

applied for legalization under section 245A of the Immigration and Nationality Act (Act), 8 U.S.C. 1255a, of their rights under the judgment. This notice is necessary because neither the class counsel nor the Immigration and Naturalization Service (Service or INS) has reliable information concerning the names and addresses of class members.

DATES: This notice is effective January 29, 2003.

FOR FURTHER INFORMATION CONTACT: Robert Raymond, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street NW., Room 6109, Washington DC 20536, telephone (202) 514-2895.

SUPPLEMENTARY INFORMATION:

1. Why Is the Service Publishing This Notice?

The Service is publishing this notice to comply with the judgment entered on March 27, 2001, as amended, in the class action entitled *Proyecto San Pablo v. INS* No. Civ 89-456-TUC-WDB (D.Ariz.) (*Proyecto* case). Service regulations do not permit aliens to file motions to reopen in legalization cases under section 245A of the Act, 8 U.S.C. 1255a. The Court's judgment, however, requires the Service to reopen certain legalization cases and make new decisions in those cases. This notice explains how to obtain a new decision in your case.

2. To Whom Do the Personal Pronouns "I," "Me," "My," "You" and "Your" Refer?

In this Notice, the personal pronouns "I," "me," "my," "you" and "your" refer to any alien who filed a timely application for legalization and who believes that he or she may be a class member in the *Proyecto* case.

3. Does This Notice Apply to My Case?

This notice applies to your case if you meet each of the following requirements:

(a) You filed an application for legalization under section 245A of the Act during the period that began May 5, 1987, and ended May 4, 1988;

(b) You filed this application with a legalization office in the former Northern or Western region of the Service (that is, in: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington (State), Wisconsin, or Wyoming);

(c) The Service denied your application for legalization or

terminated your temporary residence under section 245A(g)(2)(B)(i) of the Act because, at some time during the period beginning before January 1, 1982, and ending on the date you filed your legalization application, you were "outside the United States as a result of a departure under an order of deportation."

4. What Does the Court's Order Permit Me To Do?

If this Notice applies to your case, then you may obtain a new Service decision on your legalization application. You may also obtain employment authorization, in 1-year increments, until the Service makes a new decision in your case. The Service may not deport you until it makes a new decision in your case. In addition, you will be given an opportunity to obtain a copy of your prior deportation or exclusion records under the Freedom of Information Act (FOIA). You will also be able to submit and have adjudicated, Form I-690, Application for Waiver of Grounds of Excludability Under sections 245A or 210 of the Immigration and Nationality Act, or any other waiver you deem appropriate, although the parties continue to dispute the legal effect of such a waiver.

5. How Do I Obtain Employment Authorization?

The *Proyecto* judgment requires the Service to extend your employment authorization until the Service reopens your case and makes a new decision. If your current employment authorization document has expired, or is about to expire, you should apply for a new employment authorization document by completing Form I-765, Application for Employment Authorization, and filing it, without fee. Follow the instructions listed on the Form I-765. To make it clear that you are claiming to be a *Proyecto* class member, you must write the word "Proyecto" in box 16 on the Form I-765. The Employment Authorization Application must be adjudicated within 90 days of the date of its receipt. You must file your Form I-765 with the Nebraska Service Center. The address is: Immigration and Naturalization Service, Nebraska Service Center, Attn: Proyecto Unit, PO Box 87687, Lincoln, NE 68501-7687.

6. Will the Service Give Me a New Employment Authorization Card, if My Card Expires Before My Case Is Decided?

Yes, any employment authorization card will be valid for 1 year, and so long as you have filed a motion to reopen as described below in paragraph 10, you

may apply for renewal until the Service makes a final decision in your case. You will not be eligible for an extension of employment authorization, however, if you fail to file a motion to reopen within 1 year from the date you receive this notice. So long as you file a timely motion to reopen, the Service may not deport you until it issues a new decision in your legalization application.

7. How Do I Obtain a New Decision in My Case?

Because the legalization application period ended more than 13 years ago, it is not likely that the Service will have a current address for you. For this reason, the Service will not act to reopen your case until you notify the Service that you want the Service to do so. If you want to exercise your rights under the *Proyecto* decision, you must file with the Service a motion to reopen, without fee. As described below, your motion to reopen may include all information and/or waiver applications you wish the Service to consider. As such, you should first attempt to obtain any information you may need through the FOIA process as described below in question 8. In addition, you should prepare any waiver applications you wish to be considered and submit all of the information along with your motion to reopen. If you have not received a response to your FOIA request at the time you must file your motion to reopen, then you must still file your motion to reopen, but you may wait to submit the supporting documents until after you receive the response to any FOIA requests that you have made.

To avoid delays, please make sure that your motion to reopen clearly states that you are seeking the reopening of your case under the judgment in the *Proyecto* case.

8. Where Do I File My FOIA Requests?

The Service's FOIA requests are filed according to the instructions on Form G-639, Freedom of Information/Privacy Act Request (available on the Service's Web site at <http://www.ins.usdoj.gov>). To make a FOIA request, you may use Form G-639, or a letter specifically indicating which records are being requested. The form approved by the Court for requesting your Service records is attached.

A. Service Records

In order to obtain a copy of your prior Service file you must file a FOIA request with the Service. File your FOIA request with the Nebraska Service Center. The address is: Immigration and Naturalization Service, Nebraska