



# MALDEF

The Latino Legal Voice for Civil Rights in America.

## **Questions and Answers About the ITIN Lawsuit *Amador v. Mnuchin***

*Here are some answers to questions you may have about the case filed for people with social security numbers who are married to ITIN holders:*

Question: Is everyone included in this lawsuit or is this just for a certain group of people? Why are only 6 people named in the lawsuit?

Answer: This case was filed as a proposed nationwide class action, which means that we are asking the judge to include every affected family, including yours. The plaintiffs who filed the case are serving as representatives of all couples and families in this situation. If the judge grants our request to go forward as a nationwide class action, all affected families will be included in the case.

Question: Do I need to file my own lawsuit to get help?

Answer: No. If the judge grants our request to make this case a nationwide class action, you will be included in this case and you will get help through this case. At this time, you don't need to file your own lawsuit to get help.

Question: Does someone from each state need to be a plaintiff?

Answer: No, there does not need to be someone from each state in the case. The judge can grant our request for a nationwide class action based on the families we have in the case now.

Question: What arguments are you making to challenge the law?

Answer: We are arguing that it's unconstitutional to deny married people stimulus payments based on the fact that one spouse lacks a social security number. The U.S. Constitution protects the right to marry and to create a family unit, and the government should not punish families because one person in a marriage lacks a social security number.

Question: How is this lawsuit different than the one filed in Illinois?

Answer: The families in this case are going forward using their real names. The Illinois case was filed on behalf of one individual using the fictitious name John Doe, so we don't know who that person is.

Question: What are we asking for in the lawsuit?

Answer: This lawsuit asks for fairness for mixed-status families. The lawsuit asks that stimulus payments be made to all spouses who have social security numbers, even if they are married to people who lack social security numbers.

Question: Are there any risks to someone's immigration status or their spouse's immigration status if they participate in the lawsuit?

Answer: The lawsuit asks for stimulus payments for spouses and children who have social security numbers. No one can predict what will happen in any individual's immigration situation, but in this case ITIN holders themselves are not suing.

Question: Are you accepting new plaintiffs? How can I join the lawsuit?

Answer: Because we are asking the judge to make this case a nationwide class action, you don't have to do anything more right now to participate. You are already included in the case. But if you think you and your spouse would make good representatives, and you'd like to share your family's story with the judge, feel free to contact MALDEF at the following email address: [ITINclassaction@MALDEF.org](mailto:ITINclassaction@MALDEF.org)

Question: What about U.S. citizen children whose parents have ITINs?

Answer: The lawsuit asks that the spouse with the social security number receive a stimulus check that includes payment for any dependent U.S. citizen children listed on the most recent tax return.

Question: Will MALDEF get a portion of their fees from our stimulus checks? What does MALDEF charge?

Answer: MALDEF will NOT get a portion of its fees from your stimulus checks. If we win this case, MALDEF will seek its attorney's fees from the government, not from you. MALDEF is a non-profit civil rights law firm founded over 50 years ago. MALDEF's victories include landmark court rulings protecting the right to education and the right to vote. In February 2020, MALDEF successfully settled a \$10 million nationwide class-action lawsuit involving Motel 6 guests whose personal information was given to federal immigration agents by hotel employees.

*This Q&A is not legal advice. You should always feel free to talk to your own lawyer if you have questions about this case.*

For more information, contact MALDEF at [ITINclassaction@MALDEF.org](mailto:ITINclassaction@MALDEF.org)