

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

**If you were ever enrolled in the University of Northern New Jersey (“UNNJ”),
you may be part of a federal class action settlement:**

DONG, ET AL. v. JOHNSON, ET AL.,
United States District Court for the District of New Jersey
Civil Case Number 17-2092-ES-JSA

PLEASE READ THIS NOTICE CAREFULLY:
THIS NOTICE RELATES TO A POSSIBLE SETTLEMENT AGREEMENT THAT MAY
AFFECT YOUR RIGHTS

*A federal court has authorized this notice. This is not an advertisement.
You are not being sued or restrained.*

Translations of this notice are available in Chinese and Hindi at
www.kktplaw.com/UNNJClassAction

本通知的中文译文可访问 www.kktplaw.com/UNNJClassAction

इस सूचना का हिंदी अनुवाद www.kktplaw.com/UNNJClassAction पर उपलब्ध है

1. What is this notice?

This notice is to inform you of a proposed settlement in a class action lawsuit against U.S. immigration authorities and other U.S. Government defendants¹ pending in the U.S. District Court for the District of New Jersey.

The proposed settlement (“Settlement”), if approved, will affect you if you were ever enrolled in the University of Northern New Jersey (“UNNJ”), a fake university run by the U.S. Department of Homeland Security (“DHS”). **If you ever enrolled in UNNJ, you should read this notice carefully as it explains certain time-limited benefits you may qualify for. The notice also explains certain obligations you will be required to comply with if the Settlement is approved.**

This notice describes the proposed Settlement. Your rights and options—and the deadlines to exercise them—are explained in this notice. **If you enrolled in UNNJ for any length of time, the**

¹ The defendants are Tae D. Johnson, Acting Director of U.S. Immigration and Customs Enforcement (“ICE”); Ur Mendoza Jaddou, Director of U.S. Citizenship and Immigration Services (“USCIS”); Alejandro Mayorkas, Secretary of the U.S. Department of Homeland Security; the U.S. Department of Homeland Security (“DHS”); the United States Department of State (“DOS”); the United States Department of Education (“DOE”); and the United States of America. This notice refers to these defendants as “the Government.”

Settlement will affect your legal rights and obligations regardless of whether you act. You do not need to live or be present in the United States for the Settlement to affect you.

2. What is this lawsuit about?

This lawsuit involves the University of Northern New Jersey (“UNNJ”). UNNJ was a fake university set up by the U.S. Government to target brokers and recruiters who sought to abuse the U.S. immigration system for financial gain. After UNNJ was closed in April 2016, the Government terminated the status of noncitizens who had enrolled in UNNJ in the Student and Exchange Visitor Information System (“SEVIS”). Several of these noncitizens (the “Plaintiffs”) sued the Government, alleging that these termination decisions and related actions violated the law. The Plaintiffs sued on behalf of themselves, but also sought to represent all non-U.S. citizens who ever enrolled at UNNJ. This means that the case was brought as what is called a “class action.” The class of persons affected by the proposed Settlement are all individuals who ever enrolled in UNNJ for any length of time.

Before Plaintiffs’ claims were decided by the Court, Plaintiffs and the Government reached a Settlement. The Settlement cannot take effect, however, unless the Court approves the Settlement after a hearing to decide whether the Settlement is fair (a “Fairness Hearing”). Details about when and where the Fairness Hearing will be held can be found below (see Question No. 8).

3. Will the Settlement affect me?

The Court has preliminarily certified the following class of people who will be bound by the Settlement (the “Class”): “Any noncitizen who, for any period of time, enrolled in the University of Northern New Jersey.” **Therefore, the Settlement will affect your rights and responsibilities (you are a “Class Member”) if you were enrolled in UNNJ for any length of time.**

Class Members have the opportunity to oppose the Settlement (see Question No. 6). If the Court decides not to approve the Settlement, however, the lawsuit will continue as if there had been no Settlement or certification of a Class.

