



USCIS Notice

June 26, 2009

Court Notice to Pending I-360s Applicants

Ruiz-Diaz v. U.S., No. C07-1881RSL (W.D. Wash.)

Introduction

On June 11, 2009, the United States District Court for the Western District of Washington issued an order in *Ruiz-Diaz v. U.S., No. C07-1881RSL (W.D. Wash.)*. The court found that 8 CFR § 245.2(a)(2)(i)(B), which does not allow religious workers to concurrently file an Application to Register Permanent Residence or Adjust Status (Form I-485), was invalid and unenforceable. The court ordered USCIS to accept a properly filed I-485 and I-765 from a beneficiary of a religious worker I-360. The court order also allows individuals whose concurrent filings were previously rejected to reapply for adjustment of status. The order accords a spouse and children of I-360 beneficiaries the same benefits. Below is the court notice regarding the decision and information about the filing of applications for individuals with pending I-360s.

Notice

According to our records, you have a pending Form I-360 religious worker petition with USCIS and may be eligible for benefits under *Ruiz-Diaz v. United States, No. C07-1881RSL (W.D. Wash. June 11, 2009)*.

Persons with pending Form I-360 religious worker petitions are immediately eligible to file a Form I-485 and/or Form I-765. Individuals whose applications are properly filed with appropriate filing fees and supporting documentation with USCIS by **September 9, 2009** will have any period of unlawful presence or unauthorized employment tolled until USCIS issues a final administrative decision. **Failure to file prior to September 9, 2009, will result in the accrual of unlawful presence or unauthorized employment time.**

Persons who want to file an Application to Register Permanent Residence or Adjust Status (Form I-485) and/or an Application for Employment Authorization (Form I-765)¹ must mail the applications, **with the required fees**, to:

**California Service Center
P.O. Box 10485
Laguna Niguel, CA 92677-1048**

¹ Applicants may also file an Application for Travel Document, Form I-131, as long as they are eligible and properly file the application.

Any person who has a Form I-360 religious worker petition **pending** with USCIS as of June 11, 2009, will have any period of unlawful presence that began accruing as of the date of filing of the I-360 tolled **until September 9, 2009**. **In addition, any period of unauthorized employment that occurred after filing of the I-360 will be tolled until September 9, 2009.**

Persons who properly file the Form I-485 and Form I-765 applications on or after June 11, 2009 and have their applications received by USCIS **prior to September 9, 2009** also will have the accrual of unlawful presence and unlawful employment tolled until USCIS issues a final administrative decision.

Spouses and children who are the beneficiaries of properly filed Forms I-360 by religious workers may be accorded the same status and order of consideration as the principal, unless the spouse and child are already entitled to another immigrant status and immediate issuance of a visa under section 203(a), (b), or (c) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1153(a), (b), or (c).

For additional information please see the USCIS webpage at www.uscis.gov.

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