

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

RUIZ-DIAZ v. UNITED STATES OF AMERICA
No. C07-1881RSL, CLASS ACTION

**NOTICE OF COURT'S ORDER REGARDING
BENEFICIARIES OF PENDING PETITIONS FOR SPECIAL
IMMIGRANT RELIGIOUS WORKER VISA (FORM I-360)**

Petitioners who filed or will file a Petition for Special Immigrant Religious Worker Visa (Form I-360) with United States Citizenship and Immigration Services ("USCIS") on behalf of individual beneficiaries are hereby notified that you or your beneficiary may now file an Application for Adjustment of Status (Form I-485) and, if your beneficiary seeks employment status as an adjustment applicant, an Application for Employment Authorization (Form I-765) even if USCIS has not yet issued a final administrative decision regarding the I-360 petition. Because USCIS is unable to search its records according to the beneficiary, we are asking for your assistance in sharing this notice with individuals who are or may be the beneficiary of an I-360 visa petition.

Background

On November 21, 2007, a class action lawsuit was filed challenging a USCIS regulation (8 C.F.R. § 245.2(a)(2)(1)(B)) that prohibits religious workers and their employers from concurrently filing I-360 visa petitions and I-485 adjustment of status applications.

Description Of Court's Order

The Court has invalidated USCIS' bar against concurrent filings as an unreasonable interpretation of the governing statute. Pursuant to an order dated June 11, 2009, USCIS is required to accept as properly filed adjustment of status applications (Form I-485) and employment authorization applications (Form I-765) from individuals who are beneficiaries of petitions for special immigrant visas (Form I-360), whether submitted concurrently with or subsequent to the visa petition, provided the applications meet USCIS' valid filing requirements. See 8 C.F.R. §§ 103.2 and 245.2(a)(3); 8 C.F.R. § 274a.13; Instructions on Forms I-485 and I-765. Except as noted below, USCIS shall adjudicate these applications in the same manner that it adjudicates adjustment of status and employment authorization applications from non-religious workers.

Beneficiaries of petitions for special immigrant visas (Form I-360) whose Form I-485 and/or Form I-765 applications were rejected by USCIS pursuant to 8 C.F.R. § 245.2(a)(2)(i)(B) and who reapply are entitled to have their applications processed as if they had been submitted on their original submission date. Any employment authorization that is granted shall be retroactive to the original submission date. Applicants shall not accrue unlawful presence, unlawful status, or unauthorized employment time between (a) the date the I-360 petition was filed on behalf of the individual or (b) November 21, 2007, whichever is earlier, and the date on which USCIS

issues a final administrative decision on the application(s).

Important Note

The Court's order in this case is subject to appeal and, if appealed, the terms of the Court's order may be modified or vacated. For the current status please refer to the USCIS website (www.uscis.gov).

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