

October 19, 2012: Important Information for *Duran-Gonzales* Class Members

Today, the Ninth Circuit Court of Appeals issued an en banc decision that may have important implications for *Duran Gonzales* class members. The court, in [*Garfias-Rodriguez v. Holder*](#), affirmed the panel's ruling in [*Duran Gonzales I*](#), finding that individuals who had been removed or deported and are inadmissible under INA § 212(a)(9)(C)(i)(II) are not eligible to apply for adjustment of status (under INA § 245(i)) with an I-212 waiver. Significantly, however, the en banc court overruled the retroactivity analysis that the court applied in [*Duran Gonzales II*](#). This means that some *Duran Gonzales* class members still have viable claims that the *Duran Gonzales I* decision should not apply retroactively and that they should be permitted to apply for adjustment of status.

Class counsel plan to seek temporary relief to prevent DHS from deporting class members. **Please contact us immediately at clearinghouse@immcouncil.org if you have a client who is class member and who applied for adjustment of status before November 30, 2007 – the date *Duran Gonzales I* was issued – and has been deported or currently faces immediate deportation.**

For more information about the suit see <http://www.legalactioncenter.org/litigation/adjustment-status-under-%C2%A7-245i-noncitizens-previously-removed-duran-gonzalez-class-action>. Class counsel will provide updated information as it is available.