



NEWS RELEASE

June 6, 2002 (revised)

INS Issues Final Rule for Adjustment of Status Under Legalization Provisions of the Life Act *INS Announces New Filing Deadline of June 4, 2003*

WASHINGTON – The Immigration and Naturalization Service (INS) announced the issuance of a final rule for adjustment-of-status application procedures under the Legal Immigration Family Equity (LIFE) Act legalization provisions, known as *LIFE Legalization*. The final rule was published in the *Federal Register* June 4, 2002, and ensures that those eligible to apply for legalization benefits under the provisions of the Life Act are able to do so by June 4, 2003. **INS is announcing a new filing deadline of June 4, 2003 to comply with the Congressional mandate of allowing a one-year filing period commencing with the publication of the final rule. This will provide ample time for eligible applicants to apply for benefits under the final regulations.**

“With the issuance of the final rule for benefits under the LIFE Act provisions, we are hopeful that more eligible applicants will submit their applications for lawful permanent residency in the United States,” said INS Commissioner James Ziglar. “We believe the new filing deadline will provide a golden opportunity for all eligible applicants to become lawful permanent residents.”

In order to qualify for adjustment, eligible applicants must file a Form I-485, Application to Register Permanent Residence or Adjust Status, with the \$255.00 filing fee supported by documentation establishing that by October 1, 2000, they filed a written claim for class membership in one of three lawsuits commonly referred to as CSS, LULAC and Zambrano. Eligible applicants must also establish that they entered the United States before January 1, 1982, and thereafter resided in continuous unlawful status through May 4, 1988, and that they were continuously physically present in the United States from November 6, 1986, through May 4, 1988.

The final rule contains clarifications that should assist applicants in applying for permanent residence. One such example is that the final rule clarifies the standards used to determine whether an individual has filed an application for class membership. The rule clarifies that under certain specific circumstances, an alien who was the spouse or child of a person who filed a written claim for class membership is eligible to file an application for LIFE Legalization.

INS has attempted to resolve all difficulties raised during the comment period. One such resolution is that INS has added, through the final rule, a provision that allows an

adjudication of a LIFE Act application under the pre-LIFE Act 245A standards of Immigration and Nationality Act if the applicant is eligible for such relief but not under section 1104 of the LIFE Act.

The LIFE Act also provides that certain spouses and children of eligible applicants under the LIFE Legalization will be protected from removal and be eligible for employment authorization for the period of time in which they have been afforded Family Unity protection. Aliens who might benefit from the Family Unity provisions of the LIFE Act Amendments are those who:

1. Are currently in the United States;
2. Are the spouse or unmarried child of an alien who is eligible for adjustment under LIFE Legalization; and
3. Entered the United States before December 1, 1988, and were residing in the United States on such date.

Eligible applicants must also demonstrate basic citizenship skills and be eligible for admission to the United States under the Immigration and Nationality Act. Life Legalization also provides for a stay of removal or deportation and work authorization for eligible applicants under this law while their adjustment applications are pending.

On June 1, 2001, the Department of Justice published an interim rule in the Federal Register that implemented section 1104 of the LIFE Act and the LIFE Act Amendments by establishing procedures for certain class action participants to become lawful permanent residents of the United States. The interim rule provided a 1-year application period from June 1, 2001, to June 4, 2002 for those individuals applying for adjustment of status pursuant to section 1104 of the LIFE Act. The interim rule also provided for a stay of removal and work authorization for certain spouses and unmarried children of those aliens eligible to adjust status under section 1104 of the LIFE Act.

More information regarding the final regulations of the LIFE Act legalization provisions can be obtained through the INS web site www.ins.gov, the toll-free customer telephone service 1-800-375-5283, and public outreach to the media and community-based organizations. Forms can be easily downloaded from the INS web site, or requested by calling 1-800-375-5283.

“Since immigration law can be very complex, individuals who have concerns about their eligibility for LIFE Act benefits should be cautious to avoid unscrupulous immigration practitioners. They should contact a licensed attorney or a legal service provider recognized by the Board of Immigration Appeals,” urged Executive Associate Commissioner for Immigration Services, William Yates.

A list of legal service providers recognized by the Board of Immigration Appeals is available on the Internet site www.usdoj.gov/eoir under “Pro Bono Program.”

