

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT for the NORTHERN DISTRICT OF CALIFORNIA

If you received a juvenile court order from a California Juvenile Court and then filed a Special Immigrant Juvenile (SIJ) petition after turning 18 years old, you may be part of a federal class action settlement:

A.O., et al v. Jaddou, et al,
United States District Court for the Northern District of California
Case Number 19-cv-6151-SVK

MORE INFORMATION: <https://www.milbank.com/en/casijclassaction.html>

IMPORTANT

PLEASE READ THIS NOTICE CAREFULLY
THIS NOTICE RELATES TO THE PENDENCY OF A CLASS ACTION LAWSUIT AND, IF YOU ARE A SETTLEMENT CLASS MEMBER, CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS TO OBJECT TO THE SETTLEMENT

A federal court has authorized this notice. This is not an advertisement. You are not being sued or restrained.

This notice is to inform you of a proposed settlement of a class action lawsuit in the United States District Court for the Northern District of California, against Ur M. Jaddou, Director of the U.S. Citizenship and Immigration Services; Alejandro Mayorkas, Secretary of the U.S. Department of Homeland Security; Terri Robinson, Director of the National Benefits Center, U.S. Citizenship and Immigration Services; the U.S. Department of Homeland Security; and the U.S. Citizenship and Immigration Services (the “Government”).

YOUR LEGAL RIGHTS* AND OPTIONS IN THIS SETTLEMENT**

DO NOTHING	By doing nothing, you remain in the Class and benefit from the terms of the Settlement Agreement (“Settlement Agreement” or “Agreement”). There are no rights to “opt out” or exclude yourself from the Settlement Agreement. The proposed Settlement Agreement will bind Class Members.
COMMENT OR OBJECT BY SEPTEMBER 30, 2021	Write to the Court about why you do, or do not, like the proposed Settlement.
ATTEND A HEARING ON NOVEMBER 23, 2021 AT 10 A.M.	Ask to speak to the Court about the fairness of the Settlement if you filed a request to do so by September 30, 2021. <i>(The date and time of the Final Approval Hearing is subject to change by Court Order and without further notice to the Class. This hearing may proceed by video conference if so indicated on ECF. See Question Nos. 6 and 9 below.)</i>

** These rights, options, and the deadlines to exercise them are explained in this notice.*

*** The Court overseeing this case still has to decide whether to approve the Settlement.*

1. What is this notice and why should I read it?

This notice is to inform you of a proposed Settlement of a class action lawsuit entitled *A.O. et al. v. Jaddou, et al.*, Case No. 19-cv-06151-SVK, brought on behalf of the Settlement Class, and pending in the

United States District Court for the Northern District of California. You do not need to live in California to benefit under the Settlement. The Court has granted preliminary approval of the Settlement and has set a Final Approval Hearing to take place on November 23, 2021 at 10 a.m. in Courtroom 6, 4th Floor, U.S. District Court, 280 S. First Street, San Jose, California, to determine if the Settlement is fair, reasonable, and adequate. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class.

This notice describes the proposed Settlement. Your rights and options – **and the deadlines to exercise them** – are explained in this notice. If you are a Settlement Class Member your legal rights are affected regardless of whether you act.

2. What is a class action lawsuit and what is this lawsuit about?

In a class action, one or more people, called Class Representatives, sue for themselves and for people who have similar claims. The people who brought the case – and all the Settlement Class Members like them – are called Plaintiffs. The people or entities they have sued are called Defendants, or the “Government” here. This case is a federal case. The case name is *A.O. et al. v. Jaddou, et al.*, and the case number is 19-cv-06151-SVK. The court in charge of this case is the United States District Court for the Northern District of California, the Honorable Susan Van Keulen presiding.

This class action involves claims by the Plaintiffs that the Government imposed a new requirement on eligibility for SIJ petitions and, as a result, did not approve the SIJ petitions of petitioners who received juvenile court orders from a California Juvenile Court under Cal. Welfare & Inst. Code §§ 300 and 303, on the ground that the California Juvenile Court did not have jurisdiction or authority to “reunify” the petitioner with his or her parents (the “Reunification Authority Requirement”). A federal court has temporarily ordered the Government to stop imposing the alleged new requirement on SIJ petitioners who filed SIJ petitions after they turned 18 and before turning 21. However, before the Court made a final determination in this lawsuit regarding whether the Government’s conduct is lawful or unlawful, Plaintiffs and the Government reached this Settlement. This Settlement does not seek any money from the Government on behalf of the Class, except to reimburse Plaintiffs’ attorneys for their fees and costs spent in bringing this lawsuit.

