U.S. Citizenship and Immigration Services

Ruiz-Diaz v. United States

On October 13, 2010, the U.S. Court of Appeals for the Ninth Circuit issued a mandate overturning the permanent injunction ordered by the U.S. District Court for the Western District of Washington allowing special immigrant religious workers to file their Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the organizations' Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. Ruiz-Diaz v. USA, No. 09-35734 (9th Cir. Aug. 20, 2010).

Effects on Religious Workers

As of November 8, 2010, USCIS will no longer accept any I-485 applications, as well as Applications for Employment Authorization (Form I-765), and/or Applications for Travel Document (Form I-131), filed concurrently with or filed based on pending I-360 petitions from individuals seeking classification as special immigrant religious workers.

Before November 8, 2010

Any properly filed concurrent Form I-360, Form I-485, Form I-765 and/or Form I-131 from individuals seeking classification as special immigrant religious workers submitted before November 8, 2010 will be processed in accordance with the guidelines established in the August 5, 2009 Memorandum HQDOMO AD09-, "Clarifying Guidance on the Implementation of the District Court's Order in Ruiz-Diaz v. United States, No. C07-1881RSL (W.D. Wash. June 11, 2009)."

On or After November 8, 2010

Any Form I-485, Form I-765, and/or Form I-131 submitted on or after November 8, 2010, where the underlying basis is an I-360 petition seeking the classification of special immigrant religious worker, must be filed with an approved I-360 petition or it will be rejected.

Background

Since June 11, 2009, USCIS has accepted concurrently filed special immigrant religious worker petitions and adjustment applications pursuant to the injunction issued against USCIS by the District Court. This order was recently reversed by the Ninth Circuit, vacating the injunction, and became effective on October 13, 2010. To comply with the District Court's injunction, USCIS had to revise its procedures. USCIS is now modifying these procedures again to be consistent with the Ninth Circuit's decision and mandate. These operational changes will not take place until November 8, 2010.

The materials linked below are provided as part of an order in the case of *Ruiz-Diaz v. United States*.

AILA InfoNet Doc. No. 10102830. (Posted on 10/28/10).

Related Files

- Court of Appeals Order, Ruiz-Diaz (1KB PDF)
- Notice of Court's Order Regarding Beneficiaries of Pending Petitions for Special Immigrant Religious Worker Visa (Form I-360) (14KB PDF)
- Order Directing Entry of Judgement (21KB PDF)
- Ruiz-Diaz Mandate (1KB PDF)
- Ruiz-Diaz Notice to Pending I-360s (16KB PDF)

Last updated:10/27/2010

Plug-ins

AILA InfoNet Doc. No. 10102830. (Posted on 10/28/10).