

1
2
3
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 Plaintiffs,

13 v.

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

21 Defendants.

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

ORDER GRANTING MOTION FOR
FINAL APPROVAL OF THE
SETTLEMENT AGREEMENT

22 WHEREAS, the above-captioned matter is pending before this Court as a certified class
23 action (the Action¹);

24 WHEREAS, the Parties made an application, under Federal Rule of Civil Procedure
25 23(e), for an order: (i) preliminarily approving the Settlement Agreement dated July 29, 2024,
26 setting forth the terms and conditions for the settlement of the Action; (ii) approving the form of
Class Notice, attached as Exhibit B to the Settlement Agreement; and (iii) scheduling a date for

¹ Capitalized terms not defined herein have the meaning ascribed to them in the Settlement Agreement attached hereto as Exhibit 1.

1 the Fairness Hearing, pursuant to Federal Rule of Civil Procedure 23(e), for the Court to consider
2 and determine whether to approve the terms of the Settlement Agreement as fair, reasonable, and
3 adequate, Dkt. # 73; and

4 WHEREAS, this Court issued a Preliminary Approval Order, Dkt. 76, approved the form
5 of Class Notice, and held a Fairness Hearing on September 26, 2024, Dkt. # 78; and

6 WHEREAS, this Court has duly considered the arguments in favor of the Settlement
7 Agreement, to which agreement there was no objection;

8 This Court hereby finds the Settlement Agreement to be fair, reasonable, and adequate,
9 because:

- 10 1. Class Members were adequately represented by class representatives and Plaintiffs’
11 counsel;
- 12 2. The Settlement Agreement was the product of arm’s-length negotiations;
- 13 3. The Settlement Agreement provides Class Members with adequate relief; and
- 14 4. The Settlement Agreement treats Class Members equitably.

15 THEREFORE, the settlement of this Action under the terms and conditions of the
16 Settlement Agreement is hereby approved pursuant to Federal Rule of Civil Procedure 23(e) and
17 shall be binding on all parties to the Settlement Agreement: the Named Plaintiffs, Class
18 Members, U.S. Citizenship and Immigration Services (USCIS), USCIS Director Ur Jaddou,
19 Executive Office for Immigration Review (EOIR), and EOIR Acting Director Mary Cheng. The
20 terms, conditions, and releases as set forth in the Settlement Agreement are hereby effectuated.

- 21 1. The Court previously certified the class as follows:

22
23 All noncitizens in the United States who have filed or will file with USCIS or EOIR
24 a complete Asylum Application and who would be eligible for employment
25 authorization under 8 C.F.R. § 274a.12(c)(8) but for the fact that their Asylum EAD
26 Clock was stopped or not started prior to 180 days after the date the applicant filed
a complete Asylum Application.

In addition, the Court certified the following subclasses:

