

**THE REAL STORY ON COMPREHENSIVE IMMIGRATION REFORM**  
**AFTER THE 109<sup>TH</sup> CONGRESS**



by

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There are many people who have written on the topic of comprehensive immigration reform indicating that it is a guarantee that comprehensive immigration reform will take place, even as early as January 2007. Indeed, we receive telephone calls almost on a daily basis in which immigrants say that they heard the law is changing in January. Most of these people are relying on predictions made by other people as opposed to facts. In fact, no member of Congress will even make such bold predictions that the law will change in January. While we are hopeful that comprehensive immigration reform will happen, there is no guarantee if it will happen and when it will happen.

Following is an explanation of the status of comprehensive immigration reform. We are writing this article for two main reasons. First, to inform immigrants of what is really happening in Congress, Second, to protect immigrants from immigration-related scams based on false representations that comprehensive immigration reform has already passed. There are reports of many scams in which illegal immigrants are targeted and encouraged to file for “amnesty” based on a supposed new law which will allow illegal immigrants to get legal. The website of the United States Citizenship and Immigration Services ([www.uscis.gov](http://www.uscis.gov)) even has a warning on its homepage regarding immigration scams. As of the date of this article (December 11, 2006), there has been no major change in immigration laws to this effect.

The 109<sup>th</sup> Congress is now history after it recently adjourned its lame-duck (post-November election) session. The 110<sup>th</sup> Congress will officially start its business on January 4, 2007. The 110<sup>th</sup> Congress will be controlled by Democrats in both the House of Representatives and the Senate.

There are several reasons to be optimistic. First, President Bush still wants comprehensive immigration reform to be passed. Second, the Democrats now control both the House and the Senate. Third, there was a strong push in the Senate (not the House) earlier this year to pass a law that was comprehensive.

Despite these reasons for optimism, there are several reasons to be cautious. First, the Democrats in the House have not yet made any strong pronouncements in favor of comprehensive immigration reform. Democratic leaders have come out announcing strong support for an increase in the minimum wage, universal health care and changing

the strategy for the war in Iraq. No such strong support has yet been made for comprehensive immigration reform.

For these reasons, those of us in favor of comprehensive immigration reform need to continue to voice our support to members of Congress to let them know that the public still wants and demands comprehensive immigration reform. On our firm's website, there is a "Contact Congress" button from which you can send a letter to your members of Congress.

Attempts by pro-immigration advocates during the lame duck (post-November election) session of the 109<sup>th</sup> Congress to raise the H-1B cap and to provide additional immigrant visa numbers in the employment-based permanent immigration categories was unsuccessful. The only significant legislation was in the J-1 program (extending the Conrad 30 physician program), the H-1C visa category (for certain nurses) and the H-2B program (for certain professional baseball players). These new laws will have very little impact on the majority of immigrants.

When the 110<sup>th</sup> Congress takes office in January 2007, it will be faced with how to fix our nation's broken immigration system. While some attorneys are already predicting that comprehensive immigration reform will take place next year, there is no guarantee. Indeed, even if any significant immigration legislation is passed next year, there is no guarantee as to what the requirements of any such new laws would be.

The Democratic leadership in Congress will have to start all over. The Senate bill (S. 2626) that passed last year in a Republican-led Senate automatically died when the 109<sup>th</sup> Congress recently ended. While that legislation can be the starting point for renewed debate, it is unclear how the Senate, now that it is led by Democrats, will deal with this issue.

In order for comprehensive immigration reform to be passed, the Senate and the House will each need to introduce and then pass proposed legislation in both the House and Senate. Assuming both the House and Senate each pass proposed legislation next year, they will then need to reach a compromise on the legislation that they could not reach earlier this year in the 109<sup>th</sup> Congress. Assuming that happens, the President would then have to sign the compromise bill into law. Only then will we know for sure what the requirements are of new immigration laws that could possibly provide legal status for many of the illegal immigrants already living in the United States.

At Long, Chang & Associates, LLP, we remain hopeful that comprehensive immigration reform will be passed next year. Stay tuned to [www.longchangoonline.com](http://www.longchangoonline.com) where we will post information on this important issue as it develops!

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