This class action differs from a similar SIJ-related class action, *J.L. v. Cuccinelli*, Case No. 18-cv-4914-NC. The class members in *J.L. v. Cuccinelli* received guardianship orders under Cal. Prob. Code § 1510.1 after turning 18 but before turning 21; Settlement Class Members in *A.O. v. Jaddou* received dependency orders under Cal. Welfare & Inst. Code §§ 300 and 303. If you were a class member in *J.L. v. Cuccinelli*, you are **not** a Settlement Class Member in this Settlement and do not benefit under the terms of this Settlement.

3. How do I know if I am part of the Settlement Class?

The Court has certified the following class (the “Class” or “Settlement Class”): “California children who have been declared dependent on a juvenile court under Section 300 of the California Welfare and Institutions Code and who have received or will receive denials of their SIJ petitions on the grounds that the state court cannot reunify them with their parents.” If you are one of those SIJ petitioners, you are participating in the lawsuit.

You are part of the Class covered by the Settlement (“Class Member” or “Settlement Class Member”) if you received a dependency order under § 300 from the California Juvenile Court and subsequently filed an SIJ petition or will file an SIJ petition after turning 18 years old but before turning 21 years old that: (1) has not been adjudicated; (2) was or will be denied (or you received a Notice of Intent to Deny (“NOID”)); (3) has received or will receive a Request for Evidence (“RFE”); or (4) was revoked or will be revoked (or you received or will receive a Notice of Intent to Revoke (“NOIR”)) on the basis that the California Juvenile Court lacked jurisdiction to issue the SIJ Findings accompanying that dependency order because it could not reunify

you with a parent. *Please note that, as of the date of this Notice, USCIS no longer requires a state court to have jurisdiction to reunify the SIJ petitioner with his or her allegedly unfit parent.*

The Class has two subclasses: “Existing Class Members” and “Future Class Members.” These two subclasses are entitled to different benefits under the Settlement. You are an Existing Class Member if you (1) were declared dependent on a juvenile court under Section 300 of the California Welfare and Institutions Code on or before October 15, 2019; (2) either (a) filed an SIJ petition with USCIS after turning 18 years old but prior to your 21st birthday, between January 1, 2017 and October 15, 2019, or (b) had turned 18 years old but had not yet turned 21 years old and were eligible to file an SIJ petition between January 1, 2017 and October 15, 2019 but did not file an SIJ petition because you believed that it would be denied due to the state court’s lack of parental-reunification authority; and (3) your SIJ petition has not been approved as of the Effective Date of the Settlement Agreement. You are a “Future Class Member” if you: (1) have been or will be declared dependent on a juvenile court under Section 300 of the California Welfare and Institutions Code; (2) filed or will file an SIJ petition after October 15, 2019; (3) had or will have turned 18 years old but had not or will have not turned 21 years when you file(d) your SIJ petition; and (4) receive a denial of your SIJ petitions on the ground that the state court did not have jurisdiction or authority to reunify you with your parents.¹

The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class can be given this notice, voice their support or opposition to final approval of the Settlement, and explain how those in the Settlement Class may obtain the relief offered by the Settlement. If the Settlement does not receive final approval by the Court, or the Parties terminate it, the Settlement will be void, and the lawsuit will continue as if there had been no Settlement and no certification of the Settlement Class.

4. Why is there a settlement?

The Court has not decided in favor of either side in this case. The Government denies all allegations of wrongdoing. The Government is settling in order to avoid the substantial expense, inconvenience, and distraction of further protracted litigation, including trial and appeal. Plaintiffs and their attorneys believe that the Settlement is in the best interests of the Settlement Class because it provides an appropriate recovery for Settlement Class Members now while avoiding the expense and delay of pursuing the case through trial and any appeals.

