

**§ 245a.10**

**8 CFR Ch. I (1-1-02 Edition)**

	GSA Program Numbers
Allen J. Ellender Fellowship Program (Ellender Fellowship) .....	84.148
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[54 FR 29437, July 12, 1989, as amended at 54 FR 49964, Dec. 4, 1989]

**Subpart B—Legal Immigration Family Equity (LIFE) Act Legalization Provisions**

SOURCE: 66 FR 29673, June 1, 2001, unless otherwise noted.

**§ 245a.10 Definitions.**

In this Subpart B, the terms:

*Eligible alien* means an alien who, before October 1, 2000, filed with the Attorney General a written claim for class membership, with or without filing fee, pursuant to a court order issued in the case of:

(1) *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (CSS);

(2) *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC); or

(3) *Zambrano v. INS*, vacated, 509 U.S. 918 (1993) (*Zambrano*).

*Lawful Permanent Resident (LPR)* means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

*LIFE Act* means the Legal Immigration Family Equity Act and the LIFE Act Amendments of 2000.

*LIFE Legalization* means the provisions of section 1104 of the LIFE Act and section 1503 of the LIFE Act Amendments.

*Prima facie* means eligibility is established if an “eligible alien” presents a properly filed and completed Form I-485 and specific factual information which in the absence of rebuttal will establish a claim of eligibility under this Subpart B.

**§ 245a.11 Eligibility to adjust to LPR status.**

An eligible alien, as defined in § 245a.10, may adjust status to LPR status under LIFE Legalization if:

(a) He or she properly files, with fee, Form I-485, Application to Register Permanent Residence or Adjust Status, with the Service during the application period beginning June 1, 2001, and ending May 31, 2002;

(b) He or she 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;

(c) He or she was continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988;

(d) He or she is not inadmissible to the United States for permanent residence under any provisions of section 212(a) of the Act, except as provided in § 245a.18, and that he or she:

(1) Has not been convicted of any felony or of three or more misdemeanors committed in the United States;

(2) Has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(3) Is registered or registering under the Military Selective Service Act, if the alien is required to be so registered; and

(e) He or she can demonstrate basic citizenship skills.

**§ 245a.12 Filing and applications.**

(a) *When to file.* The application period begins on June 1, 2001, and ends on May 31, 2002. To benefit from the provisions of LIFE Legalization, an alien must properly file an application for adjustment of status, Form I-485, with appropriate fee, to the Service during this 1-year application period as described in this section. All applications, whether filed in the United States or filed from abroad, must be postmarked on or before May 31, 2002, to be considered timely filed.

(1) If the postmark is illegible or missing, and the application was mailed from within the United States,