



ADVISORY

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INS Advises Public on Submitting Applications Under the LIFE Act

The Immigration and Naturalization Service (INS) is advising the public that the agency is moving as quickly as possible to develop application procedures for immigration benefits created by the Legal Immigration Family Equity Act (LIFE). The agency will immediately inform the public as procedures are finalized.

One of the provisions of the LIFE Act is the temporary reinstatement of Section 245(i) of the Immigration and Nationality Act (INA). **Section 245(i) is not amnesty for all persons unlawfully in the United States.** This provision only applies to certain persons residing in the United States who, although otherwise eligible for an immigrant visa, are barred from adjusting their status in the United States. It allows such persons to adjust their status in the United States instead of acquiring their visa abroad.

To preserve eligibility to file for adjustment of status under Section 245(i), an individual must be the beneficiary of an immigrant visa petition (Form I-130 or Form I-140), or an application for labor certification filed by April 30, 2001. If the petition or application was filed after January 14, 1998, the beneficiary must be able to demonstrate physical presence in the United States on December 21, 2000.

An application for adjustment of status (Form I-485) based on Section 245(i) does not need to be filed before April 30, 2001. The application can be filed when an immigrant petition is approved and a visa number is available for the beneficiary in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. The applicant must also pay the application fee and a \$1,000 penalty fee.

The LIFE Act also created a new nonimmigrant visa category, the "V" visa, and expanded the current "K" visa category. **INS cannot process applications for these two visa categories until application and adjudication procedures are finalized.** At this time, INS has begun consulting with the Department of State and hopes to issue guidelines on these new visas by early spring.

Persons who have concerns about their eligibility for LIFE Act benefits should contact an immigration attorney or an immigrant assistance organization accredited by the Board of Immigration Appeals.

A fact sheet on the LIFE Act can be found on the INS Web site, www.ins.usdoj.gov.