

1 TONY WEST
United States Department of Justice
2 Assistant Attorney General

3 DAVID J. KLINE
Director, District Court Section
4 Office of Immigration Litigation

5 ELIZABETH J. STEVENS VSB 47445
Assistant Director,
6 District Court Section
Office of Immigration Litigation
7 P.O. Box 868, Ben Franklin Station
Washington, DC 20044
8 Telephone: (202) 616-9752
Facsimile: (202) 305-7000
9 E-mail: elizabeth.stevens@usdoj.gov

10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 AT SANTA ANA

14 SONALI KOLHATKAR, et al.,
15 Plaintiffs,
16 v.
17 ERIC H. HOLDER, JR., et al.,
18 Defendants.

Case No. SACV07-1394-DOC
(RNBx)

JOINT STIPULATION FOR
APPROVAL OF SETTLEMENT
AGREEMENT

Judge: Hon. David O. Carter

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1 On December 4, 2007, Plaintiffs filed the above-captioned
2 action seeking class certification and declaratory and injunctive
3 relief challenging the actions of the United States Citizenship
4 and Immigration Service (USCIS) and the Federal Bureau of
5 Investigation (FBI) in the adjudication of naturalization
6 applications. Following arms-length negotiations, the parties
7 have now reached a mutually agreeable settlement, and seek this
8 Court's approval of the Settlement.

9 As set forth in the Settlement, USCIS is to adjudicate 70
10 percent of all pending adjudicable naturalization applications of
11 Kolhatkar applicants within 90 days of the approval date, and 90
12 percent of all pending adjudicable naturalization applications of
13 Kolhatkar applications within 180 days of the Approval Date. The
14 baseline for the percentages is a data run of all files in
15 District 23 that fell within the definition of Kolhatkar
16 applicants, done on June 30, 2009. In addition, USCIS will send
17 out a notice of the settlement to all identified Kolhatkar
18 applicants within ten days of the date this Court approves the
19 settlement (approval date).

20 "Kolhatkar applicants" are defined as all individuals
21 residing within the jurisdiction of this Court, who, as of June
22 30, 2009 through the approval date (including those adjudicated
23 from June 30, 2009 to present):

24 (1) Had applied for naturalization within USCIS District
25 23, which includes the USCIS Los Angeles, Santa Ana, and San
26 Bernardino Field offices;

1 (2) Continue to reside within USCIS District 23;

2 (3) Had N-400 applications for naturalization that remained
3 pending for more than 180 days after filing due to the non-
4 completion of the FBI name check;

5 (4) Have attended an interview; and

6 (5) Have their N-400 applications unadjudicated by USCIS.

7 Cases that are not adjudicable are defined as those in which
8 the Kolhatkar applicant failed to provide information requested
9 by USCIS, failed to take some other action required by USCIS, in
10 which USCIS is awaiting receipt of information from the Kolhatkar
11 applicant, or in which the Kolhatkar applicant has a pending
12 individual federal court action challenging the lack of
13 adjudication expressly or constructively under 8 U.S.C. §
14 1447(b), and has not agreed to voluntary dismissal of that claim.

15 The agreement also provides for three sets of limited
16 reports by USCIS to Plaintiffs' counsel regarding the status of
17 naturalization applications. If USCIS meets the benchmarks, the
18 parties will file a joint stipulation dismissing the action in
19 full. If USCIS fails to meet the benchmarks, plaintiffs may seek
20 enforcement from the Court. The Court's determinations would be
21 limited to two issues: whether the failure to meet the 90% mark
22 was reasonable, or whether USCIS failed to take all steps
23 necessary to meet the 90% mark. The Court would also have
24 jurisdiction to determine whether a failure by Defendants to meet
25 certain deadlines was reasonable. The Court's jurisdiction over
26 enforcement of the Settlement Agreement ends upon the

1 government's compliance with any order issued by the Court
2 pursuant to the enforcement.

3 Plaintiffs have agreed to settle their demands for EAJA fees
4 and costs for a total of \$4,397.38 in taxable costs under 28
5 U.S.C. § 1920, and \$4,800.18 in other costs. No attorneys fees
6 will be paid under this agreement.

7 Based on the foregoing, the parties respectfully request
8 that this Court enter an order approving the Settlement. A
9 proposed Order is attached.

10 Respectfully submitted,

11 TONY WEST
12 United States Department of Justice
13 assistant Attorney General

14 DAVID J. KLINE
15 Director, District Court Section
16 Office of Immigration Litigation

17 By: S/Elizabeth J. Stevens
18 ELIZABETH J. STEVENS
19 Assistant Director
20 District Court Section
21 Office of Immigration Litigation
22 P.O. Box 868
23 Ben Franklin Station
24 Washington, D.C. 20044
25 Telephone: (202) 616-9752
26 FAX: (202) 305-7000
27 Elizabeth.stevens@usdoj.gov

28 Attorneys for Defendants

Dated:

By: S/ Linton Joaquin
LINTON JOAQUIN
National Immigration Law Center
3435 Wilshire Boulevard
Suite 2850
Los Angeles, CA 90010
Attorney for Plaintiffs

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