5. What does the settlement provide?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at <https://www.milbank.com/en/casijclassaction.html> by contacting Class Counsel (*see* Question No. 7 for contact information), 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.cand.uscourts.gov>, or by visiting the office of the Clerk of Court for the United States District Court

¹Because USCIS no longer requires that a state court have jurisdiction to reunify an SIJ petitioner with his or her allegedly unfit parent, the Government does not anticipate that any Future Class Members currently exist. If USCIS changed its policy regarding parental-reunification authority or if USCIS erroneously denies an SIJ petition based upon a California Juvenile Court’s lack of parental-reunification authority, then the Future Class Member subclass would apply. However, USCIS has agreed as part of the Settlement not to reinstate the Reunification Authority Requirement for SIJ petitioners who have a court order from a California juvenile court; therefore USCIS does not anticipate the existence of Future Class Members in the future.

for the Northern District of California, San Jose Division, between 9:00 am and 4:00 pm, Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT PROCESS.

Pursuant to the Settlement Agreement, the Government will not impose the requirement that a state court have the authority to place a Person² in the custody of his or her parent(s) and/or the authority to order the reunification of a Person with her or her parent(s) in order to make a qualifying determination of whether the Person's reunification with one or both parents is viable on the basis of abandonment, abuse, or neglect, for the purposes of eligibility for SIJ. Accordingly, pursuant to California Welfare and Institutions Code § 300 and California Civil Procedure Code § 155, the Juvenile Division of the California Superior Court is a "juvenile court" for the purpose of making custodial placements and/or legal commitments; issuing findings regarding whether abandonment, abuse, neglect, or a similar basis under state law render reunification between a person under the age of 21 and his or her parent not viable; and issuing findings regarding best interests pursuant to California law, as required under 8 U.S.C. § 1101(a)(27)(J) (the "SIJ Statute"). A Person is not disqualified from SIJ provided that (1) state law confers upon a state court the jurisdiction to declare the person dependent, legally commit the person to an individual or entity, or place the person under the custody of an individual or entity regardless of age; and (2) the person is unmarried and under the age of 21 when he or she petitions for SIJ. Further, pursuant to California Welfare and Institutions Code §§ 300 and 303, a California Juvenile Court has the jurisdiction and authority to retain jurisdiction over a ward or a dependent child of the Juvenile Court until the ward or dependent child attains 21 years of age and issue findings, as required under the SIJ Statute.

The Settlement Agreement requires the Government to adjudicate Settlement Class Members' SIJ petitions according to the following terms:

- (1) The Defendants must adjudicate all SIJ petitions of Existing Class Members on the Notification List or Existing Class Members identified to Defendants pursuant to the process described in (2) below, in accordance with the SIJ Statute and the Agreement, according to the following schedule:
 - a. Within 45 days of the Effective Date³ or within 45 days of Plaintiffs notifying Defendants of an Existing Class Member, Defendants will reopen and readjudicate any SIJ petitions of Existing Class Members that were previously revoked or denied on the basis of the Reunification Authority Requirement.⁴

²"Person" means an individual considered a "juvenile," "child," "minor," or equivalent term subject to the jurisdiction of a juvenile court under the law of the state in which he or she resides.

³"Effective Date" means the date when all of the following shall have occurred: (a) certification of a settlement class; (b) entry of the Preliminary Approval of the Settlement Agreement; (c) approval by the Court of this Settlement Agreement, following notice to the Class and a fairness hearing, as prescribed by Rule 23 of the Federal Rules of Civil Procedure; (d) entry by the Court of the Final Order approving the Settlement Agreement, in all material respects and dismissing the case with prejudice with regard to all Settled Claims.

⁴"Reunification Authority Requirement" is defined in the Settlement as the requirement that a state court have the authority to place a Person in the custody of his or her parent(s) and/or the authority to order the reunification of a Person with his or her parent(s) in order to make a qualifying determination of whether the Person's reunification with one or both parents is not viable on the basis of abandonment, abuse, or neglect, or a similar basis under state law, for the purposes of SIJ eligibility.

