

NOTICE OF FINAL CLASS ACTION SETTLEMENT

United States District Court for the District of Maryland
J.O.P., et al. v. U.S. Department of Homeland Security, et al.
Case No. 19-cv-01944-SAG

MORE INFORMATION: <https://nipnl.org/work/litigation/jop-v-dhs>

If you were determined to be an “Unaccompanied Alien Child,”

And you filed an asylum application with U.S. Citizenship and Immigration Services on or before February 24, 2025,

You may have rights under a federal class action settlement.

A federal court has approved a Settlement Agreement in a class action lawsuit called *J.O.P. v. DHS*, Case No. 19-cv-01944-SAG (D. Md.). The *J.O.P. v. DHS* lawsuit is about the rights of people seeking asylum with U.S. Citizenship and Immigration Services who were previously determined to be an “Unaccompanied Child” (referred to as “Unaccompanied Alien Child” in the immigration laws).

The purpose of this notice is to tell you about the rights of *J.O.P. v. DHS* class members under the Settlement Agreement. **If you think this Settlement Agreement may relate to you, please read this notice.**

What is the *J.O.P. v. DHS* lawsuit about?

J.O.P. v. DHS is a class action lawsuit that was filed in federal court in Maryland in July 2019. A class action lawsuit is filed on behalf of a large group of people, rather than one person.

The Plaintiffs who brought the *J.O.P. v. DHS* lawsuit claimed that a 2019 policy created by the federal government about how to treat asylum applications filed by people previously determined to be an “Unaccompanied Child” was unlawful.

Under that 2019 policy, U.S. Citizenship and Immigration Services (“USCIS”) rejected the asylum applications of people in immigration court removal proceedings who had “Unaccompanied Child” determinations if they no longer met the definition of “Unaccompanied Child” on the date they filed the asylum application—even though under the policy that came before the 2019 policy, USCIS accepted such applications.

Under the challenged 2019 policy, USCIS also applied a one-year filing deadline to the asylum applications of individuals with previous “Unaccompanied Child” determinations if they no longer met the definition of “Unaccompanied Child” on the date they filed their asylum application—even though under the policy in place before the 2019 policy, USCIS held such applications exempt from the one-year deadline.

The Parties in this case are Plaintiffs J.O.P., M.E.R.E., K.A.R.C., E.D.G., and L.M.Z., all asylum seekers with previous “Unaccompanied Child” determinations (“Plaintiffs”), and the Defendants are U.S. Department of Homeland Security; Alejandro Mayorkas, Secretary of the U.S. Department of Homeland Security; U.S. Citizenship and Immigration Services; Ur Mendoza Jaddou, Director of U.S. Citizenship and Immigration Services; U.S. Immigration and Customs Enforcement; and Patrick J. Lechleitner, ICE Deputy Director and Senior Official Performing the Duties of the Director (“the Government”).

In 2019, the U.S. District Court for the District of Maryland (“Court”) ordered the Government to stop applying the 2019 policy. On December 21, 2020, the Court decided that this case could go forward as a nationwide class action. The Court also ordered the Government not to advocate against postponements of the immigration court proceedings of Class Members while they were waiting for USCIS to decide their pending asylum applications. The Plaintiffs and the Government subsequently reached a Settlement Agreement, and the Court approved the Settlement Agreement on November 25, 2024.

How do I know if I am part of the class?

You are part of the Class covered by the Settlement Agreement (“Class Member”) if, on or before February 24, 2025, you

(1) were determined to be an Unaccompanied Child;

(2) filed an asylum application that was pending with USCIS;

(3) on the date you filed your asylum application with USCIS, you were 18 years of age or older, or you had a parent or legal guardian in the United States who is available to provide care and physical custody; and

(4) have not received an adjudication from USCIS on the merits of your asylum application.

Important:

Some individuals who were previously determined to be Unaccompanied Children but have not yet filed for asylum with USCIS can become Class Members if they file an asylum application with USCIS on or before February 24, 2025, and meet the other requirements described above.

What does the Settlement Agreement provide?

This notice summarizes the final Settlement Agreement. If you want to know more, you should read the Settlement Agreement or talk to your immigration lawyer, if you have one.

In brief, under the final Settlement Agreement:

- A. **USCIS asylum adjudications.** Class Members have a right to have USCIS decide their asylum applications on the merits, even if they are in removal proceedings, and USCIS will not apply the one-year deadline for filing asylum applications to Class Members' asylum applications. USCIS will decide the asylum application even if an Immigration Judge found that the Immigration Judge and not USCIS had the power to decide the asylum application. USCIS will decide the asylum application even if an Immigration Judge refuses to postpone the immigration court case while the asylum application is pending with USCIS.
 - o **Limited exception.** USCIS can only refuse to decide a Class Member's asylum application on the merits if the Class Member was placed in immigration detention as an adult (meaning the person was 18 years old or older) before the Class Member filed their asylum application. If USCIS refuses to consider a Class Member's asylum application because of the Class Member's placement in adult immigration detention, the Class Member is entitled to certain protections specified in the Settlement Agreement.
- B. **Retractions of previous rejections.** USCIS will retract previous rejections of the asylum applications of qualifying Class Members and reinstate them for consideration under this Settlement Agreement.
- C. **Expedite process.** USCIS will create a process for Class Members in certain specified urgent circumstances to request that USCIS expedite their cases.

- D. **New USCIS memo.** USCIS will issue a memo explaining the procedures it is agreeing to under the Settlement Agreement. This memo will apply to Class Members and other people who were previously determined by the Government to be an “Unaccompanied Child.” USCIS will keep this memo in place for at least three years from its effective date.
- E. **Motion practice in immigration court.** In a Class Member’s removal proceedings, the Government lawyer representing the Department of Homeland Security will not argue against USCIS’s authority over the Class Member’s asylum application. The Government lawyer will generally join or not oppose the Class Member’s request for dismissal of the removal proceedings or for a postponement to await USCIS’s decision on the asylum application.
- F. **Stays of removal.** ICE will not remove Class Members with final orders of removal from the United States while they are waiting for USCIS to decide their asylum application under the Settlement Agreement.
- G. **Motions to reopen.** If USCIS grants a Class Member asylum and the Class Member has a removal order, the Government lawyer who represents the Department of Homeland Security in the Class Member’s removal proceedings will generally not oppose the Class Member’s motion to reopen their removal case.
- H. **Time period:** The Settlement Agreement will be in effect for a year and a half (548 days) after it goes into effect; except that the USCIS memo will remain in effect for at least three years.
- I. **Suspected violations:** While the Settlement Agreement is in effect, if a Class Member believes the Government has violated the Settlement Agreement, that Class Member or their counsel may notify Class Counsel in writing of the suspected violation, and the Parties will seek to resolve the issue.

Where can I get more information?

This notice summarizes the Settlement Agreement. If you want to know more, you should read the full Settlement Agreement and talk to your immigration lawyer, if you have one. You can read the Settlement Agreement:

- A. By visiting this web page:
<https://nipnlg.org/work/litigation/jop-v-dhs>
- B. By accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.mdd.uscourts.gov/cgi-bin/iquery.pl>;
- C. By visiting the Clerk's Office of either the Baltimore or Greenbelt federal courthouses during business hours; or
- D. By contacting Class Counsel at the following mail or email addresses: DG-JOPClassCounsel@goodwinlaw.com.