

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, *et al.*,

Plaintiffs,

v.

CHAD F. WOLF, Acting Secretary of
Homeland Security, *et al.*,

Defendants.

Case No: 2:16-cv-01024-RSM

**ORDER ON JOINT MOTION FOR FINAL
APPROVAL OF SETTLEMENT
AGREEMENT**

1 This matter comes before the Court on the parties' joint motion for final approval of
2 settlement. After having granted preliminary approval to the settlement, Dkt. 80, and after
3 reviewing any comments or objections received from the public after notice was posted pursuant
4 to the Court's order granting preliminary approval to the settlement, and after conducting a
5 fairness hearing on November 4, 2020, the Court hereby approves the settlement agreement
6 submitted by the parties to implement this Court's permanent injunction, Dkt. #64. In approving
7 the settlement implementing the permanent injunction, this Court clarifies that it is adopting the
8 modified definition of class membership, as proposed in the settlement agreement as follows:
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10 Class A ("Credible Fear Class"): All individuals who were encountered by DHS upon
11 arrival or within fourteen days of unlawful entry; were released by DHS after they
12 have been found to have a credible fear of persecution or torture pursuant to
13 8 U.S.C. § 1225(b)(1)(B)(ii) and 8 C.F.R. §§ 208.30, 1208.30, 1003.42; and did
14 not receive individualized notice of the one-year deadline to file an asylum
15 application as set forth in 8 U.S.C. § 1158(a)(2)(B).

16 A.I.: All individuals in Class A who *are not* in removal proceedings and who
17 either (a) have not yet applied for asylum or (b) applied for asylum after
18 one year of their last arrival.

19 A.II.: All individuals in Class A who *are* in removal proceedings and who either
20 (a) have not yet applied for asylum or (b) applied for asylum after one year
21 of their last arrival.

22 Class B ("Other Entrants Class"): All individuals who were encountered by DHS upon
23 arrival or within fourteen days of unlawful entry; expressed a fear of return to
24 their country of origin; were released by DHS upon issuance of an NTA; and did
25 not receive individualized notice of the one-year deadline to file an asylum
26 application set forth in 8 U.S.C. § 1158(a)(2)(B).
27

1 B.I.: All individuals in Class B who *are not* in removal proceedings and who
2 either (a) have not yet applied for asylum or (b) applied for asylum after
3 one year of their last arrival.

4 B.II.: All individuals in Class B who *are* in removal proceedings and who either
5 (a) have not yet applied for asylum or (b) applied for asylum after one year
6 of their last arrival.

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8 The Court hereby approves of the terms of the settlement agreement and the amended class
9 definitions.

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11 It is so ORDERED.

12 Dated this 4th day of November, 2020.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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1 Jointly presented this 3rd day of November 2020 by:

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