4. Why is there a Settlement?

The Court has not decided in favor of either side in this case. The Government denies all allegations of wrongdoing but is settling to avoid the expense and inconvenience of continuing to litigate the case. Plaintiffs and the lawyers representing them (“Plaintiffs’ Counsel”) believe the Settlement is in the best interests of the class because it provides substantial immigration-related benefits to the class which class members would not receive if Plaintiffs lost the lawsuit or were only partially successful. In addition, the Settlement avoids the expense and delay of pursuing the case through trial and any appeals, which might otherwise continue for several more years.

5. What does the Settlement do?

The full Settlement Agreement is available at www.kktplaw.com/UNNJClassAction or by contacting Plaintiffs' Counsel (see Question No. 7). The Settlement will not become effective unless the Court approves it after the Fairness Hearing.

Because the Settlement involves complex immigration issues, you may wish to consult with a lawyer to better understand how the Settlement will affect you individually. While you can contact Plaintiffs' Counsel if you have general questions about the Settlement (see Question No. 7), Plaintiffs' Counsel cannot answer questions about individual cases. If you wish for a lawyer to review your individual case and explain to you how the Settlement might impact you individually, you must hire that lawyer separately.

Below is a summary of the Settlement's key terms. Broadly speaking, the Settlement does four things: (A) provides class members with some protections that relate to immigration benefits; (B) requires some class members to take certain actions within fixed deadlines; (C) bars future lawsuits relating to UNNJ; and (D) compensates Plaintiffs' Counsel for some of the fees and expenses incurred in this lawsuit.

A. Benefits of the Settlement for Class Members

The Settlement sets out the way that administrative immigration proceedings and adjudications will proceed for Class Members. Some of the terms in the Settlement apply in the same way to all Class Members, while some terms apply in different ways to Class Members depending on their current immigration status. These differences are noted below.

The benefits of the Settlement are as follows:

- **The Government will not rely on your UNNJ enrollment to find you inadmissible or deportable.** The Government will not rely on UNNJ enrollment² to find you inadmissible to the United States for committing fraud or making a material misrepresentation, or deportable from the United States for failing to maintain lawful status, unless the Government has evidence of violations of the law or of your ineligibility apart from your UNNJ enrollment.³ If the Government

² The Settlement defines "UNNJ enrollment" to mean "initial enrollment in UNNJ and any matters, actions, materials, statements, or other information arising from, relating to, made from, or obtained through that enrollment." However, "[t]he mere fact that a matter, action, material, statement, or other information arose or was created after such UNNJ enrollment, based on the date of such subsequent matter, action, material, statement, or other information alone, is not enough to demonstrate that it was 'arising from, relating to, made from, or obtained through' that enrollment."

³ Such evidence includes, but is not limited to: (a) affirmative misrepresentations made to any government official about full completion of a degree program/graduation at UNNJ; (b) written statements signed by a class member which assert that the class member attended classes at UNNJ (but not including any misrepresentations contained in documents allegedly created by UNNJ such as transcripts or attendance sheets); (c) material misrepresentations about employment history at any time, before or after UNNJ enrollment; (d) material misrepresentations about marital status or any other material biographic details or identifiers; or (e) evidence pertaining to a limited number of class members who engaged in "broker conduct," as defined in the Settlement Agreement.

intends to rely on such evidence relating to UNNJ to deny you immigration benefits, it must provide you with a copy of the evidence and an opportunity to rebut it.

- **The Government will not deny you immigration benefits based on your UNNJ enrollment.** If the Government has previously denied you immigration benefits based on your UNNJ enrollment, those denials will not negatively impact any future application for immigration benefits you may file.
- **You can retract any UNNJ-related misrepresentations made before UNNJ’s closure.** If you made a misrepresentation relating to UNNJ before UNNJ’s closure on April 5, 2016, the Government will not consider that misrepresentation to be “material” (and therefore will not find you inadmissible based on the misrepresentation) if you retract or correct the misrepresentation in a later filing, application, or interview.
- **If you are in removal proceedings or a final order of removal was issued against you, DHS will move to dismiss your removal proceedings.**

