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4 **UNITED STATES DISTRICT COURT**
5 **FOR THE WESTERN DISTRICT OF WASHINGTON**
6 **AT SEATTLE**

7 Bianey GARCIA PEREZ, Maria
8 MARTINEZ CASTRO, J.M.Z., Alexander
9 MARTINEZ HERNANDEZ, on behalf of
10 themselves as individuals and on behalf of
11 others similarly situated,

12
13 Plaintiffs,

14 v.

15 U.S. CITIZENSHIP AND IMMIGRATION
16 SERVICES; Ur JADDOU, Director, U.S.
17 Citizenship and Immigration Services;
18 EXECUTIVE OFFICE FOR
19 IMMIGRATION REVIEW; Mary CHENG,
20 Acting Director, Executive Office for
21 Immigration Review,

22 Defendants.

Case No. 2:22-cv-00806-JHC

ORDER GRANTING JOINT
MOTION FOR CLASS
CERTIFICATION FOR
SETTLEMENT PURPOSES
ONLY

NOTE ON MOTION CALENDAR:
July 29, 2024

23 Upon consideration of the Parties' Joint Motion for Class Certification (Dkt. # 72),
24 Settlement Agreement, and previously filed documents in support of the Motion for Class
25 Certification (Dkt. # 2), and pursuant to Rules 23(a), 23(b)(2), and 23(g) of the Federal Rules of
26 Civil Procedure, the Court certifies the following class and subclasses, and appoints the
following as class counsel:

Class: All noncitizens in the United States who have filed or will file with USCIS
or EOIR a complete Asylum Application and who would be eligible for

1 employment authorization under 8 C.F.R. 274a.12(c)(8) but for the fact that their
2 Asylum EAD Clock was stopped or not started prior to 180 days after the date the
3 noncitizen filed a complete Asylum Application.

- 4 1. **Remand Subclass:** “Remand Subclass” means: Class members whose
5 Asylum EAD Clocks were or will be stopped following a decision by an
6 Immigration Judge and whose Asylum EAD Clocks are not or will not be
7 started or restarted following an appeal in which either the BIA or a federal
8 court of appeals remands their case for further adjudication of their asylum
9 and/or withholding of removal claims.
- 10 2. **Unaccompanied Children Subclass:** “Unaccompanied Children Subclass”
11 means: Class members in removal proceedings who are unaccompanied
12 children (“UCs”) pursuant to 6 U.S.C. § 279(g) and whose Asylum EAD
13 Clocks are not started or will be stopped while waiting for USCIS to adjudicate
14 the filed Asylum Application.
- 15 3. **Change of Venue Subclass:** “Change of Venue Subclass” means: Class
16 Members in removal proceedings whose removal proceedings have been or
17 will be transferred to a different Immigration Court through a granted change
18 of venue motion, and for whom EOIR has stopped or will stop the Asylum
19 EAD Clock based solely on the change of venue.

20 **Class Counsel:**

21 Matt Adams
22 Leila Kang
23 Aaron Korthuis
24 Northwest Immigrant Rights Project
25 615 2nd Ave Ste 400
26 Seattle, WA 98104

1 Trina Realmuto
2 Mary Kenney
3 Kristin Macleod-Ball
4 National Immigration Litigation Alliance
5 10 Griggs Terrace
6 Brookline, MA 02446

7 Dated this 29th day of July, 2024.

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9 John H. Chun
10 UNITED STATES DISTRICT JUDGE
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