

LIFE Legalization Supplement to Form I-485 Instructions

EXCEPT AS NOTED BELOW, THE INSTRUCTIONS CONTAINED ON THE FORM I-485 PERTAIN TO APPLICATIONS FOR ADJUSTMENT OF STATUS UNDER THE PROVISIONS OF SECTION 1104 OF PUBLIC LAW 106-553, LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE ACT), AND PUBLIC LAW 106-554, LIFE ACT AMENDMENTS.

What is the purpose of Form I-485?

In addition to the other purposes of the form listed in the instructions, Form I-485 may be used by certain class action participants applying to the Immigration and Naturalization Service (INS) for adjustment of status pursuant to section 1104 of the LIFE Act and section 1503 of the LIFE Act Amendments (LIFE Legalization), and Title 8 of the Code of Federal Regulations, sections 245a.10-245a.22.

Who may file this application?

You may file this application, either from within or outside the United States, if you:

- Before October 1, 2000, filed with the Attorney General a written claim for class membership in one of the following three class action lawsuits: Catholic Social Services, Inc., v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (CSS); League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (LULAC); or Zambrano v. INS, vacated, 509 U.S. 918 (1993) (Zambrano);
- Entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since that date through May 4, 1988;
- Were continuously physically present in the United States from November 6, 1986, through May 4, 1988;
- Are admissible to the United States; and
- Have not been convicted of a felony or of three or more misdemeanors in the United States.

IMPORTANT NOTE: When completing the application for adjustment under LIFE Legalization, you **MUST** indicate, in Part 2, the classification you are seeking. **Check Block H and write "LIFE Legalization."**

What is meant by "admissible to the United States?"

You must be admissible to the United States pursuant to section 212(a) of the Immigration and Nationality Act (INA); however, there are some exceptions for LIFE Legalization applicants:

- Section 212(a)(5) of the INA (an alien without a labor certification or proper qualifications for certain occupations) and Section 212(a)(7)(A) of the INA (an alien not in possession of a valid immigrant visa) do not apply to LIFE Legalization applicants;
- If you are inadmissible under Section 212(a)(9)(A) of the INA (an alien previously removed) or Section 212(a)(9)(C) of the INA (an alien unlawfully present after previous immigration violations), the LIFE Act allows you to apply for a waiver from within the United States;

- If you are inadmissible under Section 212(a)(4) of the INA (an alien likely to become a public charge), you may still be admissible under the Special Rule. The Special Rule is discussed at 8 CFR 245a.18(d); in short, the Special rule allows the INS to look at an alien's employment history when determining whether he or she is likely to become a public charge. You will not be required to file a waiver application in order to apply for the Special Rule.

If you are inadmissible under any section of the INA for which a waiver is available, you will be required to file a Form I-690, Application for Waiver of Grounds of Excludability under sections 245A or 210 of the INA with the INS Service Center Director or District Director having jurisdiction over your case.

What evidence should be submitted with the adjustment application?

Each Form I-485 must be accompanied by:

- Proof of identity, e.g., passport or birth certificate;
- A completed Form G-325A, Biographic Information Sheet, if you are between 14 and 79 years of age;
- A completed Form I-693, Medical Examination of Aliens Seeking Adjustment of Status;
- Two photographs as described in the instructions that accompany the Form I-485;
- Evidence that, prior to October 1, 2000, you filed with the Attorney General a written claim for class membership in the CSS, LULAC, or Zambrano lawsuit;
- Evidence that you entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since that date through May 4, 1988; and
- Evidence that you were continuously physically present in the United States from November 6, 1986, through May 4, 1988.

Upon receipt of your application, the INS will instruct you regarding the procedure for obtaining fingerprints through one of the INS's Application Support Centers (ASCs) or authorized Designated Law Enforcement Agencies (DLEAs) chosen specifically for that purpose. **You should not submit a fingerprint card when you file the Form I-485.**

Evidence -- General.

You must attach evidence that establishes your eligibility for adjustment under the provisions of LIFE Legalization. Further clarification and examples of evidence that may be submitted to establish your eligibility for adjustment of status under LIFE Legalization can be found at 8 CFR 245a.14 - 245a.17.

What evidence should be submitted to establish class membership application in the CSS, LULAC, or Zambrano lawsuit?

Examples of evidence that may establish that you applied for class membership in the CSS, LULAC, or Zambrano case before October 1, 2000, include, but are not limited to: Employment Authorization Document or other employment document issued by the INS pursuant to your class membership in CSS, LULAC or Zambrano; INS document(s) addressed to you, or your representative, granting or denying your class membership in CSS, LULAC, or Zambrano; Questionnaire for class member applicants in CSS, LULAC, or Zambrano submitted with the class membership application; INS document(s) addressed to you, or your representative, pursuant to your CSS, LULAC, or Zambrano class membership application (e.g., Form I-512 (Parole Authorization), or denial of such; Form I-221 (Order to Show Cause); Form I-862 (Notice to Appear); Final order of removal or deportation; Request for Evidence letter; Form I-687 (Application for Status as a Temporary Resident-Applicants under Section 245A of the INA) submitted with the CSS, LULAC, or Zambrano class membership application); Form I-765, Application for Employment Authorization, submitted pursuant to a court's order granting interim relief; an application for a stay of deportation, exclusion or removal pursuant to a court's order granting interim relief; or any other relevant document(s).

What evidence should be submitted to establish continuous unlawful residence since before January 1, 1982, through May 4, 1988?

