



NEWS RELEASE

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INS Implements NACARA/HRIFA Provision of the LIFE Act

WASHINGTON – The Immigration and Naturalization Service (INS) published in the *Federal Register* (May 31, 2001) a regulation that provides relief to certain persons who previously were not eligible for the Nicaraguan Adjustment and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA) because they had been removed from the United States and subsequently re-entered the country. It allows such persons to reopen their removal proceedings so that they may apply for adjustment of status under NACARA or HRIFA.

This regulation implements a provision of the Legal Immigration Family Equity (LIFE) Act and LIFE Act Amendments—enacted on December 21, 2000—which changed Section 202 of NACARA and Section 902 of HRIFA. INS estimates that approximately 10,000 persons may be eligible for this benefit.

This provision allows the following individuals to file motions to reopen their exclusion, deportation or removal proceedings so that they may subsequently apply to become lawful permanent residents under NACARA or HRIFA:

- Nationals of Nicaragua, Cuba or Haiti who had **not** previously applied for adjustment of status under NACARA or HRIFA because they were ineligible for having **re-entered the United States illegally after:**
- Having been removed from the United States; **or,**
- Having left the United States voluntarily while under an order of removal.

Such individuals were inadmissible under immigration law and, therefore, were previously barred from adjusting status to lawful permanent resident. These individuals must file the motion to reopen with the Immigration Court on or before the statutory deadline of **June 19, 2001**.

- Additionally, nationals of Nicaragua, Cuba or Haiti who **previously applied** for NACARA or HRIFA and were denied adjustment of status to lawful permanent resident because they had **re-entered the United States illegally after:**
- Having been removed from the United States; **or,**
- Having left the United States voluntarily while under an order of removal may move to have the denial of their adjustment application reopened with the INS. They are **not** subject to the statutory June 19, 2001, deadline.

For specific information regarding eligibility requirements and how to apply, prospective applicants should consult the regulation that is published in the *Federal Register* and which is also available on the INS Web site www.ins.gov.

Additional information and application forms regarding LIFE Act benefits are available on the INS Web site www.ins.gov (forms can be downloaded from the site), or by calling the INS toll-free customer telephone service: 1-800-375-5283.

Those 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. (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.”)