The action DHS will take is summarized in this table:

| If . . . | Then . . . |
|---|---|
| You are currently in removal (deportation) proceedings. | DHS will file a motion to dismiss those proceedings within 120 days of the date the Court grants final approval of the Settlement. ⁴ |
| A final order of removal was entered against you. | DHS will move to reopen and dismiss your removal proceedings within 120 days of the date the Court grants final approval of the Settlement. |

If an immigration judge denies DHS’s motion to reopen or to dismiss your removal proceedings, then DHS will appeal that denial to the Board of Immigration Appeals, and you should not oppose DHS’s appeal.

(If you were granted voluntary departure and departed the United States during the time allotted, DHS will not move to reopen the grant of voluntary departure).

- **The Government will not consider you to have accrued unlawful presence or to be out of lawful status during a defined time period.** The Government will not consider you to have accrued unlawful presence for the time period described in the table below. In addition, you will not be considered ineligible for immigration benefits that require maintenance of lawful immigration status (or to be in lawful status at the time the application is filed) for matters arising during that time period.

⁴ If you don’t want DHS to dismiss your removal proceedings, you must follow the procedures described in Question 8 below.

This means that, in all future applications for immigration benefits, you will be considered to have been in lawful status during the time period listed below:

| If ... | Then ... |
|--|--|
| You are not currently in removal (deportation) proceedings and were never issued a final order of removal on account of your enrollment in UNNJ. | The time period runs from the date you enrolled in UNNJ through 180 days after the date the Court approves the Settlement. |
| You are currently in removal (deportation) proceedings <i>or</i> were issued a final order of removal on account of your enrollment in UNNJ. | The time period runs from the date you enrolled in UNNJ through 180 days after the date your removal proceedings are dismissed pursuant to DHS’s motion. |

- **DHS will expedite applications for immigration benefits filed during the time period described above.** Applications for immigration benefits that are filed within the applicable time period described above (or which are pending when the Settlement is approved by the Court) will be adjudicated on an expedited basis as follows:
 - DHS will take initial action on such applications within 120 days of filing (or 120 days after the Court approves the Settlement for applications that are already pending an initial action).
 - If DHS issues a Request for Evidence (“RFE”) or a Notice of Intent to Deny (“NOID”), it will take further adjudicative action within 90 days of DHS’s receipt of your response to the RFE or NOID.

Such expedited adjudication will not apply to applications for immigration benefits filed after the time period described above. This expedited adjudication also does not apply to applications for asylum.

- **You can apply for reinstatement to student status if you are admitted to a new school and meet other requirements.** DHS will apply special adjudication procedures to applications for reinstatement to student status (Form I-539) that are pending when the Court approves the Settlement or that are filed within 180 days thereafter. DHS will adjudicate such applications without regard to the standard five-month filing window, your previous lack of status, or a prior denial of reinstatement. In addition, the requirements of 8 C.F.R. § 214.2(f)(16)(i)(A) (relating to maintenance of lawful status) and § 214.2(f)(16)(i)(F) (requiring that any violation of status be beyond the applicant’s control) will be deemed satisfied for such applications. However, your application still must include a valid Form I-20 issued from a qualifying educational institution and comply with all other requirements for reinstatement. Additionally, reinstatements are a discretionary

immigration benefit. DHS can consider any misconduct or violations of a class member before or after UNNJ enrollment (but not including UNNJ enrollment) in the exercise of discretion on a case-by-case basis.

- **Rescinding of status-termination letters.** Many class members received letters in April 2016 advising that their SEVIS records and I-20 forms issued by UNNJ were set to “Terminated status” on account of their “fraudulent enrollment” in UNNJ. These letters will be treated as rescinded, will be without continuing legal force or effect, and will not be used to take adverse action against class members.
- **Modification of records and investigative databases.** DHS will modify certain Government databases to remove references to “fraud,” including any findings of fraud-related inadmissibility, that arose from UNNJ enrollment. These database changes will also reflect that:
 - UNNJ enrollment alone cannot be used to find that a class member is inadmissible for fraud or material misrepresentation;
 - UNNJ enrollment cannot be used to find that a class member is deportable for failure to remain in lawful status; and
 - Prior immigration-benefit denials, inadmissibility findings, or deportability findings based on a class member’s UNNJ enrollment will not prevent future immigration-benefit approvals.

