



QUESTIONS AND ANSWERS

May 31, 2001 (rev.)

Legalization Provision of the LIFE Act

1. What are the full names of the lawsuits that are addressed by LIFE Legalization?

- *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (commonly referred to as "CSS");
- *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (commonly referred to as "LULAC"); or
- *Zambrano v. INS*, vacated, 509 U.S. 918 (1993) (commonly referred to as "Zambrano").

2. Are applicants who filed timely for class membership in the CSS, LULAC or Zambrano lawsuits but who have been denied class membership still eligible to apply for LIFE Legalization benefits?

Yes. Applicants who timely filed for, but who have been denied class membership, are still eligible to apply for LIFE Legalization benefits.

3. Are LIFE Legalization applicants allowed to work while their applications are pending?

Only those applicants who applied for class membership before October 1, 2000, in the three legalization lawsuits will be entitled to work authorization. These individuals may obtain authorization to work while their applications are pending, by submitting a completed Form I-765 (Application for Work Authorization), with the appropriate fee, along with their Form I-485 (Application to Register Permanent Residence or Adjust Status).

4. Are LIFE Legalization applicants allowed to travel abroad while their applications are pending?

Only those applicants who applied for class membership before October 1, 2000, in the three legalization lawsuits may receive permission from INS, prior to their departure, to travel abroad while their application is pending. These individuals should apply for "advance parole" by filing and obtaining approval of a Form I-131 (Application for Travel Documents), with appropriate fees. **However**, LIFE Legalization applicants who wish to travel abroad but **are subject to a final order of removal, deportation or exclusion**, must file and obtain approval of a Form I-212 (Application for Permission to

Reapply for Admission after Deportation or Removal) in addition to a Form I-131, with appropriate fees prior to departure.

5. Are family members eligible for Family Unity benefits if they are no longer in the United States?

Only family members of person who have been **granted** adjustment of status under LIFE Legalization may be eligible to be paroled into the United States to obtain Family Unity benefits. INS will publish a separate regulation at a later date to explain how eligible family members who are no longer present in the United States may apply for this benefit.

6. Are persons eligible for Family Unity benefits even if their spouse or parent, who is eligible for LIFE Legalization, fails to apply for LIFE Legalization by the application deadline?

No. After May 31, 2002, to be eligible for family unity benefits, a person must be the spouse or unmarried child (under age 21) of an individual who **has applied** for LIFE Legalization benefits.

7. Are Family Unity applicants allowed to work while their applications are pending?

No. However, if and when the Form I-817 (Application for Family Unity Benefits) is approved, the beneficiary will receive an Employment Authorization Document that will be valid for one year.

8. How can Family Unity beneficiaries extend their Employment Authorization Documents at the end of the one-year validity period?

INS will publish a separate regulation at a later date to explain how Family Unity beneficiaries can extend their Employment Authorization Documents at the end of the one-year validity period.

9. Are Family Unity beneficiaries allowed to travel?

Yes, once the Form I-817 (Application for Family Unity Benefits) is approved, the Family Unity beneficiary may ask INS permission to travel abroad by filing a Form I-131 (Application for Travel Documents) to apply for "advance parole." A Family Unity beneficiary, who is **subject to a final order of removal, deportation or exclusion**, must file and obtain approval of a Form I-212 (Application for Permission to Reapply for Admission after Deportation or Removal) in addition to a Form I-131, with appropriate fees prior to departure.

10. Where can forms related to employment authorization and/or travel be obtained?

All INS forms are available on the INS Web site www.ins.gov (forms can be downloaded from the site), or by calling the INS toll-free customer telephone service 1-800-375-5283.

11. Where should forms related to employment authorization and/or travel be mailed?

All applications related to LIFE Legalization or Family Unity benefits should be mailed to the following post office box (P.O. Box) address:

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

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