

IMMIGRATION EXAMINATIONS FEE

(Dollars in thousands)

Permanent Indefinite Special Fund

	Perm. Pos. 1/	FTE	Amount
2000 actuals.....	5,547	5,959	\$737,198
2001 availability.....	6,046	6,559	969,851
Proposed reprogramming 2/.....	492	375	189,000
2001 anticipated	6,538	6,934	1,158,851
Adjustments to base:			
Increases (See p. 96).....	...	97	28,319
Decreases (See p. 96).....	...	...	(9,340)
Annualization of Proposed 2001 Reprogramming (See p. 95).....	...	1,127	80,258
2002 base.....	6,538	8,158	1,258,088
Program changes.....	...	...	...
2002 estimate.....	6,538	8,158	1,258,088

1/ Permanent positions reflect positions funded from program revenues, and are not included in the Department's positions total.

2/ INS is preparing a reprogramming notification for FY 2001. The reprogramming proposal will fund additional program requirements, and is supported by increased receipts from the Legal Immigration and Family Equity (LIFE) Act, enacted on December 21, 2000.

Comparison by activity and program	2001 Availability			2002 Base			2002 Estimate			Program Changes		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Enforcement:												
Inspections.....	398	349	\$23,964	398	349	\$23,964	398	349	\$23,964	...	...	...
Investigations.....	147	109	17,864	147	136	17,864	147	136	17,864	...	...	...
Intelligence.....	14	12	1,271	14	12	1,271	14	12	1,271	...	...	...
Subtotal.....	559	470	43,099	559	497	43,099	559	497	43,099	...	...	...
2. Citizenship Benefits:												
Adjudications and Naturalization	3,617	4,440	663,646	3,617	5,433	732,649	3,617	5,433	732,649	...	...	...
International Affairs	749	658	100,022	749	658	100,022	749	658	100,022	...	...	...
Subtotal.....	4,366	5,098	763,668	4,366	6,091	832,671	4,366	6,091	832,671	...	...	...
3. Immigration Support:												
Training.....	25	22	3,998	25	22	5,998	25	22	5,998	...	...	...
Data & Communications Systems.....	72	66	151,461	72	66	167,809	72	66	167,809	...	...	...
Information & Records Management	1,261	1,093	164,001	1,261	1,243	172,526	1,261	1,243	172,526	...	...	...
Legal Proceedings.....	124	80	12,617	124	134	15,978	124	134	15,978	...	...	...
Subtotal.....	1,482	1,261	332,077	1,482	1,465	362,311	1,482	1,465	362,311	...	...	...
4. Program Direction:												
Management & Administration.....	131	105	\$20,007	131	105	\$20,007	131	105	\$20,007
Total	6,538	6,934	1,158,851	6,538	8,158	1,258,088	6,538	8,158	1,258,088

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(Dollars in thousands)

The Legal Immigration and Family Equity (LIFE) Act, enacted December 21, 2000, amends the Immigration and Nationality Act. Among the provisions of the LIFE Act are:

- \$ Section 245(i) of the Immigration and Nationality Act will be available temporarily to people physically present in the United States on the date of enactment, December 21, 2000. The provision will allow a person who qualifies for permanent residency, but is ineligible to adjust status in the United States because of an immigration status violation, to pay a \$1,000 penalty to continue processing in the United States. In order to be eligible for 245(i) adjustment under the LIFE Act, a person must be the beneficiary of an immigrant petition or application for labor certification filed on or before April 30, 2001.
- \$ A new temporary "V" non-immigrant status will be available to the spouses and minor children of lawful permanent residents waiting more than three years for an immigrant visa based upon an immigrant petition filed on or before the enactment date of the LIFE Act. Persons granted "V" status would receive employment authorization and are protected from removal.
- \$ A new temporary "K" visa status will be available to spouses of U.S. citizens (and their children) living abroad. The current K visa is only available to fiancées of U.S. citizens who are coming to the United States to get married within 90 days of arrival.
- \$ Persons who filed before October 1, 2000, for class membership in one of three "late amnesty" lawsuits (CSS v. Meese, LULAC v. INS, and Zambrano v. INS) and who are eligible under the LIFE Act's amended legalization provisions may apply to adjust status during a 12-month period that begins once regulations are issued. Spouses and unmarried children of the class action claimants will be protected from certain categories of removal and will be eligible for work authorization if they entered the United States before December 1, 1988, and resided in the United States on that date.

INS estimates that enactment of this legislation will increase the number of benefits applications received, by approximately 4.2 million from FY 2001 through FY 2003. In addition, INS estimates that fee receipts, relating to the LIFE Act, will increase by \$754 million over this time period. In order to process this increase in workload, additional personnel and resources must be acquired. Currently, INS is preparing a reprogramming that will request additional spending authority in the Immigration Examinations Fee account for the processing of LIFE Act applications/petitions.