

USCIS Response to Coronavirus (COVID-19)



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[Home](#) > [Laws and Policy](#) > [Other Resources](#) > [Class Action, Settlement Notices and Agreements](#) >
Notice of Final Class Action Settlement in A.O. et al. v Jaddou, et al., No. 19-cv-6151 (N.D. Cal)

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This webpage is intended to notify you of the final class settlement in A.O. et al. v Jaddou, et al., No. 19-cv-6151 (N.D. Cal). For more details, you may access the [final settlement agreement \(PDF, 2.04 MB\)](#).

A.O., et al v. Jaddou, et al., U.S. District Court for the Northern District of California, Case No. 19-cv-6151-SVK

TO: 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.

There are two types of Class Members: Existing Class Members and Future Class Members.

You are an Existing Class Member if (Scenario #1):

1. You received a dependency order under § 300 of the California Welfare and Institutions Code from a California Juvenile Court on or before October 15, 2019; **and**
2. You filed an SIJ petition after you had turned 18 years old but before you had turned 21 years old; **and**
3. Your SIJ petition was filed between January 1, 2017 and October 15, 2019; **and**
4. Your SIJ petition:
 - a. has not been adjudicated; **or**
 - b. has been issued a Request For Evidence (RFE), Notice of Intent to Deny (NOID) or Notice of Intent to Revoke (NOIR) where at least one of the grounds in the NOID, RFE, or NOIR was that the California Juvenile Court that issued the SIJ Findings accompanying the dependency order lacked jurisdiction to make a qualifying determination that you could not be reunified with your parent(s) because it did not have the authority to reunify you with that parent (the “[Reunification Authority Requirement](#)”); **or**
 - c. you received a denial or a revocation of your SIJ petition based on the Reunification Authority Requirement.

You are also an Existing Class Member if (Scenario #2):

1. You received a dependency order, before turning 21 years old, under § 300 of the California Welfare and Institutions Code from a California Juvenile Court on or before October 15, 2019; **and**
2. You were between 18 years old and 21 years old at any point between February 26, 2018 and October 15, 2019; **and**
3. You did not file an SIJ petition between February 26, 2018 and October 15, 2019 because of the Reunification Authority Requirement.

You are a Future Class Member if:

1. You have been or will be declared dependent on a juvenile court under Section 300 of the California Welfare and Institutions Code; **and**
2. You filed or will file an SIJ petition after October 15, 2019; **and**
3. You were or will be 18, 19, or 20 years when you file(d) your SIJ petition; **and**
4. You receive a denial of your SIJ petition based on the Reunification Authority Requirement.¹

You do not need to live in California to benefit under the Settlement.

You are hereby notified that on November 29, 2021 the Honorable Susan Van Keulen of the U.S. District Court for the Northern District of California approved a settlement of the claims brought on your behalf in this lawsuit.

Background: This class action lawsuit alleged that U.S. Citizenship and Immigration Services (USCIS) acted contrary to law by imposing a new requirement for SIJ eligibility that required the California Juvenile Court to have the authority to reunify SIJ petitioners with their parent(s) in order to make a qualifying determination that reunification with that parent(s) was not viable under the SIJ statute, and then denied SIJ petitions on that basis for petitioners over the age of 18. The Parties later reached a settlement. The Plaintiffs are represented by Milbank LLP and the Southwestern School of Law Immigration Clinic (collectively, “Class Counsel”).

Description of Settlement Agreement (Agreement): The following description is only a summary of the key points in the Agreement. Information on how to obtain a copy of the full Agreement is provided after this summary.

1. USCIS will no longer impose the Reunification Authority Requirement.
2. USCIS will adjudicate the SIJ petitions of Existing Class Members that meet the criteria in Scenario #1 above within 45 days of final approval of the Settlement Agreement (“Effective Date”).
3. For 90 days following the Effective Date, USCIS will accept the SIJ petition of a Scenario #2 Existing Class Member if such class member obtained a SIJ Findings order between February 26, 2018 and October 15, 2019, but did not file a SIJ petition because of the Reunification Authority Requirement, and has since turned 21 years old. Such petition will not be denied based on the fact that the Existing Class Member turned 21 years old after February 26, 2018.
4. The following terms apply for adjudicating Class Members’ SIJ petitions:

(1) For any Existing Class Member who has already received an RFE, NOID, NOIR, denial, or revocation of their SIJ petition (collectively, “Negative Action Notice”), USCIS shall not issue any new Negative Action Notice for any ground that could have been but was not previously raised in the earlier Negative Action Notice.

