

Notice of Proposed Class Action Settlement About Asylum Applicants with Employment Authorization Who Were Denied Safety Net Assistance (SNA)

Background

This is an important notice about Public Assistance (PA)! Please read it carefully if:

- You are, or used to be, an **asylum applicant with employment authorization**, and
- You **applied and/or were denied for SNA**, which is a form of PA, **on or after August 7, 2014** because of your immigration status.

As of November 21, 2017, asylum applicants with employment authorization can receive SNA if they meet the other eligibility requirements. If you are not already a PA recipient, you may be able to receive PA if you apply and meet all the eligibility requirements. If you live in New York City, you may apply online at this link: <https://a069-access.nyc.gov/accesshra/>, or if you live anywhere else in New York State you may apply here: www.myBenefits.ny.gov. If you prefer to fill out a paper copy of the "[New York State Application for Certain Benefits and Services](#)," you may contact your local department of social services office to obtain one.

A proposed settlement in a class action lawsuit, *Colaj v. Roberts* (Index No. 452243/2017, New York County) may affect your legal rights. The Plaintiffs claim that asylum applicants with employment authorization were improperly denied SNA. Lawyers for the Plaintiffs and the New York State Office of Temporary and Disability Assistance (OTDA) have agreed to a settlement of the class action, which must be approved by the Court. Under this settlement, certain individuals who were denied SNA because of their immigration status while they were asylum applicants with employment authorization would receive a one-time benefit payment (payment). This notice provides the terms of the proposed settlement and your rights as a potential class member.

What is the Proposed Settlement?

You can see the entire proposed settlement at the website of the New York Legal Assistance Group (NYLAG): <https://www.nylag.org>. The Court has appointed lawyers from NYLAG to represent the Plaintiff Class in this case. NYLAG is a non-profit legal services organization.

The lawyers for the Plaintiffs believe that the proposed settlement is fair and in the best interests of the class members. They also believe that continuing the court case would take a long time and might not have a better result.

Who is included in the settlement and what benefits could they get?

Group One: Asylum applicants with employment authorization who applied for SNA in New York State between August 7, 2014 and November 21, 2017, and were denied because of their immigration status:

If these class members are getting PA on a date that is no later than 240 days after the settlement agreement goes into effect, they will each get a **one-time payment**. The payment will be equal to forty-five dollars per month for each month between when they applied and **November 21, 2017** (or earlier if the class member already started receiving PA before then or was sanctioned).

Group Two: Asylum applicants with employment authorization who applied to be added to an existing case and were denied SNA in New York State between August 7, 2014 and January 5, 2018, because of their immigration status:

If these class members are getting PA on a date that is no later than 300 days after the settlement agreement goes into effect, they will each get a **one-time payment**. The payment will be equal to forty-five dollars per month for each month between the date two months prior to when they got denied and **November 21, 2017** (or earlier if the class member already started receiving PA before then or was sanctioned).

For class members in **Group One or Two**, the payment will go to the Common Benefit Identification Card (CBIC) for the class member's PA case or be sent by check in limited circumstances. A notice will be mailed to the class member's household after the payment is issued.

Group Three: Asylum applicants with employment authorization who applied for SNA in New York State on or after November 22, 2017, and were denied because of their immigration status:

These class members will not receive a **one-time payment** as described above, but may be able to have their eligibility for PA reviewed, and may be eligible to get benefits. If you think you are in this group, please contact NYLAG immediately at: (929) 356-9584 or by email at: colajclass@nylag.org.

Do I Have to Do Anything?

If you think you are in **Group One or Group Two**,

- and **you are getting PA**, and continue to get it on the future date agreed to by OTDA and NYLAG, you do not have to do anything further. If the Court approves the settlement, you will get your one-time payment automatically if you are eligible for it; **or**
- if **you are not getting PA**, you will need to apply for PA, and meet all the eligibility requirements. If you apply and get PA and continue to get it on the future date agreed to by OTDA and NYLAG, you may be eligible to receive the one-time payment.

If you think you are in **Group Three**, please contact NYLAG for more information at: (929) 356-9584 or by email at: colajclass@nylag.org.

Can I Object to the Settlement?

Class members have the right to tell the Court if they believe that the proposed settlement is not fair, reasonable, or adequate.

Class members may object in writing or by phone during a hearing. The Court will hold the hearing on March 24, 2021 at 10:00 a.m. Class members can participate in the hearing by calling: (347) 378-4143. After calling the number, class members will be asked to enter a conference ID. The conference ID is 174 648 932#.

Class members who have a lawyer should make written objections to the settlement through both the New York State Courts Electronic Filing program and by email to the court attorney, Vera Zolotaryova, at: vzolotar@nycourts.gov.

Class members who do not have a lawyer and want to object should call or email NYLAG at: (929) 356-9584 or colajclass@nylag.org. If you object, NYLAG cannot represent you, but NYLAG will provide your objection to the Court.

What Should I Do if I Have Questions?

You can contact NYLAG attorneys with any questions at: (929) 356-9584 or by email at: colajclass@nylag.org. You do not have to pay to speak to lawyers at NYLAG about your questions.