B. Class Member Obligations

The Settlement requires class members to take certain actions (some within fixed deadlines) and imposes certain consequences for failing to comply with the obligations:

- **If you are in the United States without lawful status or permission to remain in the United States,⁵ you must apply for immigration benefits or depart the United States within a set time period—otherwise, you may be subject to removal (deportation) proceedings.** The Settlement defines a time period during which class members will not be considered to have accrued unlawful presence or to be in unlawful status. This will allow you to qualify for immigration benefits that require lawful status at the time of filing. However, if you do not apply for an immigration benefit or depart the United States by the end of the time period set forth below, you will then be considered without lawful status and will begin accruing unlawful presence.

The fixed time periods during which you must either apply for immigration benefits or depart the United States are set forth in the following table:

⁵ For purposes of the Settlement, you have “permission to remain in the United States” if you have been granted such permission through an adjudication by DHS—for example, a grant of Deferred Action for Childhood Arrivals (“DACA”) or Temporary Protected Status (“TPS”). It does not, however, include the administrative closure or dismissal of removal proceedings in the exercise of prosecutorial discretion.

| If . . . | Then . . . |
|--|--|
| You are not currently in removal (deportation) proceedings and were never issued a final order of removal on account of your enrollment in UNNJ. | You must apply for immigration benefits or depart the United States within 180 days from the date the Court approves the Settlement. |
| You are currently in removal (deportation) proceedings <i>or</i> were issued a final order of removal on account of your enrollment in UNNJ. | You must apply for immigration benefits or depart the United States within 180 days from the date your removal proceedings are dismissed pursuant to DHS’s motion. |

Under the Settlement, “immigration benefits” includes any benefit under the Immigration and Nationality Act, including adjustment of status (or a “green card”); change of nonimmigrant status; extension of nonimmigrant status; and reinstatement of student status. However, for an immigration benefit to satisfy the requirements of this paragraph, you must be “prima facie” eligible (that is, you must appear to meet the eligibility requirements for the benefit at the time of filing). In addition (if applicable) a visa number must be available to you at the time the application is filed.⁶

If DHS denies your application and you exhaust all agency appeals, DHS may put you in removal proceedings to seek your deportation. Likewise, DHS may put you in removal proceedings to seek your deportation if you fail to apply for an immigration benefit or depart the United States within the time period described above.

- **When you apply for immigration benefits in the future, you must alert the Government that you are a class member.** If in the future you apply for immigration benefits that ask about periods of presence in the United States and/or work authorization, you must identify yourself as a class member and reference the terms of paragraph II.F of the Settlement Agreement (titled “No Accrual of Unlawful Presence or Failure to Maintain Lawful Status”) in your application. You must do this to ensure that the Government decides your case consistent with the Settlement.
- **If you have been assigned more than one alien registration number (“A number”), you must list all such A numbers on all future immigration-related applications or correspondence that require A numbers to be listed.** You must

⁶ For applicants for adjustment of status (a “green card”) under family- or employment-based preference categories, a visa number must be “available” according to the U.S. Department of State’s Visa Bulletin. The Visa Bulletin is published by the U.S. Department of State each month at this website: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>.

do this to ensure that the Government decides your case consistent with the Settlement.