- b. Defendants will adjudicate pending SIJ petitions of Existing Class Members within 45 days of the Settlement's Effective Date.
 - c. USCIS will accept a petition filed before the expiration of 90 days after the Effective Date from any Existing Class Member who (i) turned 21 years old after February 26, 2018 but before October 15, 2019; (ii) who obtained a SIJ findings order prior to their 21st birthday, which was entered between January 1, 2017 and October 15, 2019 and which was based on the California court's continuing jurisdiction under Sections 300 and 303; and (iii) who did not file the SIJ petition prior to their 21st birthday because they believed the petition would be denied based on the Reunification Authority Requirement. Such SIJ petition will not be denied based on the fact that the petitioner turned 21 years of age on or after February 26, 2018.
- (2) The SIJ petitions of individuals (i) who are Existing Class Members, (ii) who receive this notice directly, and (iii) whose SIJ petitions are pending or were revoked or denied based on the Reunification Authority Requirement, will be automatically adjudicated according to the schedule set forth in (1) above.
- a. If you are an Existing Class Member whose SIJ petition is pending or was revoked or denied based on the Reunification Authority Requirement but you did not directly receive this notice, please contact Class Counsel at CASIJClassAction@milbank.com as soon as possible. Class Counsel has 45 days following preliminary approval of the Settlement to identify to Defendants any additional Existing Class Members that do not appear on the Notification List.
 - b. If you are an Existing Class Member (i) who turned 21 years old after February 26, 2018 but before October 15, 2019; (ii) who obtained a SIJ findings order prior to their 21st birthday, which was entered between January 1, 2017 and October 15, 2019 and which was based on the California court's continuing jurisdiction under Sections 300 and 303; and (iii) who did not file the SIJ petition prior to their 21st birthday because they believed the petition would be denied based on the Reunification Authority Requirement, please contact Class Counsel at CASIJClassAction@milbank.com as soon as possible. Defendants will accept a petition filed before the expiration of 90 days after the Effective Date from any Existing Class Member meeting this description, and such SIJ petition will not be denied based on the fact that the petitioner turned 21 years of age on or after February 26, 2018.
- (3) The processing times in the Agreement may be tolled in certain circumstances outlined below, because such actions may take the case beyond the agreed time frame for final adjudication, per this Agreement. This is to ensure that the petitioners are afforded the full response times as required by 8 C.F.R. § 103.2. Specifically:
- 1. If USCIS issues an RFE, it must allow the petitioner the permitted 87 days to respond, in addition to any COVID-19 specific additional timeframes.
 - 2. If USCIS issues a NOID, it must allow the petitioner the permitted 33 days to respond in addition to any COVID-19 specific additional timeframes.
 - 3. If USCIS must refer the case for adjudication of background checks or to the Fraud Detection and National Security Directorate, it would require time for that process to complete.
 - 4. If USCIS must have the A-file for final adjudication, and USCIS experiences a delay in obtaining the A-file, it would require additional time.

