the INS will review these documents and issue a decision whether the agency believes you are a "front-desked" class member. If the INS believes that you are a "front-desked" class member, it will send you a letter telling you of this decision and a blank amnesty application form (I-687). INS's letter will also tell you where you may file the amnesty application, and obtain or renew permission to work and protection from deportation while your application for amnesty is being processed by the INS.

3) If the INS believes you are not a "front-desked" class member, it will advise you in writing of the individualized reasons for its decision, and send a copy of the denial letter to your class counsel, Peter Schey and Carlos Holguin.

4) If the INS sends you a letter stating that you are a "front-desked" class member, and you follow its instructions and file an amnesty application, you may be granted permission to work and protection from deportation if the INS decides that your application shows that you appear to be eligible for legalization.

5) Do not contact the Court with questions regarding your rights under the Newman/LULAC case. If you have any questions regarding this Notice, or believe that the INS has not treated you in accordance with this Notice, or has unfairly rejected your claim that you are a "front-desked" class member, you may send a letter to class counsel Peter Schey and Carlos Holguin at the address below:

Center for Human Rights and Constitutional Law
256 S. Occidental Blvd.
Los Angeles, CA 90057

In an emergency, for example if you are facing immediate deportation, you may telephone Peter Schey at (213) 388-8693, ext. 104, or Carlos Holguin at (213) 388-8693 ext. 109. All non-emergency matters must be handled with letters to the address above.

Dated: July 2, 1999

William Keller
United States District Judge