

USCIS Sets Application Period for Legalization

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Following the settlement agreement in the Northwest Immigrant Rights Project (NWIRP) v. USCIS legalization case, certain individuals who previously were not able to apply for legalization can now apply for legalization.

The NWIRP case was a class action lawsuit brought against USCIS that involved claims by individuals who were unable to apply or who were deemed ineligible for legalization under the Immigration Reform and Control Act (IRCA) of 1986 because of issues as to whether unlawful status was "known to the government";

As a result of the decision announced on September 9, 2008, certain individuals whose applications were denied for certain reasons can now move to reopen their applications with USCIS for review under specified legal standards. In addition, the agreement allows certain individuals whose applications remain pending to alert USCIS to their cases.

The settlement agreement is not a new legalization program or "amnesty." Individuals must meet specific criteria to be eligible to apply under the agreement. Those who tried to file an application under specific circumstances but were unable to do so between May 5, 1987 and May 4, 1988, must file a class membership application and an application for legalization on Form I-687 (Application for Status as a Temporary Resident). However, for those who filed during this filing period but whose applications were denied must file a class membership worksheet, Form I-290B, and appropriate filing fee. Individuals who filed during this filing period and have a pending application do not have to file another legalization application; however, they have the option to file a class membership application in order to alert USCIS to the pending case.

NOTE: There is a time limit to apply for legalization. The application period starts on February 1, 2009 and ends on January 31, 2010.

If you need further information, you may contact a local USCIS office or go online at www.uscis.gov.