



# Long, Chang & Associates, L.L.P.

## Immigration Attorneys

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IMMIGRATION ALERT

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## “DREAM Act” Reintroduced in Congress

A proposal which would allow certain undocumented students who entered the United States as children to obtain permanent resident status has once again been introduced in Congress. The proposal would also allow individual states to determine residency requirements for in-state tuition purposes, meaning that individual states could allow undocumented students to be considered residents of the state for tuition purposes.

On March 26, 2009, both the U.S. Senate and the U.S. House of Representatives introduced proposals commonly known as the “DREAM Act”. The Senate version of the bill (S. 729) was introduced by Senator Richard Durbin (D-Illinois) and Senator Richard Lugar (R-Indiana) and is known as the “Development, Relief, and Education for Alien Minors (DREAM) Act of 2009”. The House version of the bill (H.R. 1751) is known as the “American Dream Act”. It was introduced by Representative Howard Berman (D-California) and has 20 co-sponsors to date (5 Republicans and 15 Democrats), Representative Lucille Roybal-Allard (D-California) and Lincoln Diaz-Balart (R-Florida).

In order for undocumented students to gain permanent resident status, the current version of the bills provide that the DREAM Act applicant must meet the following requirements:

1. **Physical Presence:** The DREAM Act applicant must have been physically present in the United States for a continuous period of at least five years at the time the DREAM Act becomes law. The period of continuous presence will be broken if he has departed the U.S. for a single trip of more than 90 days or has been outside the United States for more than a total of 180 days during the 5-year period.
2. **Entered U.S. While Under Age 16:** He must have entered (legally or illegally) the United States while under age 16.
3. **Good Moral Character:** He must be a person of good moral character.

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## **"DREAM ACT" REINTRODUCED IN CONGRESS (Continued from Page 1)**

4. **Not Inadmissible:** He must not be inadmissible (prevented from adjusting status) under INA Section 212(a)(2) (certain crimes), INA Section 212(a)(3) (terrorism), INA Section 212(a)(6)(E) (alien smuggling), INA Section 212(a)(10)(C) (international child abduction).
5. **Not Deportable:** He must not be deportable under INA Section 237(a)(1)(E) (alien smuggling), INA Section 237(a)(2) (certain crimes), or INA Section 237(a)(4) (terrorism).
6. **School Attendance:** At the time of applying for green card status under the DREAM Act, he must be admitted to an institution of higher education (typically a 4-year college or university or a community college) or must have graduated from high school or must have received a general education development (GED) certificate.
7. **No Final Order of Exclusion, Deportation or Removal:** He must not have received or been the subject of a final order of exclusion, deportation or removal unless he was under age 16 at the time of the order or has remained in the United States since the order was entered on some basis.
8. **Under Age 35:** He must be under age 35 on the date the DREAM Act becomes law.
9. **File Application:** He must file an application with USCIS in order to qualify for DREAM Act benefits during a time period to be set.

Assuming the DREAM Act applicant meets the above requirements, the current proposal provides that he would receive permanent resident ("green card") status on a conditional basis for a period of six (6) years. To remove or terminate the conditional basis of his green card, the DREAM Act beneficiary must prove that he has obtained a college degree, or has completed at least 2 years of college education towards a bachelor's degree, or has served in the U.S. military for at least 2 years.

If, on the date of the DREAM Act becomes law, a person already meets the first 5 requirements listed above (has been physically present in the U.S. for 5 continuous years, entered the U.S. while under age 16, is a person of good moral character, is not inadmissible under any of the specified grounds, and is not deportable under any of the specified grounds), and has already obtained a college degree (or completed 2 years of college toward a degree) or has already served at least 2 years in the U.S. military, then he can obtain permanent residence as well under the DREAM Act. Under the current proposal, it will not matter that he has already completed the requirements when the law goes into effect.

The DREAM Act makes sense and should be passed by the Congress. After all, many of the estimated 65,000 undocumented children and young adults who graduate from U.S. high schools each year and who could benefit from the DREAM Act were brought to the United States as young children. To them, the United States is the only home they know. Those that have worked hard and stayed out of trouble deserve an opportunity to legalize their status and to pay in-state tuition rates to attend public colleges and universities. In short, the DREAM Act would further their pursuit of the American dream!

