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## LIFE Legalization Filings

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Pursuant to Section 245A of the Immigration and Nationality Act (Act), as revised by the LIFE Act and the LIFE Act Amendments of 2000, the INS is now accepting adjustment of status applications from legalization applicants. The application period is effective from June 1, 2001 until May 31, 2002.

### *Where to File*

LIFE Legalization applications should be mailed to the lockbox address, **P.O. Box 7216, Chicago, IL 60607-7216**, regardless of the applicant's place of residence. Considered timely filed will be those LIFE Legalization applications, i.e., Form I-485 with supporting documents that are postmarked by the U.S. Postal Service on or before the deadline. The Chicago facility will be responsible for collecting fees, depositing, receiving and entering application data. The lockbox will then dispatch all LIFE Legalization applications to the Missouri Service Center (MSC).

The MSC Director will determine if the applicant is listed as a class member in one of the mentioned lawsuits before October 1, 2000. The Director may issue a Notice of Intent to Deny the application if the file has incomplete evidence of the applicant's inclusion as a class member prior to that date. Said notice will provide the applicant the opportunity to submit adequate evidence in response to MSC's arguments for denial. The Director may therefore either deny or refer the application to the district office for final adjudication.

If the MSC Director deems the applicant to be a timely registered class member, the MSC will process the application for employment authorization and advance parole, as long as filed with Form I-485. After the application is included in the applicant's A-file and fingerprint results have been obtained from the FBI, the case will be forwarded to the district office governing the applicant's place of residence. Said office will also be responsible for interviewing the applicant to ascertain the applicant's necessary citizenship skills and if other eligibility criteria have been satisfied.

### *What Forms to File*

When filing for LIFE Legalization, applicants are required to submit **Form I-485**, Application to Register Permanent Residence or Adjust Status. Form I-484 Supplement D, drafted to serve as a guideline and accessible through the INS's web site and its Service Form Centers, should be read by all applicants prior to the submission of their applications.

The LIFE Act accords eligible aliens applying from within the U.S. employment authorization and travel privileges pending the outcome of their applications. Therefore, those applicants seeking employment authorization must file **Form I-765**, Application for Employment Authorization, along with the fee and Form I-485, with the Chicago lockbox address. Once the applicant is deemed an "eligible alien," i.e., an alien who has made a written claim for class membership to the Attorney General in the CSS, LULAC, or Zambrano lawsuit prior to October 1, 2000, he or she will be issued an Employment Authorization Document (EAD) good for one year.

Those who are pushing toward travel privileges must file **Form I-131**, Application for Advance Parole, with the fee and Form I-485, to the Chicago lockbox address. Once deemed an “eligible alien,” the applicant will be issued an advance parole. Emphasis is put on the importance of submitting a Form I-131 prior to travelling abroad, as an applicant returning from abroad without advance parole may be susceptible to removal or expedited removal proceedings and may have to wait for the processing of the application from abroad.

Applicants for Family Unity benefits, which will be discussed further, must use **Form I-817**. This form has to be filed with the Chicago lockbox address, the same address for LIFE Legalization applications, and will be adjudicated at the MSC.

### *Who Are Qualified*

Applicants for adjustment of status under the LIFE Act (LIFE Legalization) need to substantiate that:

1. They filed a written claim for class membership in the [CSS](#), [LULAC](#), or [Zambrano](#) lawsuit, with or without the filing fee, with the Attorney General before October 1, 2000.
2. They entered the U.S. before January 1, 1982 and resided continuously in the U.S. in an unlawful status since said date until May 4, 1988.
3. They were continuously physically present in the U.S. from November 6, 1986 to May 4, 1998.
4. They are admissible to the U.S.
5. They have not been convicted of a felony or of three or more misdemeanors committed in the U.S.
6. They have not participated in the persecution of any person(s) due to race, religion, nationality, membership in a particular social group, or political opinion.
7. They can meet necessary citizenship skills or are adequately pursuing a course of study to acquire these skills.

### *What Evidence May Be Submitted*

As evidence that one **entered the U.S. before January 1, 1982**, one may submit: Form I-94 (Arrival-Departure Record); Form I-20A-B (Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students); Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); passport; or the nonimmigrant visa issued.

To establish one's **continuous residence**, one may submit: past employment records; Forms W-2, certification of tax return filings; employment letters; utility bills, receipts, letters from companies that have provided one services; school records; hospital or medical records; rental receipts; personal checks indicating a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which one was a party; or insurance policies.

As proof of one's **continuous physical presence from November 6, 1986 to May 4, 1988**, one must submit both:

- a. any government/non-government-issued documentation indicating the applicant's name, the date of issue, the signature, seal, or other validating device of the authorized

representative of the issuing authority, if the document would customarily bear such validating device (e.g., past employment records, Forms W-2; certification of tax return filings; employment letters; utility bills, receipts, letters from companies that have provided one services; school records; hospital or medical records; rental receipts; personal checks indicating a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which one was a party; or insurance policies); and

- b. a separate statement enumerating the dates of departure and return to explain all absences from the U.S. since one's entry into the U.S. before January 1, 1982 to May 4, 1998. However, if one was not absent from the U.S. during the period at issue, one should make the written statement "***I was not outside the United States since my arrival before January 1, 1982 through May 4, 1988.***"

#### *When The Application Can Be Filed*

The application period is in effect from June 1, 2001 until May 31, 2002. All applications both filed in the U.S. and from abroad must therefore be postmarked on or before May 31, 2002 in order to be considered timely filed. It is of utmost importance to meet the deadline, as applications postmarked after will be denied.

#### *Even Spouses and Children May Benefit*

The LIFE Act Amendments render certain spouses and unmarried children of LIFE Legalization-eligible aliens qualified to receive Family Unity benefits. To be eligible for such benefits, an alien must:

1. presently be the spouse or unmarried child of an alien eligible for LIFE Legalization – To establish eligibility as an unmarried child, one must demonstrate that he or she was not 21 years or older before the adjudication date of Form I-817, Application for Family Unity Benefits.
2. have entered the U.S. before December 1, 1988 and have been residing in the U.S. from that date
3. presently be in the U.S.

To date an applicant who is applying for Family Unity benefits only needs to demonstrate that the spouse or parent through whom they are claiming eligibility is an "eligible alien," not necessarily that the "eligible alien" applied for LIFE Legalization.

Worth mentioning is the provision that Family Unity benefits are also available to certain spouses and unmarried children who adjusted their status to lawful permanent resident by virtue of LIFE Legalization and who are not present in the U.S. anymore.