5. If Defendants are unable to adjudicate Existing Class Members' SIJ petitions within 45 days of the Effective Date, Defendants will continue to abide by the terms of the Court's Preliminary Injunction, ECF No. 67, for the individuals whose SIJ petitions remain outstanding until USCIS has adjudicated their SIJ petition(s).
 6. The processing times in this Agreement may be tolled for no more than 120 days due to an outstanding background check or need to obtain an A-file. Except in rare circumstances, the processing times in this Agreement may be tolled for no more than 150 days due to a referral to the Fraud Detection and National Security Directorate.
- (4) For any Existing Class Member who already received an RFE, NOID, NOIR, denial, or revocation of their SIJ petition, USCIS shall not issue a new RFE or NOID for any grounds not previously raised in the earlier RFE, NOID, NOIR, denial, or revocation. This provision does not preclude USCIS from issuing RFEs, NOIDs, denials, or revocations based on new grounds that did not exist at the time the earlier RFE, NOID, denial, or revocation was issued. This provision also does not limit USCIS's ability to issue RFEs, NOIDs, NOIR, denials, or revocations based on changes to factual circumstances, which occurred after the date of the previously issued RFE, NOID, NOIR, denial, or revocation in accordance with the terms of this Agreement.
 - (5) USCIS has identified three Class Members, who received RFEs or NOIDs more than 180 days after they filed their SIJ petitions, and whose SIJ petitions were subsequently denied. USCIS has reviewed the SIJ petitions and will sua sponte re-open and approve their SIJ petitions within 45 days of the Effective Date of this Agreement. USCIS shall send all relevant notices to the Class Members' mailing addresses as they appear in USCIS's database as of the date of the approval, and to the addresses of the Class Members' attorneys of record as listed on Form G-28, Notice of Appearance of Attorney or Accredited Representative. USCIS shall also provide Class Counsel a copy of the approval notices via email to CASIJClassAction@milbank.com.
 - (6) SIJ Petitions of Existing Class Members who have been issued RFEs, NOIDs, denials, NOIRs, or revocations solely based on the Reunification Authority Requirement will be adjudicated in accordance with the terms of the Settlement Agreement and will be favorably adjudicated if otherwise approvable.
 - (7) USCIS will not issue any general RFEs asking that an Existing Class Member affirmatively identify any change in circumstance that is not evidenced in a separate immigrant petition post-dating receipt of the Class Member's SIJ petition or otherwise indicated in information available to USCIS. Any change that post-dates the previous RFE, NOID, NOIR, denial, or revocation (whether or not published in USCIS's Policy Manual or in any publication or document provided to USCIS adjudicators) in SIJ policy, legal guidance, regulation, or regulatory interpretation, that would make any Existing Class Members ineligible for approval of his or her SIJ petition specifically based on the SIJ Petitioner's age, shall not apply to Existing Class Members.
 - (8) For any Class Member who has not already received an RFE, NOID, NOIR, or denial of their SIJ petition, USCIS may issue an RFE or NOID in accordance with the law and the Agreement. Consistent with USCIS's best practices, USCIS will list all grounds for issuance in the one RFE, NOID, or NOIR.
 - (9) For denials issued because an Existing Class Member failed to respond to an RFE, NOID, or NOIR wherein the RFE, NOID or NOIR was based in part or in whole on the Reunification Authority Requirement, USCIS will reopen and readjudicate the petition, and will provide the Class Member the

opportunity to overcome any other evidentiary deficiencies.

- (10) Upon the Effective Date of the Settlement Agreement, the preliminary injunction will dissolve according to its terms. However, in order to effectuate the Settlement Agreement, for a period of 45 days beginning on the Effective Date (“45 Day Period”), Defendants will continue to abide by the terms of the Court’s Preliminary Injunction, Dkt. No. 67.
- (11) After the expiration of 45 days, Defendants will continue to abide by the Court’s Preliminary Injunction for any Existing Class Member whose SIJ petition was previously revoked or denied based on the Reunification Authority Requirement but whose SIJ petition has not yet been reopened and readjudicated in accordance with this agreement.
- (12) For Existing Class Members whose SIJ petitions remain pending after the expiration of 45 days, Defendants will provide 14 days’ notice to Plaintiffs’ Counsel before ICE removes or initiates removal proceedings against any Class Member whose SIJ petition remains pending.
- (13) ICE shall join, or, alternatively, shall not oppose, any Existing Class Member’s Motion to Reopen Removal Proceedings where the Existing Class Member has an approved SIJ Petition and received a final order of removal before his or her SIJ Petition was approved, except as otherwise indicated in this subsection. The Existing Class Member must file his or her Motion to Reopen Removal Proceedings within one year of the Effective Date of the Agreement and must cite to the Agreement in his or her Motion. Should the Existing Class Member prefer to simultaneously file a Motion to Reopen Removal Proceedings and a Motion to Terminate Removal Proceedings Without Prejudice, where the immigration proceedings are terminated without prejudice, ICE shall join, or, alternatively, shall not oppose the motions. In such a case, the Existing Class Member must have an approved SIJ Petition and have received a final order of removal before his or her SIJ Petition was approved, except as otherwise indicated in this subsection. The Existing Class Member must file his or her Motion to Reopen Removal Proceedings and a Motion to Terminate Removal Proceedings Without Prejudice within one year of the Effective Date of the Agreement and must cite to the Agreement in his or her Motion.

ICE retains discretion to oppose an Existing Class Member’s Motion to Reopen Removal Proceedings and/or Motion to Reopen and Terminate Removal Proceedings Without Prejudice in the below circumstances. In the event that ICE determines to oppose an Existing Class Member’s Motion to Reopen Removal Proceedings and/or Motion to Reopen and Terminate Removal Proceedings Without Prejudice in the above-referenced circumstances, Defendants shall provide Class Counsel with 14 days’ notice of ICE’s intent to so oppose such a motion.

