

## AN IMMIGRATION LAWYER'S VIEW ON IMMIGRATION REFORM



by

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As an immigration lawyer, I am often invited to speak to various groups on the topic of U.S. immigration law. This past week, I spoke to a group of students at the University of North Carolina at Greensboro. On October 5, I will be speaking at a national immigration conference hosted by Wake Forest University. The topic of my presentation is "Legal Perspectives on Immigration Reform". At the end of October, I will be speaking at the Fall Conference of North Carolina Superior Court Justices at the University of North Carolina School of Government. I view these speaking engagements as opportunities to inform and educate the public and, in the case of the Judges' Conference, high-ranking government officials, on the complexities of U.S. immigration law and the need to reform our broken immigration system.

Even though I practice immigration law on a daily basis and have done so for the past decade, I enjoy the opportunity to speak to various groups on the immigration topic. Why? Because as a lawyer, I believe I have a duty not only to represent my clients ethically and zealously in their specific immigration matters, but also to educate the public and to advocate for immigration reform when I see shortcomings or problems in the existing immigration law.

I make it very clear to each of the groups that I speak to that, as a lawyer, I have a responsibility to zealously represent my clients within the bounds of the law. This means that I must do my very best to represent and serve the needs of my client within the framework of the existing immigration laws. No matter how much I personally dislike a particular immigration law, I must follow the law and respect the law. But, in my opinion, the duty of a lawyer does not end there. No matter how well we represent our clients, we also must do what we can to reform the laws and educate the public. As an immigration lawyer, I try to educate the public about the problem areas in immigration and why many of the laws do not make good sense.

In speaking to these various groups, I advocate for what I believe are some necessary reforms that need to be made. If I were to list all of the areas that need to be reformed, this article may never end! However, I would like to share with you just one small reform that would make a huge difference for thousands of young adults – the "Development, Relief, and Education for Alien Minors Act of 2007", commonly referred to as the DREAM Act.

If passed into law, the DREAM Act would lead to permanent resident status for foreign nationals who are inadmissible or deportable from the United States and who:

- Have been physically present in the United States for a continuous period of at least 5 years;
- Were under the age of 16 at the time of their initial entry;
- Have had good moral character;
- Do not fall under certain grounds of deportability under INA Section 212(a);
- Do not fall under certain grounds of inadmissibility under INA Section 237(a)
- Have not been under a final order of deportation, exclusion or removal (with certain limited exceptions);
- At the time of application for permanent residents status under the DREAM Act, the foreign national must have been admitted to an institution of higher education (college) or must have graduated from high school or earned a GED certificate.

Those individuals who meet the DREAM Act criteria would be given permanent resident status on a conditional basis. In order to remove the conditional status, the individual would have to file an application and prove, among other things, that he or she graduate from college, completed 2 years of college towards a bachelor's degree, or served in the U.S. military for at least 2 years.

The DREAM Act is a proposal which has been debated in the U.S. Congress in various forms for the past several years. Senator Richard Durbin recently tried to add the DREAM Act to a Defense authorization bill that is being debated in Congress this week. Unfortunately, this time around, the DREAM Act once again failed. Despite the failure of the DREAM Act to be passed this week, Senate Majority Leader Harry Reid promised to bring it back to the Senate in mid-November 2007. Hopefully, the DREAM Act will succeed later this year. Now is the time to act by calling your Senators and voicing your support for the DREAM Act. Rest assured, the opponents of the DREAM act will definitely have their voices heard.

The DREAM Act is a much-needed reform. It would allow children brought to the United States illegally or who entered the United States at a young age and have become illegal to gain legal status once again. It only makes sense that these young adults would be allowed to become legal and thus continue going to school in America and getting a legal job in the United States.

Those of you who want to make a change in the law should consider supporting the DREAM Act by contacting your Senators and Representatives in the U.S. Congress. To find the contact information for your Senators and Representatives, you can visit the "Contact Congress" link from the home page of our firm's website at [www.longchangonline.com](http://www.longchangonline.com).

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