This information sheet is designed to help you determine whether you meet the basic requirements to benefit from the settlement agreement in CARECEN v. Jaddou, a legal challenge brought on behalf of and for the benefit of certain Temporary Protected Status beneficiaries with prior removal orders who traveled on advance parole.

THIS DOES NOT CONSTITUTE LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL ADVICE. YOU MAY WISH TO CONSULT WITH A LICENSED IMMIGRATION LEGAL PRACTITIONER TO EVALUATE YOUR CASE.

What is the settlement about?

The new settlement helps qualifying TPS recipients vacate old Immigration Judge-issued orders of removal, deportation, or exclusion after travel on advance parole so they can apply for a “green card” in the United States, if eligible, through USCIS. The settlement was entered on March 28, 2022, in a case called CARECEN v. Jaddou filed in the United States District Court for the District of Columbia.

How do I know if I qualify?

In order to qualify for relief under the settlement, you must be able to answer yes to ALL the following questions:

1. I currently have TPS. YES___ NO___

2. I have a basis to apply for adjustment of status with USCIS. YES___ NO___

   This includes, but is not limited to, individuals who are the beneficiary of a pending or approved visa petition (Form I-130) filed by an immediate relative. An immediate relative is one of the following: 1) a US Citizen spouse, OR 2) A US Citizen son or daughter who is at least 21 years old, OR 3) a US Citizen parent, if you are unmarried and under 21 years old. If you don’t have an approved visa petition yet but you have a relative that fits into one of the 3 categories, you can still try to qualify by filing the petition immediately.

3. I have an order of removal, deportation, or exclusion issued by an Immigration Judge. YES___ NO___
Note: While you cannot benefit from the CARECEN Settlement Agreement if you lack an order of removal or deportation, you may have other options to seek a green card. If you are in active removal proceedings, you may be able to apply for adjustment of status before the Immigration Judge. If your proceedings are administratively closed, you may be able to file a motion to recalendar and, once the proceedings are recalendared, seek adjustment of status before the Immigration Judge. Alternatively, you may seek dismissal of your proceedings in either of these scenarios and seek adjustment before USCIS.

4. I traveled on advance parole granted to me by USCIS after my removal/deportation/exclusion order was issued.

YES___ NO___

Note: If you have not yet traveled on advance parole or traveled on or after August 20, 2020, and you have answered yes to Questions 1-3, you should immediately seek the advice of a legal practitioner to evaluate your case further. Under current USCIS policy, you may not be eligible for adjustment of status. However, that policy may change, and it may be possible to seek advance parole now in order to preserve the possibility of benefiting from this agreement in the future.

If the answer to all four questions is YES, then you may be eligible for relief. Please consult the following list of steps.

What do I need to do to apply for my green card under the settlement?

In order to seek your green card in the United States, the following steps are required. If you may be eligible under the settlement, you should take these steps as soon as possible.

1. You must complete the attached model joint motion to reopen and dismiss your prior removal order and send it to the ICE Office of the Principal Legal Advisor (OPLA) with jurisdiction over the Immigration Court that issued your prior order of removal or deportation. A list of regional ICE field offices can be found here. Additional instructions can be found here.

2. ICE OPLA should review the motion and return it to you within 90-120 days.

3. If ICE OPLA approves the motion, file the motion with the Immigration Court where the Immigration Judge issued your order of removal or deportation.

4. After the Immigration Judge rules on the motion, file a copy of that motion with your I-485 adjustment of status (green card) application with USCIS. Additional instructions
can be found here, including instructions on what to do if you have an application that has already been denied.

**Where can I go for more help?**

You may contact an immigration lawyer or non-profit agency that provides immigration services. The Department of Homeland Security provides information about finding legal assistance on its websites. You may also call CARECEN at 202-328-9799 or send a message to legal@carecendc.org. Due to the number of inquiries, it may take several days to receive a response, but all inquiries will receive a response.

Please check the CARECEN website and the Democracy Forward website for any updates.