1. When the Existing Class Member has been convicted of an aggravated felony as defined in INA § 101(a)(43) or convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is not younger than 16 years of age and intentionally participated in an organized criminal gang or transnational criminal organization to further the illegal activity of the gang or transnational criminal organization;
2. When the Existing Class Member engaged in or is suspected of engaging in terrorism or terrorism-related activities; has engaged in or is suspected of engaging in espionage or espionage-related activities; or whose apprehension,

arrest, or custody is otherwise necessary to protect the national security of the United States; or,

3. In extraordinary cases that do not do not fall within the enumerated provisions but are nonetheless national security or public safety risks, as defined in Addendum A to the Agreement. For this exception to apply, the ICE Chief Counsel of the relevant Office of the Principal Legal Advisor (OPLA) field location must approve ICE's opposition.

(14) USCIS shall not issue a Notice to Appear to any Class Member until USCIS has adjudicated their I-360 in accordance with the Settlement Agreement.

(15) USCIS shall promptly reopen all Applications to Register Permanent Residence or Adjust Status (I-485s) and Applications for Employment Authorization (I-765s) based on the I-485 applications that were denied at least in part because of the Reunification Authority Requirement in conjunction with the denial of SIJ petitions for all Existing Class Members in accordance with this Settlement, the SIJ Statute, and the Immigration and Nationality Act. USCIS shall, within 45 days of any approval of the Existing Class Members' I-360, reopen all Applications to Register Permanent Residence or Adjust Status (I-485s) and/or Applications for Employment Authorization (I-765s) associated with the underlying approved I-360 petition as set forth below:

1. For Existing Class Members whose I-485s or I-765s were denied due to a denied underlying I-360 petition, where the I-485 is immediately approvable: When an underlying I-360 is reopened and approved and the petitioner had filed an I-485 that was denied on the basis of the denied underlying petition, USCIS will reopen the I-485 and if immediately approvable, will readjudicate the I-485 within five (5) business days of approving the I-360 and will take no action on the denied I-765.
2. For Existing Class Members whose I-485s or I-765s were denied due to a denied underlying I-360 petition, where the I-485 is not immediately approvable: When an underlying I-360 is reopened and approved and the petitioner had filed an I-485 that was denied on the basis of the denied underlying petition, USCIS will reopen the I-485 and if not immediately approvable, will reopen and readjudicate the I-765 within five (5) business days of approving the I-360.
3. For Existing Class Members whose I-485s or I-765s were denied due to a denied underlying I-360 petition, where the I-485 is not immediately approvable and the Employment Authorization Document ("EAD") has been terminated or has expired: When an underlying I-360 is reopened and approved and the petitioner had filed an I-485 that was denied on the basis of the denied underlying petition and the I-765 had been previously approved but the EAD terminated at the time of the I-485 denial or is presently expired, USCIS will reopen the I-485 within five (5) business days of approving the I-360 and if not immediately approvable, will reopen and issue an RFE for a no-fee I-765, and will adjudicate the I-765 upon the receipt of the RFE response.

6. What are my rights as a member of the Settlement Class?

If you believe you are a member of the Settlement Class and you have a final removal order or are in removal proceedings, you should contact Class Counsel **immediately**. (See Question No. 7 for contact information.)

If you **are** satisfied with the proposed Settlement, you do not have to do anything.

Even if you **are not** satisfied with the proposed Settlement, you do not have the right to opt out of the settlement.

If you **are not** satisfied with the proposed Settlement, you **may object** to the Settlement or Class Counsels' request for fees by submitting your objection in writing to the Court. Specifically, you can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the proposed Settlement. If the Court denies approval, this lawsuit will continue. If that is what you want to happen, you must object.

Any **objection** to the proposed Settlement must be in writing. All written objections and supporting papers must (a) clearly identify the case name and number (*A.O. et al. v. Jaddou, et al.*, Case No. 19-cv-06151-SVK), (b) include the Settlement Class Member's Name, (c) include the Settlement Class Member's current address and telephone number, or current address and telephone number of the Settlement Class Member's legal representative, and (d) include an explanation of why the Settlement Class Member objects to the Settlement, including the grounds therefore, any supporting documentation, and the reasons, if any, for requesting the opportunity to appear and be heard at the Final Approval Hearing. All written objections and supporting papers must then be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, San Jose Division, or by filing them in person at any location of the United States District Court for the Northern District of California. All written objections must be filed or postmarked on or before October 22, 2021. **Note:** Failure to comply with all requirements of this section shall constitute grounds for striking an objection or denying a request to be heard, if applicable.

