



NEWS RELEASE

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INS Issues Reminder for Haitians Eligible for HRIFA Benefits

WASHINGTON – The Immigration and Naturalization Service (INS) today reminds Haitian principal applicants eligible to file for benefits under the Haitian Refugee Immigration Fairness Act (HRIFA) that the closing date for filing an application is March 31, 2000. All such applications filed with INS must be received at the Nebraska Service Center on or before March 31. Having the application postmarked by March 31 will not suffice. INS cannot accept HRIFA applications from principal applicants after March 31. While there is no application deadline for dependents, the principal must have filed first.

The deadline is of particular importance to those potential principal applicants who are currently outside the United States since they must be physically present in the United States in order to apply for HRIFA adjustment. These potential adjustment applicants must first apply to be paroled in to the United States in order to file a HRIFA adjustment application by the statutory filing deadline of March 31, 2000. INS will make every effort to adjudicate parole requests in light of the impending deadline. However, since the processing of advance parole requests may take up more than 45 days, it is imperative that such applications be filed immediately.

Any advance parole request submitted by a would-be HRIFA principal adjustment applicant that has not been processed to completion by INS by March 31 will subsequently be denied. No fee refunds for such advance parole applications will be granted. In addition, any travel document issued for purposes of filing a principal HRIFA adjustment application will be valid only if presented at a U.S. port of entry on or before March 31. Any person who seeks to travel to the United States on or after April 1 using a parole document issued for purposes of filing a principal HRIFA adjustment application will be refused entry.

To be eligible for HRIFA benefits, a Haitian must belong to one of the five classes specified in section 902 (b) of HRIFA; must have been continuously physically present in the United States since December 31, 1995; and must not be inadmissible to the United States under any grounds of inadmissibility for which HRIFA does not specifically provide an exception. Certain dependents are also eligible.

The classes described in section 902 (b) include any Haitian national who:

Filed for asylum before December 31, 1995;

Was paroled into the United States before December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergency reasons or reasons deemed strictly in the public interest; or

Was a child (i.e., unmarried and under 21) at the time of their arrival and on December 31, 1995 and:

"Continuously physically present" is defined as no more than a total of 180 days outside the United States between December 31, 1995 and the date the HRIFA adjustment application is granted. INS regulations provide limited circumstances under which absences may not count toward the 180-day limit.

Additionally, certain dependents (i.e., the Haitian spouse, child or unmarried son or daughter) of a principal applicant for adjustment under HRIFA may apply for adjustment of status under HRIFA. The March 31 deadline does not apply to such dependents. Dependents of HRIFA principal applicants are reminded that, in order to be eligible for HRIFA adjustment, spouses and children "under age 21" must be physically present in the United States at the time they apply, and unmarried sons or daughters age 21 or older must establish that they have been continuously physically present in the United States since December 31, 1995.

Dependent children who are approaching their 21st birthday and cannot demonstrate that they have been continuously physically present in the United States since December 31, 1995 are advised that the Service will deny an applicant's parole request if it determines that it is not feasible to process the request and issue the travel document in sufficient time for the applicant to travel to the United States, file a HRIFA adjustment application and have that application completely adjudicated before the applicant's 21st birthday.

Further information on HRIFA can be obtained by accessing the INS Web site—www.ins.usdoj.gov—or through INS' customer service number: 1-800 375-5283 or TTY: 1-800 767-1833, (Monday – Friday, 8 a.m. to 6 p.m. Eastern Time).