

**NOTICE OF PROPOSED SETTLEMENT
AND HEARING IN CLASS ACTION FOR NON-CITIZENS WHO HAVE NOT
RECEIVED A DETERMINATION ON THEIR NATURALIZATION APPLICATION
AFTER 120 DAYS FROM THEIR INITIAL INTERVIEW**

**ROSHANDEL, ET AL. v. CHERTOFF, ET AL., Case No. C07-1739
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

The court authorized this notice. This is not a solicitation from a lawyer.

TO: All lawful permanent residents of the United States residing in the Western District of Washington who have submitted naturalization applications to USCIS and (1) whose naturalization applications were not determined within 120 days of the date of their initial examination, (2) whose name checks remained pending on the 120th day after their initial examination, (3) whose FBI name checks remained pending on October 29, 2007, and (4) whose naturalization applications were not adjudicated as of April 25, 2008.

“Residing in the Western District of Washington” means that an applicant was a resident of the Western District of Washington at the time the application was filed, or that the applicant subsequently moved into the Western District of Washington and informed USCIS of his or her change of address. Applicants who filed in the Western District of Washington but who have subsequently moved are not part of the class.

Purpose of This Notice

This notice has three purposes: 1) to tell you about the proposed settlement and fairness hearing; 2) to tell you how to obtain more information, including a full copy of the proposed settlement agreement; and 3) to explain how you may object to the proposed settlement.

Background

This class action lawsuit was filed on October 29, 2007, to challenge alleged delays by the Government in adjudicating applications for naturalization (“Form N-400”) caused by pending FBI name checks. The parties have reached a proposed settlement that the Court has preliminarily approved.

Description of Proposed Settlement Agreement

The following description is a summary of the key points in the proposed settlement agreement. Information on obtaining a copy of the full, proposed agreement is provided after this summary.

(1) USCIS agrees to adjudicate the naturalization applications for approximately 82% of the class members and schedule eligible class members

from this group for oath ceremonies on or before September 19, 2008. Eligible class members from this group will be naturalized in plenty of time to allow the individual to register to vote in the 2008 Presidential election by mail. Those eligible may be scheduled for an oath ceremony on September 12 or October 17, more details are provided in the below section. The parties further agree to meet and confer and, if unable to reach a voluntary agreement, seek relief from the Court with respect to any class members from this group whose naturalization applications remain pending on September 19, 2008.

(2) USCIS also agrees to adjudicate the remaining class members' naturalization applications and schedule eligible class members from this group for oath ceremonies on or before October 18, 2008. Eligible class members from this group will be naturalized in time to allow the individual to register to vote in person for the 2008 Presidential election. The parties agree to meet and confer, mediate, and, if unable to reach a voluntary agreement, seek relief from the Court with respect to any class members whose applications remain pending as of October 18, 2008.

(3) In exchange, the class members release Defendants from all "Settled Claims" as defined in Paragraph 7 of the settlement agreement. This means that class members will not be able to sue Defendants for any delay they experienced in the processing of their naturalization applications. Class members will, however, be able to challenge any denial of their naturalization application. For a complete description of the releases and "Settled Claims," you should obtain a full copy of the proposed settlement agreement.

(4) Defendants do not admit any wrongdoing, fault, or liability. The settlement agreement cannot be used against Defendants as evidence of any wrongdoing, fault, or liability in future actions.

(5) Finally, Defendants agree to pay class counsel \$185,000 in attorneys' fees and costs incurred in connection with this case.

THIS IS A SUMMARY OF THE PROPOSED AGREEMENT. TO UNDERSTAND IT FULLY, YOU SHOULD READ THE ENTIRE AGREEMENT. Copies of the proposed settlement may be obtained from: 1) The ACLU website (www.aclu-wa.org), and 2) the NWIRP website (www.nwirp.org).

Fairness Hearing

You are hereby notified that a fairness hearing is scheduled for **August 25, 2008**, at **9:00 a.m.**, before the Honorable Marsha J. Pechman of the United States District Court for the Western District of Washington, U.S. Courthouse, 700 Stewart Street, Seattle, WA 98101. At the fairness hearing, the Court will consider the proposed settlement of the claims that were brought on your behalf in this lawsuit and any objections to the settlement. You are not required to attend the fairness hearing, but you may attend if you would like.

Deadline to Opt Out of the Class

You previously received a notice about your right to opt-out of the class. The deadline to opt-out of the class is August 25, 2008. If you wish to opt-out, your opt-out request must be postmarked by that date. If you do not opt-out, you will be bound by any settlement or order of the Court in this case.

Procedures for Agreement or Objection:

IF YOU AGREE with the proposed settlement, you do not need to do anything at this time.

IF YOU DISAGREE with the proposed settlement, you have a right to object to it and to the dismissal of the claims in the lawsuit. Your objections will be considered by the Court ONLY IF you follow these procedures:

1. Objections must be in writing and must be sent by mail to the Clerk of the United States District Court for the Western District of Washington, U.S. Courthouse, 700 Stewart Street, Seattle, WA 98101,
ALL OBJECTIONS MUST CONTAIN THE FOLLOWING INFORMATION:
 - a. A reference to "Roshandel v. Chertoff, Case No. C07-1739".
 - b. The name, address, and telephone number of the person filing the objection.
 - c. A statement of the reasons for the objection.
 - d. A statement that copies of the objections have also been sent to the attorneys listed at the end of this notice.
2. You must send copies of your objections to all attorneys listed at the end of this notice.
3. The deadline for filing objections and mailing them to the attorneys listed below is **August 20, 2008**. If Objections are filed by mail, they must be received on or before **August 20, 2008** to be considered timely. Objections received after that date will not be considered. Class members who do not file objections on or before **August 20, 2008** will not be permitted to oppose the proposed settlement at the fairness hearing.
4. No later than **August 22, 2008**, the attorneys for the class and Defendants shall file and serve responses, if any, to objections they timely receive from persons opposed to the proposed settlement.

Attorneys' Names and Addresses:

For the Plaintiffs:

Rita Latsinova
Stoel Rives LLP
600 University St., Suit 3600
Seattle, WA 98101

For the Defendants:

Nancy N. Safavi
Office of Immigration Litigation
Civil Division
P.O. Box 868
Ben Franklin Station
Washington, DC 20044

Information Regarding Oath Ceremonies

Oath ceremonies for the first group of eligible candidates will be on September 12th, one in the morning and one in the afternoon. Notices will be mailed to the class members with the date, respective time and location of the ceremony. In addition, the notices will contain a copy of the N-445, Notice of Naturalization Oath Ceremony, which must be prepared and brought to the ceremony along with the Form I-551, Resident Alien Card. If a class member requires additional documents such as photographs, it will be stated on the oath ceremony notice.

If a class member has changed his or her name, marital status, traveled outside the United States or had any criminal violations since the naturalization interview, the class member should contact class counsel as soon as possible to determine what evidence needs to be brought to the oath ceremony to establish continued eligibility.

(Class counsel should in turn notify USCIS of any such changes as soon as possible so that eligibility or processing issues can be addressed in advance of the ceremonies.)

An oath ceremony for the second group of eligible candidates will be on October 17th. Notices, with the information listed above, will be mailed to class members.