Examples of evidence that may establish that you entered the United States before January 1, 1982, include, but are not limited to: 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); your passport; or the nonimmigrant visa issued to you.

Examples of evidence that may establish your continuous residence include, but are not limited to: past employment records; Forms W-2; certification of the filing of tax returns; letters from employers; utility bills, receipts, or letters from companies from which you received services; school records; hospital or medical records; rental receipts; personal checks bearing a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which you were a party; or insurance policies.

What evidence should be submitted to establish continuous physical presence from November 6, 1986, through May 4, 1988?

Examples of evidence that may establish your continuous physical presence include, but are not limited to: any documentation issued by any governmental or nongovernmental authority, provided such evidence bears the name of the applicant, was dated at the time it was issued, and bears the signature, seal, or other authenticating instrument of the authorized representative of the issuing authority, if the document would normally contain such authenticating instrument. For example: past employment records; Forms W-2; certification of the filing of tax returns; letters from employers; utility bills, receipts, or letters from companies from which you

received services; school records; hospital or medical records; rental receipts; personal checks bearing a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which you were a party; or insurance policies.

Since you must establish **continuous residence** and **physical presence** in the United States, you are also required to submit a separate statement listing the dates of departure and return of **all absences** from the United States since your entry into the United States before January 1, 1982, through May 4, 1988. If you were not absent from the United States during the period in question, write "I was not outside the United States since my arrival before January 1, 1982, through May 4, 1988."

When can the application be filed?

The application period begins on **June 1, 2001**, and ends on **June 4, 2003**. All applications, whether filed in the United States or filed from abroad, must be **postmarked on or before June 4, 2003**, to be considered timely filed. Applications postmarked after **June 4, 2003**, will be denied.

What is the application fee?

The fee for filing a Form I-485 for adjustment of status under LIFE Legalization is \$255. If you are between the ages of 14 and 79 years, there is a \$50 fingerprinting fee in addition to the application fee. In other words, if you are between the ages of 14 and 79, and you are filing a Form I-485 for adjustment of status under LIFE Legalization, the total fee you must pay is \$305.

You may submit one check or money order for both the application and fingerprinting fees. Fees must be submitted in the exact amount. **DO NOT MAIL CASH.** Fees cannot be refunded. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If you reside in Guam and are filing your application there, the check or money order must be payable to the "Treasurer, Guam." If you reside in the Virgin Islands and are filing your application there, the check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service."

NOTE: If the Form I-485 is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency.

Personal checks are accepted subject to collection. An uncollected check in payment of an application fee will render the application and any document issued invalid. A charge of \$30 will be imposed if a check in payment of a fee is not honored by the bank on which it is

Where should the application be filed?

The application should be mailed to:

**U.S. Immigration and Naturalization Service
Post Office Box 7219
Chicago, IL 60680-7219**

Interview.

If necessary, interviews will take place at selected INS offices throughout the United States. If you filed your application from within the United States, you will receive notice in the mail concerning the time and place of your interview. If you filed your application from outside the United States, you will receive detailed instructions from the INS concerning the interview process. At your interview you must be able to demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States as required under Section 312 of the INA.

In lieu of this, you may instead present: (1) A high school diploma; (2) A general educational development diploma (GED); or (3) A certification on letterhead stationery from a state recognized, accredited learning institution in the United States that you are attending or have attended such institution. The course of study at such learning institution must be for a period of one academic year (or the equivalent thereof according to the standards of the learning institution) and the curriculum must include at least 40 hours of instruction in English and United States history and government. You may submit any of these documents either at the time of filing Form I-485, subsequent to filing the application but prior to the interview, or at the time of the interview (please make sure that your name and A-number appear on any such evidence submitted).

Can an applicant receive employment authorization while the adjustment application is pending?

If you are filing your application from within the United States, and would like work authorization, you may request authorization to work in the United States while your application for adjustment of status under LIFE Legalization is pending by filing Form I-765, Application for Employment Authorization, with fee. You may submit the Form I-765 either concurrently with or subsequent to the filing of this Form I-485. Once the INS has verified through INS indices, a review of your administrative file with the INS, and by all evidence filed by you, that you are/were a CSS, LULAC or Zambrano class member applicant during the specified time period, you will be eligible for work authorization while your Form I-485 is pending. **If you are/were not a CSS, LULAC, or Zambrano class member applicant, you are not entitled to, and will not receive, work authorization.** If you have already received work authorization under any other provision of the INA, that work authorization will not be affected by the filing of this Form I-485.

Can an applicant travel outside of the United States while the adjustment application is pending?

If you wish to travel outside the United States while your LIFE Legalization application is pending, you should apply for "advance parole" on Form I-131, Application for Travel Document. The Form I-131 must be mailed to the address provided on this Form I-485 Supplement D.

If you travel abroad and return to the United States with a grant of advance parole, the INS will presume that you are entitled to return to the United States. However, if you travel abroad and return to the United States **without a grant of advance parole**, you may be subject to removal proceedings and may have to process and/or await the processing of your application from outside the United States.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are seeking and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 U.S.C. 1203 and 1225. We may provide this information to other government agencies. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application (above and beyond the time necessary to complete and file Form I-485, to which this form is a supplement) is as follows: (1) 10 additional minutes to learn about the law and form; (2) 5 additional minutes to complete the form; (3) 15 additional minutes to assemble and file the application; and (4) 30 additional minutes to complete the interview; for a total estimated average response of 60 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0239. **(DO NOT MAIL YOUR COMPLETED APPLICANTON TO THIS ADDRESS.)**