If you file a timely written objection that complies with the above-mentioned requirements, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. The Final Approval Hearing is scheduled for November 23, 2021 at 10 a.m. in Courtroom 6, 4th Floor, U.S. District Court, 280 S. First Street, San Jose, California to determine if the Settlement is fair, reasonable, and adequate, and to consider the request by Class Counsel for attorneys' fees. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

If, after the hearing, the Court rejects the Settlement Agreement, the Parties will continue to litigate this dispute in front of the Court. If that happens, there is no guarantee that: (1) the Court will rule in favor of the Class Members; (2) a favorable Court decision, if any, would be as favorable to the Class Members as this Settlement; or (3) any favorable Court decision would be upheld if the Government filed an appeal.

7. Who represents the Settlement Class?

Class Representatives: For purposes of the Settlement, the Court has appointed Plaintiffs A.S.R., A.O., L.C., R.M., and I.Z.M. to serve as the class representatives.

Class Counsel: The Court has decided that the law firm of Milbank, LLP and the Southwestern Law School Immigration Law Clinic are qualified to represent you and all Class Members in this case. These lawyers are called Class Counsel. They are experienced in handling similar cases. If you have any questions about this case, you may call 212-530-5000 to speak with one of the lawyers handling the case or email

CASIJClassAction@milbank.com. More information about Class Counsel, their practice, and their lawyers' experience is available at www.milbank.com and www.swlaw.edu.

From the beginning of the case in August 2019 to the present, Class Counsel has not received any payment for their services in prosecuting the case or obtaining the Settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. Class Counsel will seek an award of attorneys' fees and actual expenses (including court costs) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) & 5 U.S.C. § 504 *et seq.*, which authorizes payment by the Government of attorneys' fees and costs for successful litigation against the Government in the federal courts. Class Counsel will seek final approval of the Settlement on behalf of all Settlement Class Members. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense.

8. What is the effect of final settlement approval?

If the Court grants final approval of the Settlement, Plaintiffs agree that they will dismiss with prejudice their claims in the Action against the Government.

The Court will retain exclusive jurisdiction over the Settlement Agreement for the purpose of enforcing any of its provisions and terms, and the Court's retention of jurisdiction shall be noted in the dismissal of this action. The Court's exclusive jurisdiction to enforce the Agreement shall terminate automatically one (1) year following the Court's order approving Defendants' certification that they have fully adjudicated the Class Members' petitions in compliance with the Agreement.

9. When and where will the Court hold a hearing on the fairness of the Settlement?

The Final Approval Hearing is scheduled for November 23, 2021 at 10 a.m. in Courtroom 6, 4th Floor, U.S. District Court, 280 S. First Street, San Jose, California to determine if the Settlement is fair, reasonable, and adequate, and to consider the request by Class Counsel for attorneys' fees. **Note:** this date and time are subject to change by Court Order and may change without further notice to the Class.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed settlement, including the amount requested by Class Counsel for attorneys' fees and expenses. If you have filed an objection to the Settlement, the Court has the right to require your attendance at the Final Approval Hearing. You will be contacted by the Court or by Class Counsel if the Court requires your appearance. If you intend to appear at the Final Approval Hearing through your own attorney, your attorney will need to file a notice of intent to appear with the Court. If you appear through your own attorney at the Final Approval Hearing, you are responsible for hiring and paying that attorney.

10. Where do I get additional information?

This notice provides only a summary of the matters relating to the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at <https://www.milbank.com/en/casijclassaction.html>, by contacting Class Counsel (see Question No. 7 for contact information), 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.cand.uscourts.gov>, or by visiting the office of the Clerk of Court for the United States District Court for the Northern District of California, San Jose Division, between 9:00 am and 4:00 pm, Monday through Friday, excluding Court holidays.

If you would like additional information, you can contact Class Counsel (see Question No. 7 above).

PLEASE DO NOT CONTACT THE COURT OR THE JUDGE WITH QUESTIONS ABOUT THE SETTLEMENT