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- (2) Existing Class Members' SIJ petitions with Negative Action Notices based solely on the Reunification Authority Requirement will be adjudicated in accordance with the Agreement and will be favorably adjudicated, if otherwise approvable.
 - (3) USCIS may issue Negative Action Notices based on changes to factual circumstances that occurred after the date of the previously issued Negative Action Notice. USCIS will not issue any general RFEs asking that an Existing Class Member affirmatively identify any change in circumstance.
 - (4) If any Existing Class Member's SIJ petition was denied because the petitioner failed to respond to an RFE, NOID, or NOIR issued based in whole or in part on the Reunification-Authority Requirement, the petition will be reopened and readjudicated in accordance with the Agreement.
 - (5) For any Existing Class Member whose SIJ petition remains pending without any action, USCIS shall adjudicate the petition in accordance with the law and the Agreement.
 - (6) USCIS shall not issue a Notice to Appear to any Existing Class Member whose SIJ petition was denied solely because of the Reunification Authority Requirement until USCIS has fully re-adjudicated the SIJ petition.
5. For 45 days after the Effective Date—or, for Existing Class Members whose SIJ petitions were previously revoked or denied based on the Reunification-Authority Requirement, until such SIJ petition has been reopened and re-adjudicated in accordance with the Agreement—Defendants will not initiate removal proceedings or remove any Existing Class Member whose SIJ petition was denied based on the Reunification Authority Requirement, and will provide Class Counsel 14 days' notice before taking any adverse adjudicatory or enforcement actions against such Existing Class Member. Defendants will provide 14 days' notice to Class Counsel before initiating removal or removing any Existing Class Member whose SIJ petition remains pending after 45 days following the Effective Date.
 6. For Class Members in Removal Proceedings, ICE will join, or, alternatively, will not oppose, any Class Member's Motion to Reopen Removal Proceedings, except in certain limited circumstances described in full in the Agreement. Should the Class Member prefer to simultaneously file a Motion to Reopen Removal Proceedings and a Motion to Terminate Removal Proceedings Without Prejudice, ICE will join, or, alternatively, will not oppose the motions. The 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 and must cite to the Settlement Agreement in his or her Motion. Some exceptions may apply to this provision, which are explained in further detail in the Agreement.
 7. For Class Members who have submitted Applications to Register Permanent Residence or Adjust Status (I-485s) and/or Applications for Employment Authorization (I-765s), USCIS shall reopen all of those denied in conjunction with the denial of Class Members' SIJ petitions within 5 days of final adjudication of the Class Members' SIJ petitions. If the I-485s or I-765s were denied due to a denied SIJ petition based on the Reunification-Authority Requirement, there are procedures and a schedule set forth in full in the Agreement for adjudication of such I-485s and I-765s.
 8. Reporting: USCIS periodically will file Compliance Reports identifying actions taken to comply with the Agreement until USCIS has completed adjudication of all Existing Class Members' SIJ petitions.
 9. Release of claims: Class Members release the Government from all Settled Claims.
 10. Enforcement: As noted in the Agreement, the district court retains exclusive jurisdiction over the Agreement.

For Further Information: You should read the entire Agreement to understand it fully. Copies of the Agreement may be obtained: (1) from the USCIS website (www.uscis.gov); (2) from Class Counsels' website <https://www.milbank.com/en/casijclassaction.html>; (3) by contacting Class Counsel at CASIJClassAction@milbank.com or 212-530-5000; (4) by accessing the Court docket in this case, for a fee, at <https://ecf.cand.uscourts.gov>; or (5) by visiting the Clerk of Court for the U.S. District Court for the Northern District of California, San Jose Division, business days from 9:00 a.m. to 4:00 p.m.

¹ USCIS represents that it is no longer applying the Reunification Authority Requirement and has agreed not to reinstate it for Class Members as part of the Settlement.

Last Reviewed/Updated: 11/30/2021