- **You must notify DHS if you are in removal proceedings and do not want those proceedings dismissed.** As noted above, DHS will generally move to dismiss pending removal proceedings that are based on a class member's UNNJ enrollment. However, **if you do not want your removal proceedings dismissed**, you must notify DHS by contacting the OPLA Newark (Elizabeth) Duty Attorney at OPLA-Elizabeth-DutyAttorney@ice.dhs.gov, using the subject line: "DONG SETTLEMENT MTD OPT-OUT." **You must notify DHS within 30 days of your receipt of this notice if you do not want DHS to move to dismiss your removal proceedings.**
- **You must try to resolve any disputes with the Government before seeking enforcement of the Settlement with the Court.** If you believe the Government has violated the Settlement, you must try to resolve the dispute using the procedures described below before seeking judicial enforcement of the Settlement.
 - If you believe **DHS** has violated the Settlement, you must contact DongSettlement@dhs.gov. Your message should explain why you think DHS violated the Settlement. DHS will respond within 30 days if you are not detained and within 15 days if you are detained. A copy of whatever you send to DHS should also be sent to Plaintiffs' Counsel (see Question No. 7 for Plaintiff Counsel's contact information).
 - If you believe the **Department of State** has violated the Settlement, you must contact LegalNet@state.gov using the subject line: **UNNJ SETTLEMENT AGREEMENT COMPLIANCE DISPUTE, [FULL NAME], [DOB], [VISA CASE NO.], [PASSPORT NO.]**. Your message should explain why you think the Department of State violated the Settlement. The Department of State will provide a written response within 60 days. A copy of whatever you send to the Department of State should also be sent to Plaintiffs' Counsel (see Question No. 7 for Plaintiff Counsel's contact information).
 - If after receiving a response you still believe the Government has violated the Settlement, you may contact Plaintiffs' Counsel to seek judicial enforcement of the Settlement (see Question No. 7 for Plaintiffs' Counsel's contact information). A class member who wishes to seek judicial enforcement of the Settlement must seek such enforcement through Plaintiffs' Counsel.
 - **You can't submit a request for dispute resolution before the Court approves the Settlement. If you do so, you will not receive a response and your request will be discarded.**

C. Release of All Pending and Future Claims Related to UNNJ Enrollment

If approved, the Settlement will release the U.S. Government, as well as all Government employees and contractors, from liability for all claims that relate to UNNJ enrollment or matters arising out of such enrollment that existed prior to the Court's approval of the Settlement, whether known or unknown. This broad release includes all claims for declaratory or equitable relief (including injunctive relief) as well as claims for money damages.

The Settlement, however, allows you to bring an individualized claim concerning a custody (detention) decision or the denial or revocation of an immigration benefit.

D. Attorneys' Fees and Costs under the Equal Access to Justice Act.

The Government will pay Plaintiffs' Counsel \$450,000 to settle all claims to attorneys' fees and costs under the Equal Access to Justice Act ("EAJA"). This amount represents a fraction of the fees and costs which Plaintiffs' Counsel has incurred and would otherwise seek to recover.

6. What do I need to do now?

If you are satisfied with the proposed Settlement, you don't have to do anything at this time. **However, you should check www.kktplaw.com/UNNJClassAction after the Fairness Hearing on May 2, 2022 and periodically thereafter to confirm whether the Court approves the Settlement.** As explained above, final approval of the Settlement triggers the Settlement's protections and benefits, as well as certain obligations and deadlines you must comply with.

You cannot "opt out" or exclude yourself from the Settlement. If the Settlement is approved by the Court, you will be bound by the Settlement if you meet the definition of a Class Member. However, if you **are not** satisfied with the proposed Settlement, **you may object** and explain why you do not like the proposed Settlement by submitting your objection in writing to both Plaintiffs' Counsel and Defendants' Counsel at:

Plaintiffs' Counsel:

Kurzban Kurzban Tetzeli & Pratt, P.A.
ATTN: UNNJ Class Action Objection
131 Madeira Avenue
Coral Gables, FL 33134

Defendants' Counsel:

United States Attorney's Office for the
District of New Jersey, Civil Division
ATTN: UNNJ Class Action Objection
970 Broad Street, Suite 700
Newark, NJ 07102

Specifically, you can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the proposed Settlement. If the Court denies approval, this lawsuit will continue. If that is what you want to happen, you must object.

