



QUESTIONS AND ANSWERS

1/27/03

Facts about LIFE Legalization

The Legal Immigration and Family Equity (LIFE) Act allows individuals who resided unlawfully in the United States during specified periods of the 1980s and who also filed as members in any of three class-action lawsuits to apply for permanent resident status. This provision is known as "LIFE Legalization" and the application period is scheduled to expire on June 4, 2003.

Here are answers to many frequently asked questions about LIFE Legalization. The answers are not intended to be comprehensive. Individual cases may raise issues that are not covered here. However, the answers provide general guidance about this important immigration benefit.

Q. To be eligible for LIFE Legalization, an individual would need to have resided in the United States during what period of time?

A. LIFE Legalization applicants must have entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status from January 1, 1982 until May 4, 1988. They must have been physically present in the United States during the final 18 months of this period, from November 6, 1986 until May 4, 1988.

Q. What are the three lawsuits to which LIFE Legalization applicants must have joined?

A. Applicants for LIFE Legalization must have filed with the Attorney General before October 1, 2000, a written claim for inclusion in any of the following class action lawsuits: *Catholic Social Services, Inc. (CSS) vs. Meese or Reno vs. Catholic Social Services, Inc.*; *the League of United Latin American Citizens (LULAC) vs. the INS and Zambrano vs. INS*. A petition for inclusion in the lawsuits signed by an individual may have been filed by an attorney or organization at the applicant's request.

In addition, individuals who have been convicted in the United States of any felony or of three or more misdemeanors are ineligible for LIFE Legalization.

Q. What form is required to apply for LIFE Legalization?

A. Applicants must file a completed INS Form I-485, which is the Application for Permanent Resident Status and, prior to filing, read the Instructions for the Form I-485,

Supplement D. In Part I of the I-485, applicants must check the box labeled “h-other”, and write “Life Legalization” in Part II.

Q. How can one obtain a Form I-485?

A. The I-485, and other INS forms and information, can be obtained at INS district offices in major cities, or by calling the INS National Customer Service toll-free number at 1-800-375-5283 (TDD/TEXT: 1-800-767-1833), or downloaded from the INS website: <http://www.ins.usdoj.gov/graphics/formsfee/index.htm>

Q. What other forms are required in connection with the I-485 application?

A. A completed INS Form G-325A, which is the Biographic Information Sheet, is required if the applicant is between the ages of 14 and 79. For all applicants, a Form I-693, the Report of Medical Examination, must be completed by a certified civil surgeon. There may be additional charges for the medical exam.

Q. How does an applicant file the completed Form I-485?

A. Completed applications, supporting documents and appropriate fees must be postmarked before midnight, June 4, 2003, and addressed to:

The Immigration and Naturalization Service
P.O. Box 7219
Chicago, IL 60680-7219

Q. What is the cost of filing an application for LIFE Legalization?

A. The filing fee for the I-485 is \$186 (effective January 24, 2003). Applicants who are 14 to 79 years old are charged an additional \$50 for fingerprinting.

Q. What evidence will a LIFE Legalization applicant need to supply for the I-485 to be processed?

A. Applicants need to submit the following with items with the Form I-485:

- Proof of identity
- Two identical natural color photographs of the applicant taken within 30 days of the filing date of the application. (The instructions for completing the Form I-485 provide information about the specific requirements for the photographs.)
- Evidence to establish that the applicant filed a written claim with the Attorney General for inclusion in any of the three previously cited lawsuits before October 1, 2000.
- Evidence that the applicant entered the United States before January 1, 1982.

- Evidence that the applicant resided continuously in the United States in an unlawful status between January 1, 1982 and May 4, 1988, except for a brief or casual absence,
- Evidence that the applicant has a minimal understanding of ordinary English and a knowledge or understanding of the history and government of the United States, or that he or she is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve an understanding of English and U.S. history and government.

Q. Can applicants apply for a work permit while their application for LIFE Act Legalization is being reviewed by the INS?

A. Yes. Applicants can file with their Form I-485 (or subsequent to I-485 filing) a Form I-765, which is an application for work authorization. There is an additional \$88 (effective January 24, 2003) filing fee for the Form I-765.

Q. May certain family members of LIFE Legalization applicants receive any benefits?

A. Certain spouses and unmarried children under age 21 of applicants currently residing in the United States can apply for “family unity” benefits under the LIFE Act amendments, by filing a Form I-817. They are eligible to receive work authorization and be given limited protection from removal or deportation from the United States, if their application is approved by the INS. Other conditions and requirements apply and applicants are urged to get additional information about the program. The filing fee for the I-817 is \$102 (effective January 24).

Q. Can applicants travel outside the United States while their I-485 application is pending?

A. Applicants who wish to travel abroad while their application is pending are eligible to mail a completed Form I-131, which is an Application for Travel Document, to the identical address used to file the Form I-485:

The Immigration & Naturalization Service
P.O. Box 7219
Chicago, IL 60680-7219

In urgent humanitarian situations applicants can file a completed Form I-131 with their local INS district office. If the INS approves the I-131 application and grants what is called “advance parole,” the applicant is permitted to return to the United States after traveling abroad in accordance with any terms and conditions placed on the advance parole document.

Individuals who are subject to a final order of removal, deportation or exclusion and who depart the United States are subject to certain bars to obtaining LIFE Legalization.

Q. Can an individual who currently resides outside the United States file an application for LIFE Act Legalization?

A. Yes, an applicant can file a completed Form I-485, the required documentary evidence and appropriate fees, using the INS address noted above.

Q. Can an alien outside the U.S. also seek a work permit?

A. Yes the individual can apply for a work permit. However, a work permit is not an immigration document for admission into the United States.