



AMERICAN IMMIGRATION LAW FOUNDATION

AILF ANNOUNCES SETTLEMENT OF ASYLEE ADJUSTMENT LAWSUIT

The American Immigration Law Foundation is pleased to announce settlement of the national class action lawsuit for asylees. The settlement of the case has been provisionally approved by the court, and now is being distributed for review by class members.

The case is Ngwanya v. Gonzales, No. 02-502(RHK/AJB) (D. Minnesota). An explanation of the Settlement Agreement in Q and A format and the complete Settlement Agreement are attached.

The case was brought on behalf of immigrants who were granted asylum in the United States and who applied for “adjustment” of their immigration status to lawful permanent residence (“green card”). There is a long backlog of asylee adjustment applicants – currently approximately 180,000 people.

Plaintiffs successfully argued that the former Immigration and Naturalization Service (INS) -- now known as the U.S. Citizenship and Immigration Services within the Department of Homeland Security -- unlawfully failed to adjust the status of thousands of asylees. In the settlement agreement, the government agreed to adjust the status of an additional 31,000 asylees over the next three years.

The government also agreed to make it easier and more straightforward for asylees to obtain evidence of their authorization to work, called an employment authorization document (EAD). Included in the agreement are provisions for asylees to obtain EADs that will be valid for up to five years.

The named plaintiffs and class members were represented by the American Immigration Law Foundation, Massachusetts Law Reform Institute, and the law firm Dorsey and Whitney in Minnesota.

In his ruling in February 2004, U.S. District Judge Richard H. Kyle, of the District Court of Minnesota condemned the former INS for “widespread,” “egregious” and “plainly harmful” violations of law that “constitute nothing short of a national embarrassment.” Judge Kyle blasted the INS for their “one-law-for-for-Tuesdays-and-another-law-for-Wednesdays” mismanagement, including practices that varied office-by-office and day-by-day.

The Judge will keep authority over the case for three years after he accepts the settlement, to assure that the government complies with all agreements.

Details are available in the attached Notice and Settlement Agreement.