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June 15, 2001

The Honorable Patrick J. Leahy
Chairman
The Honorable Orrin G. Hatch
Ranking Minority Member
Committee on Judiciary
United States Senate

The Honorable F. James Sensenbrenner
Chairman
The Honorable John Conyers
Ranking Minority Member
Committee on Judiciary
House of Representatives

Subject: Department of Justice, Immigration and Naturalization Service: Adjustment of Status Under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Justice, Immigration and Naturalization Service (Service), entitled "Adjustment of Status Under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions" (RIN: 1115-AG06). We received the rule on May 30, 2001. It was published in the Federal Register as an "interim rule with request for comments" on June 1, 2001. 66 Fed. Reg. 29661.

The interim rule implements section 1104 of the Legal Immigration Family Equity Act (LIFE Act) and the LIFE Act Amendments by establishing procedures for certain class action participants to become lawful permanent residents of this country. The interim rule also implements section 1504 of the LIFE Act Amendments by providing for a stay of removal and work authorization for certain spouses and unmarried children of those aliens eligible to adjust under section 1104 of the LIFE Act.

Enclosed is our assessment of the Service's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the Service complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Norman Rabkin, Managing Director, Tax Administration and Justice. Mr. Rabkin can be reached at (202) 512-9110.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Mr. Richard A. Sloan
Director, Policy Directive and
Instructions Branch
Department of Justice

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY
DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE
ENTITLED
"ADJUSTMENT OF STATUS UNDER LEGAL IMMIGRATION
FAMILY EQUITY (LIFE) ACT LEGALIZATION PROVISIONS AND
LIFE ACT AMENDMENTS FAMILY UNITY PROVISIONS"
(RIN: 1115-AG06)

(i) Cost-benefit analysis

While the Service did not prepare a cost-benefit analysis of the interim rule, the Service notes that the interim rule will have an effect on the economy of:

- \$152,379,000 in 2001,
- \$77,352,000 in 2002, and
- \$34,260,000 in 2003.

This increase, according to the Service, is directly associated with the expected increase in the number of applications and an increase in fees.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Attorney General has certified that the interim rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The interim rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The Service has determined that "good cause" exists to utilize the exceptions to public notice and comment and the 30-day delay in the effective date of a rule of the Administrative Procedure Act found at 5 U.S.C. 553(b)(3)(B) and (d)(3), respectively. The Acts that are the basis of the interim final rule require implementing regulations

to be issued with 120 days after the date of the legislation. However, the Service is accepting comments on the interim rule until July 31, 2001.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The interim rule contains information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

The Service has requested and obtained, on an emergency basis, approval for a new Form I-485 and a revision of Form I-817; however, the approval is valid only for 180 days. The Service is submitting the collections for OMB's regular review and is accepting public comments until July 31, 2001. The preamble to the interim rule contains the required information regarding the collections including the estimated annual burden hours.

Statutory authorization for the rule

The interim rule is promulgated pursuant to the authority contained in the Legal Immigration Family Equity Act (LIFE Act) (enacted by reference in Public Law 106-553, December 21, 2000) and the LIFE Act Amendments (enacted by reference in Public Law 106-554, December 21, 2000).

Executive Order No. 12866

The interim rule was reviewed by OMB and found to be a "significant regulatory action" under the order.

Executive Order No. 13132 (Federalism)

The Service has determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.