

# Northwest Immigrant Rights Project

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## Press Release

FOR IMMEDIATE RELEASE

September 28, 2006

Seattle, WA – Immigrant rights advocates filed a class action lawsuit in federal court today challenging the Department of Homeland Security’s (DHS) willful refusal to follow a binding decision of the U.S. Court of Appeals for the Ninth Circuit. *See Perez-Gonzalez v. Ashcroft*, 379 F.3d 783 (9th Cir. 2004).

DHS’ actions are depriving hundreds of people of permission to work and closing their only avenue to obtain lawful permanent resident status (a “green card.”) The plaintiffs and the class they represent also may be arrested at any time, detained, and separated from their homes and families.

The suit, filed by Northwest Immigrants Right Project, the American Immigration Law Foundation (in Washington, D.C.), and Van Der Hout, Brigagliano & Nightingale, LLP (in San Francisco), asks the court to compel DHS to follow the Ninth Circuit’s decision.

The lead plaintiff, Aurelio Duran Gonzalez, fears that he will be separated from his family, including his four-month-old child. Mr. Duran Gonzalez has been living in the Seattle, Washington area for almost five years. He is married to a lawful permanent resident and has four children, all of whom are United States citizens. If DHS continues to flout the Ninth Circuit’s decision, he will be forced to return to his home country of Mexico, indefinitely separated from his family. Mr. Duran Gonzalez explained, “I am scared of what will happen to my family if I am not allowed to stay here. My wife and I have filed all of the proper papers and fees. All I am seeking is a chance to continue providing for my wife and children.”

Matt Adams, the Legal Director for Northwest Immigrant Rights Project, expressed surprise at the actions of the DHS officers: “It is quite surprising that the Department of Homeland Security would create a policy that is directly counter to the holding of the Court of Appeals. This law suit is important not only because it seeks to protect families from being separated, but also equally important, it seeks to preserve the rule of law. The Court of Appeals made a clear ruling. DHS now refuses to abide by this ruling. Such a policy would ultimately deny justice to all of those individuals who do not have the resources to challenge DHS’s actions all the way back to the Court of Appeals. We seek an order to force DHS to comply with the law of the land.”

The case is *Duran Gonzalez v. U.S. Dept. of Homeland Security*, Case Number C-06-1411, and was filed in the United States District Court for the Western District of Washington.

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