Your objection **must be received** by both Plaintiffs' Counsel and Defendants' Counsel no later than **April 4, 2022**. Any objection must be in writing. All objections and supporting papers must (a) clearly identify the case name and number (*Dong et al. v. Johnson et al.*, Civil Case No. 17-

2092-ES-JSA), (b) include the class member's full name, current address and telephone number (or the address and telephone number of the class member's legal representative); (c) include the class member's A number (if one exists); and (d) explain why the class member objects to the Settlement.

If you file a timely written objection that complies with the requirements above, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney (see Question No. 8 for more details on the Fairness Hearing).

7. Who represents the class?

The Court has appointed the law firm Kurzban Kurzban Tetzeli & Pratt, P.A., and its attorneys Ira J. Kurzban, Edward F. Ramos, and Elizabeth Montano, to represent all class members in this litigation. If you have any questions about this case, you can email **UNNJClassAction@kktplaw.com**, or contact Plaintiffs' Counsel by phone at (305) 444-0060.

While Plaintiffs' Counsel represents your interests as a class member in this litigation, they do not represent you in any individual immigration matter, including applications for immigration benefits with DHS or in removal (deportation) proceedings before an immigration judge. If you want a lawyer to represent you in these matters, you are responsible for hiring that lawyer separately.

8. When and where will the Court hold a hearing on the fairness of the Settlement?

The Court has scheduled a Fairness Hearing for **May 2, 2022 at 12:00pm in Courtroom 5A, U.S. District Court, 50 Walnut St., Newark, NJ 07102**. Due to the ongoing COVID-19 pandemic, the Court may later decide to hold the Fairness Hearing via Zoom videoconference. Any updates from the Court as to whether the Fairness Hearing will be held in person or via Zoom will be announced on the website of Plaintiffs' Counsel: www.kktplaw.com/UNNJClassAction.

At the hearing, the Court will decide if the Settlement is fair, reasonable, and adequate. If the Court approves the Settlement, the Settlement will become effective on the date of approval. If the Court rejects the Settlement, the parties will continue to litigate the case. At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the Settlement.

If you wish to speak at the Fairness Hearing, you must send written notice to Plaintiffs' Counsel and Defendants' Counsel using the addresses listed in Question No. 6 above. Your request should also include the information listed in Question No. 6 above. **Your request must be received no later than April 4, 2022.** If you intend to appear at the Fairness Hearing through your own attorney, your attorney will need to file a notice of intent to appear with the Court. You are responsible for hiring and paying that attorney.

NOTE: This date, time and method of the Fairness Hearing are subject to change by Court Order without further notice. Please check the website of Plaintiffs' Counsel, www.kktplaw.com/UNNJClassAction, for the latest information.

9. Where can I get more information?

This notice provides only a summary of the matters relating to the proposed Settlement. For the complete terms of the Settlement, please refer to the Settlement Agreement, available at www.kktplaw.com/UNNJClassAction, by contacting Plaintiffs' Counsel (see contact information at Question No. 7 above), or by visiting the office of the Clerk of Court for the United States District Court for the District of New Jersey, Newark Division.⁷

You can review the docket of all filings in this case, for a fee to the U.S. Court system, through the Court's Public Access to Court Electronic Records ("PACER") system at <https://pacer.uscourts.gov>. The following link will allow you to view the docket: <https://bit.ly/UNNJDocket>. The docket lists all filings in the case as well as descriptions for each filing. Because this case relates to immigration matters, however, you will not be able to access the filings themselves remotely. To access the actual filings in the case, you must visit the Clerk's office in person.

If after reviewing the Settlement Agreement you still have questions, you can contact Plaintiffs' Counsel (see Question No. 7 above).

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**PLEASE DO NOT CONTACT THE COURT OR THE JUDGE
WITH QUESTIONS ABOUT THE SETTLEMENT**

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⁷ The U.S. District Court for the District of New Jersey has established certain requirements for the entry of visitors in light of the COVID-19 pandemic. Please contact the Clerk's office or visit the Court's website for more information prior to visiting the Court.