



## ***J.O.P. v. DHS* Settlement Agreement - Five Key Takeaways**

**Updated on January 9, 2025**

### **I. The Class Cut-Off Deadline Is February 24, 2025**

- [Here](#) is a sample I-589 cover letter for a prospective *J.O.P.* class member and a sample *pro se* cover letter with Spanish translation is available [here](#).
- Screen clients for potential *J.O.P.* class membership: (1) prior Unaccompanied Child (UC) determination; and (2) were 18+ or had reunified with a parent or legal guardian on date they filed for asylum with USCIS; and (3) USCIS has not decided their pending asylum application on merits.
- If the client has not yet filed the asylum application with USCIS, **USCIS must receive the prospective class member's I-589 by February 24, 2025, the class cut-off deadline.**
- If a client already filed an asylum application with USCIS and meets the *J.O.P.* class definition, they do **not** need to re-file now that the settlement has been approved.

### **II. Prospective *J.O.P.* Class Members Can File I-589s with USCIS by February 24, 2025 Even If They Are in Removal Proceedings or Have a Removal Order**

- They can file with USCIS even if they already filed an I-589 with the immigration court, even if the immigration judge denied the I-589, even if there is a BIA appeal pending or the BIA dismissed the appeal, or even if a U.S. court of appeals dismissed the petition for review.
- They can file with USCIS without first reopening a prior removal order, and without needing to terminate pending removal proceedings.

### **III. *J.O.P.* Class Members Have Options for Getting Their Removal Proceedings Terminated or Administratively Closed**

- DHS must generally join or non-oppose termination, administrative closure, or other postponements to await USCIS adjudication.
- Though EOIR is not a party to *J.O.P.*, regulations give immigration judges authority to terminate based on a pending UC I-589. 8 CFR § 1003.18(d)(1)(ii)(A).

### **IV. *J.O.P.* Class Members with Removal Orders Have Protections**

- ICE cannot remove them while their asylum application is pending with USCIS.
- They can invoke special expedite procedures from USCIS on their pending I-589 (these expedited procedures are also available to detained class members).
- They can use the joint motion to reopen provision if USCIS approves their asylum application.

### **V. USCIS Implementing Memo Goes into Effect on Feb. 24, 2025**

- The memo will stay in place for at least three years and will apply to *J.O.P.* class members' cases and others with UC determinations who apply for asylum after the *J.O.P.* class cut-off deadline.

#### **More information:**

- [Settlement Agreement](#)
- [Practice Alert](#)
- Class Notice in [English](#) and [Spanish](#)
- National Immigration Project's [J.O.P. v. DHS litigation page](#)
- Class Counsel's email address: [DG-JOPClassCounsel@goodwin.law.com](mailto:DG-JOPClassCounsel@goodwin.law.com)

*Settlement benefits described apply while the agreement is in effect: until May 27, 2026.*