

## **Immigration Amnesty Law – Green Card**

The last time we had a law that many considered amnesty was in 2000. On December 21, 2000, President Clinton signed The Legal Immigration and Family Equity Act of 2000 (LIFE Act) into law. This law, commonly referred to as the LIFE Act or 245(i), allowed certain persons who had an immigrant visa immediately available but entered without inspection (without documents) or otherwise violated their status and thus are ineligible to apply for adjustment of status in the United States, to apply if they pay a \$1,000 penalty.

**“If a new amnesty law is passed that is the same as the old law, what are the criteria?”**

To be eligible under the old amnesty law, you must have been:

1. The beneficiary of a Form I-130 immigrant visa petition ("Petition for Alien Relative"), or Form I-140 immigrant visa petition ("Immigrant Petition for Alien Worker"), or Form I-360 ["Petition for an Amerasian Widow(er), or Special Immigrant], or Form I-526 ("Petition for an Alien Entrepreneur") or
2. The beneficiary of an application for labor certification filed with the Department of Labor (DOL) and
3. Been physically present in the United States during a certain time frame.

**“Was there a deadline for filing under the old amnesty law?”**

Yes. You must have filed during a very short window of opportunity. All petitions and applications had to be properly filed and approvable when filed.

**“Was there a penalty or fine for applying under the amnesty law?”**

Yes. everyone who filed for adjustment of status using Section 245(i) had to pay a \$1,000 penalty fee.

**“Were there other special requirements?”**

One of the main requirements was proving that the applicant was physically present in the U.S. during certain periods of time. Therefore, in anticipation of a new amnesty law, you should gather documentation to prove your physical presence in the U.S. Such documentation may include, but is not limited to, State driver's license; State identification card; hospital record; school transcript; Income tax records; property tax records; religious records; utility bills; rental receipts; bank statements; employment records; etc.

**“Can I travel outside the United States?”**

If you are in the country without documentation or otherwise out of status, travelling out of the United States will trigger an unlawful presence bar which would most likely result in denial of any future immigration application. Under current law, anyone who has been in the U.S. illegally for a year or more and then leaves, is barred from returning for 10 years.

**“How can I learn more about the immigration laws?”**

You may contact our office through [www.cundyandmartin.com](http://www.cundyandmartin.com) and add your information to our mailing list to be informed of immigration updates.

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