



NEWS

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Settlement Reached in Lawsuit Challenging Unreasonable Delays in Granting Citizenship

Northwest Immigrant Rights Project (NWIRP), the ACLU Foundation of Washington (ACLU-WA), and the law firms of Stoel Rives and Ropes and Gray today announced that they had reached a preliminary settlement agreement with the federal government in a landmark class action lawsuit.

The case, *Roshandel, et al. v. Chertoff, et al.*, challenges the Department of Homeland Security's unlawful delays in processing the applications for naturalization of hundreds of legal permanent residents in Western Washington. Under the preliminary settlement, the government has agreed to complete the citizenship process for hundreds of individuals in time for them to register to vote in the November general election.

"The government's failure to act unfairly had left many people in limbo. Now they will be able to vote and participate fully in civic life," said Sarah Dunne, legal director of the ACLU of Washington.

"We are pleased that through this agreement, hundreds of lawful permanent residents will finally have their naturalization applications adjudicated, as the law requires," said Matt Adams, legal director of NWIRP.

Under federal law, the Department of Homeland Security (DHS) is required to make a decision on citizenship applications within 120 days of the naturalization interview. DHS routinely failed to comply with this timeframe, however. The Department has disregarded this deadline in order for the FBI to conduct "name checks" that are not required by regulation or statute, and even though the applicants have already been cleared through separate FBI criminal background checks. As a result, many applicants have been waiting for years to become citizens, for no good reason.

The case was filed in October 2007 on behalf of four legal permanent residents who had waited years for the government to make a decision on their requests to become citizens. In April 2008, Judge Marsha Pechman certified the suit as a class action lawsuit to cover the numerous other people affected by the government's inaction. In granting class certification, Judge Pechman rejected the government's arguments asserting that the inability to vote does not prevent individuals from fully participating in our democracy: "This suggestion that Plaintiffs should be resigned to participate vicariously in civic society is shocking, offensive, and wrong. It echoes the sentiments of those who challenged woman's suffrage, suggesting that women should be content to participate in the political process vicariously through their husbands' votes."

Through the lawsuit, 79 individuals already have had their cases adjudicated. Under the settlement agreement, the cases of 283 lawful permanent residents will be finalized by September 19. This group will be able to register to vote in time for the regular mail-in registration deadline of October 4. The remaining group of approximately 65 permanent residents will have their citizenship applications adjudicated by October 18, in sufficient time for the in-person voter registration deadline of October 20 for first-time voters.

Because the suit involves a class action, the preliminary settlement agreement will have to be approved by Judge Pechman. A fairness hearing is scheduled for August 28, 2008. The exact terms of the settlement are available at www.nwirp.org and www.aclu-wa.org.

Handling the case are cooperating attorneys Rita Latsinova of the law firm Stoel Rives LLP and Alfred Day of Ropes and Gray LLP; ACLU of Washington attorney Sarah Dunne; and Northwest Immigrant Rights Project attorneys Matt Adams and Christopher Strawn.

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Northwest Immigrant Rights Project promotes justice for low-income immigrants by pursuing and defending their legal status. We focus on providing direct legal services, supported by our education and public policy work. NWIRP is the only entity in the list of "Free Legal Services" that is given to individuals placed in removal (aka deportation) proceedings in Washington State. www.nwirp.org