1		HONORABLE RICHARD A. JONES
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7	UNITED STATES D	ISTRICT COURT
8	WESTERN DISTRICT	OF WASHINGTON
9	AT SEA	TTLE
10	A.B.T., et al.,	
11	Plaintiffs,	CASE NO. C11-2108 RAJ
12	V.	ORDER
13	U.S. CITIZENSHIP AND	
14	IMMIGRATION SERVICES, et al.,	
15	Defendants.	
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17 This matter comes before the court on the parties' request for final approval of the 18 settlement of this class action, payment of attorney's fees and costs, and motion to amend 19 certain deadlines in the settlement agreement. Dkt. ## 60, 69, 72. The court issues this 20 final order to dispose of a class action that challenges defendants' alleged policies and 21 practices that deprive plaintiffs and other similarly situated of (1) effective, timely notice 22 of determinations relating to the 180-day statutory waiting period before an asylum 23 applicant is eligible to apply for employment authorization; (2) a meaningful opportunity 24 to correct errors in such determination; and (3) the opportunity to obtain a work permit, 25 known as an Employment Authorization Document ("EAD"). On May 8, 2013, the court 26 entered an order of preliminary approval of settlement and scheduled the fairness hearing.

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Dkt. # 61. On September 20, 2013, the court held a fairness hearing, during which the
parties addressed the letter of concern regarding specific language in Section III.A.5 of
the settlement agreement. In response to the letter, and for purposes of clarifying the
agreement, the parties proposed a slight revision. The court tentatively approved the
revised settlement agreement, pending revised notice to the class of the revision and of
the parties' motion for attorney's fees. Fed. R. Civ. Proc. 23(h) & 54(d)(2).

7 The court has received one objection to Section II.C.11.b.ii to the revised 8 settlement agreement. Dkt. #71. However, this section of the agreement was not 9 revised. Accordingly, the objection was filed beyond the 30-day deadline to object to the 10 original notice, which expired on September 20, 2013. Additionally, the objection 11 addresses an issue which was not raised in the complaint or amended complaint. The 12 settlement agreement cannot resolve claims that are not alleged in the complaint. There 13 is no claim, and, by extension, no class, for individuals whose hearings the immigration 14 courts improperly deem to be expedited. The settlement agreement does not foreclose 15 such asylum applicants from seeking redress through existing procedures. Accordingly, 16 the court overrules the objection.

Defendants have also moved the court for an extension of certain deadlines in the
settlement agreement due to the government shutdown. Plaintiffs do not oppose. As a
result of the shutdown, defendants were hampered in their ability to implement the
provisions of the settlement agreement due to be rolled out six months from the effective
date of the agreement (not later than November 8, 2013). Defendants request an
extension of those deadlines until December 3, 2013. Specifically, defendants seek to
extend deadlines associated with the following:

• Defendants will implement the interim procedures to afford relief to the affected "Hearing Claim" subclass members (relating to the "lodge not filed" relief)

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1 2	• Defendants will implement the interim procedures to afford relief to the affected "Notice and Review Claim" class members (relating to amending the November 15, 2011, Operating Policies and Procedures Memorandum		
3	(OPPM) 11-02: The Asylum Clock from Chief Immigration Judge Brian O'Leary, and the creation of interim notices, including the USCIS and		
4	EOIR Joint Notice, regarding employment authorization for individuals		
5	with pending applications)		
6	• Defendants will implement the interim procedures to afford relief to the affected "Prolonged Tolling" subclass members (including further		
7	amendments to OPPM 11-02)		
8	• Defendants will implement the procedures to afford relief to the affected "Missed Asylum Interview Claim" subclass members		
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10	• Defendants will implement the procedures to afford relief to the affected		
11	"Remand" subclass members (relating to the inclusion of time after remand of an asylum claim into the calculation for eligibility for employment		
12	authorization).		
13	The court believes the requested extension is warranted, and GRANTS		
14	defendants' motion. Dkt. # 72.		
15	The court scheduled a hearing for final approval of the settlement on November 4,		
16	2013. However, the court finds the hearing unnecessary.		
17	The court grants final approval of the settlement. The court finds that the		
18	settlement is "fair, reasonable, and adequate." Fed. R. Civ. P. 23(e)(2). In reaching this		
19	finding, the court concludes that the settlement class meets the prerequisites of Fed. R.		
20	Civ. P. 23(a), and that it meets the additional requirements of Fed. R. Civ. P. 23(b)(3), as		
21	modified to reflect the resolution of this dispute by settlement as opposed to litigation on		
22	the merits.		
23	The court further concludes that the parties provided class members reasonable		
24	notice of the settlement and of class counsel's request for attorney's fees as well as an		
25	opportunity to object to the settlement and the fee request. Fed. R. Civ. P. 23(e)(1),		
26	23(e)(4), 23(h)(1), 23(h)(4).		
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For all the foregoing reasons, the court GRANTS the unopposed motion to amend
 certain deadlines in the settlement agreement (Dkt. # 72), the motion for attorney's fees
 (Dkt. # 69) and APPROVES settlement of this class action (Dkt. # 60). The court will
 enter a separate order formally granting approval of the parties' settlement.

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Dated this 4th day of November, 2013.

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The Honorable Richard A. Jones United States District Judge