

**From:** U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>  
**Sent:** Thursday, June 13, 2019 4:02 PM  
**To:**  
**Subject:** USCIS Message: Class Notice – R.F.M. v Nielsen, 118-CV-5068 (SDNY)

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

**NOTICE TO THE CLASS IN R.F.M., et al., v. Nielsen, et al., 18-cv-5068**

**If you received a Special Findings Order from a New York Family Court after you turned 18 and then filed or plan to file a petition for Special Immigrant Juvenile (“SIJ”) classification, you may be able to get help from a class action lawsuit against the U.S. Citizenship and Immigration Services (“USCIS”), the Department of Homeland Security, and other federal officers (the “Government”).**

*A federal court authorized this notice. This is not an advertisement from a lawyer. It is being sent to give you important information. You are not in trouble.*

- **What is this case about?** The Plaintiffs claimed that the Government has imposed new, unlawful requirements for people who received Special Findings Orders from New York Family Court when they were 18, 19 or 20 years old and who applied for SIJ classification.
- **Why am I getting this notice?** The Court has found the Government violated the law for ALL people who have claims like the Plaintiffs. You are receiving this notice because you may have claims like the Plaintiffs – which would mean you are part of the class that may receive help as a result of this case.
- **How do I know if I am part of the class?** You are part of the class if you applied for SIJ classification, your application was based on a New York Family Court Special Findings Order issued between your 18th and 21st birthdays making the findings necessary to apply for SIJ classification, and after January 1, 2016:
  - You have received from USCIS a Notice of Intent to Deny (“NOID”) your SIJ status application on the ground that the Family Court does not have jurisdiction as a “juvenile court” over petitioners between the ages of 18 and 21 and/or that the New York Family Court does not have the authority to “reunify” petitioners between the ages of 18 and 21 with their parents; or
  - You have received a denial of your SIJ status application from a USCIS Field Office or the USCIS National Benefits Center on the grounds in (1), above; or
  - You have received a denial of your SIJ status application from a USCIS Field Office or the USCIS National Benefits Center and you have filed an appeal to the Administrative Appeals Office (“AAO”) of USCIS, and you have received a NOID in response to your appeal on the grounds in (1), above; or

- You have received a denial of your appeal from the AAO on the grounds in (1), above; or
  - Your SIJ application was granted, but you have received a Notice of Intent to Revoke (“NOIR”) your SIJ status from USCIS on the grounds in (1), above; or
  - Your SIJ application was granted, but your SIJ status has been revoked by USCIS on the grounds in (1), above; or
  - You are still waiting for a decision from USCIS about your SIJ application which was filed with a New York Family Court Special Findings Order.
- **Do I need to do anything in response to this notice?** This notice is meant to inform you that you may have rights as a result of this lawsuit:
    - If you believe you are a member of the Class and you have a final removal order, you should contact Class Counsel immediately. (See page 4 for contact information.)
    - If you are part of the class, and you received a denial or revocation, you **MUST** file a Form I-290B, Notice of Appeal or Motion by May 31, 2021, unless you previously filed a Form I-290B in response to the denial or revocation of your SIJ petition and that Form I-290B is still pending. Form I-290B is available at <https://www.uscis.gov/i-290b>. You do not need to pay a fee to file this form or file an I-912 Request for Fee Waiver. You must file your Form I-290B at the address below **and** you must clearly write “**FEE EXEMPT—RFM**” either on the first page of your Form I-290B **or** on the cover letter, if any, that is included with your Form I-290B.

USCIS

P.O. Box 5510

Chicago, IL 60680-5510

- If you are a Class Member, you do **not** need to file a Form I-290B if you: (1) have filed a SIJ petition and are still waiting for a decision, even if you have received a NOID, (2) have received a denial of your SIJ status petition but have already filed a Form I-290B that is still pending, or (3) were previously granted SIJ status but have received a NOIR.
- **What help will I get?** The Court issued an Opinion & Order on March 15, 2019, finding that the Government violated federal law in denying the SIJ petitions of individuals who based their petitions on Special Findings Orders issued by the New York Family Court between their 18th and 21st birthdays on the ground that the New York Family Court did not have the power to issue the Special Findings Orders. The Court also entered an Amended Judgment on May 31, 2019, which grants final declaratory and injunctive relief to Class Members in this case.

- If you are a Class Member who received a denial of your SIJ application or revocation of your SIJ status, you MUST file a Form I-290B by May 31, 2021 to benefit from this lawsuit unless you have already filed a Form I-290B in response to the denial or revocation and that Form I-290B is still pending. If you are a Class Member, the filing fee for Form I-290B will be waived. In your Notice of Appeal or Motion, you must state that the ground for your motion is the Court's decision in R.F.M. The Government will process your motion in accordance with the Amended Judgment. If you do not have an attorney, please contact Class Counsel at 212-418-7626 or [NYSIJClassCounsel@lw.com](mailto:NYSIJClassCounsel@lw.com) to assist you with your I-290B.
- If you are a Class Member and (1) have not received any decision, even if you received a NOID, or (2) your petition was denied but you have already filed a Form I-290B that is still pending, or (3) your petition was granted and you later received a NOIR but your SIJ status has not been revoked, you do not need to file a Form I-290B and the Government will decide your petition in accordance with the Amended Judgment.

## **THE LAWYERS REPRESENTING YOU**

### **1. Do I have a lawyer in this case?**

The Court has decided that the law firms Latham & Watkins LLP and The Legal Aid Society are qualified to represent you and all Class Members in this case, R.F.M., et al., v. Nielsen, et al., 18-cv-5068. These lawyers are called Class Counsel. They are experienced in handling similar cases. If you have any questions about this case or the enforcement of the judgment in this case, you may contact Class Counsel at 212-418-7626 or [NYSIJClassCounsel@lw.com](mailto:NYSIJClassCounsel@lw.com).

### **2. Should I get my own lawyer?**

You do not need to hire your own lawyer to help you with the specific issues in this lawsuit, because Class Counsel is working on your behalf regarding these issues. You may want to have your own lawyer to determine whether you need to file the Form I-290B and in filing the Form I-290B. In addition, if you have other immigration issues besides the issues in this case, you may want to have your own lawyer to help you with those other issues.

### **3. How will the lawyers be paid?**

You will not have to pay any fees or expenses to Class Counsel. If you want your own independent lawyer, you may have to pay that lawyer.

If you have any questions, contact Class Counsel at  
212-418-7626 or [NYSIJClassCounsel@lw.com](mailto:NYSIJClassCounsel@lw.com).

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