As noted above, the DREAM Act was introduced in both the U.S. Senate and the U.S. House on March 26, 2009. As such, it is only a proposal at this time. Similar proposals have been defeated in prior sessions of Congress. However, there is strong bi-partisan support the DREAM Act in this year's Congress. Currently, both versions of the DREAM Act (S. 729 and H.R. 1751) have been referred to various Committees in the U.S. Senate and the U.S. House. Each of these Committees must

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vote favorably on the bills in order for the full U.S. Senate and the full U. S House to consider and vote in favor of each bill before it can become law. Therefore, it is important to contact both of your U.S. Senators and your Representative in the U.S. House of Representatives to urge them to support this important piece of legislation. You know the anti-immigration folks will be calling them and urging them to vote against the DREAM Act. Pro-immigrant voices need to be heard!

To view the status of the Senate bill (S. 729), visit <http://www.govtrack.us/congress/bill.xpd?bill=s111-729>. To view the status of the House bill (H.R. 1751), visit <http://www.govtrack.us/congress/bill.xpd?bill=h111-1751>. As always, the immigration lawyers at Long, Chang & Associates, L.L.P. will monitor the progress of the DREAM Act and will publish updates on [www.longchangonline.com](http://www.longchangonline.com) as this legislation and other important immigration proposals move forward. Now is the time to support sensible reform of our immigration laws, starting with the DREAM Act!

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### About Us

*Long, Chang & Associates, L.L.P. is a full-service immigration law firm concentrating in the areas of employment-based and family-based immigration law. Our law firm has successfully represented individuals and employers through the immigration process with the Immigration and Naturalization Service (INS), Bureau of Citizenship and Immigration Services (BCIS), United States Citizenship and Immigration Service (USCIS) and at U.S. consulates and embassies in order to obtain both non-immigrant (temporary) visas and immigrant (permanent) visas on behalf of individuals or employees.*

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**Kristen Aekyung Chang** is a founding partner of Long, Chang & Associates, L.L.P. She practices exclusively in immigration law and is a member of the American Immigration Lawyers Association (AILA) and the North Carolina State Bar.

*Born in Seoul, South Korea, Ms. Chang attended the University of North Carolina at Chapel Hill where she received a Bachelor of Arts degree in Psychology. While achieving academic success at the undergraduate level, Ms. Chang devoted much of her time to volunteerism. She served as the Chairperson on the Planning Committee for the University's Bicentennial Class celebration and served as a Research Assistant in the University's Psychology Department where she performed valuable research in the area of cognitive memory. Ms. Chang also volunteered in the school's International Department as an English language assistant for international students and faculty members and at a local psychiatric hospital. In addition to her numerous public-service efforts during her undergraduate career at the University of North Carolina at Chapel Hill, Ms. Chang studied abroad at the prestigious London School of Economics where she achieved the top academic ranking in International Business Strategy and Human Resource Management.*

*Ms. Chang received her J.D. (law) degree from the Wake Forest University School of Law. During law school, Ms. Chang was selected as a member of the Law School's Moot Court Board based on her performance in the school's trial court competition. She was one of three members on the school's nationally-recognized and award-winning National Moot Court Evidence Team. During law school, Ms. Chang studied Labor and Employment Law at the law school's summer program in Italy.*



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**David J. Long** founded Long, Chang & Associates, L.L.P. in 1998. He has been recognized by the North Carolina State Bar as a Board-Certified Specialist in Immigration Law. Mr. Long is a member of the American Immigration Lawyers Association (AILA) and the North Carolina State Bar. Mr. Long serves as a Mentor for other immigration attorneys through AILA.

Prior to founding Long, Chang & Associates, L.L.P., Mr. Long worked as an attorney with the law firm of Kilpatrick Stockton in Winston-Salem, North Carolina. Mr. Long practices in the areas of immigration law, corporate law and real estate.

Born in Philadelphia, Pennsylvania, Mr. Long attended the University of North Carolina at Chapel Hill where he studied in the Honors Program and received a Bachelor of Arts degree in Political Science. In addition, Mr. Long studied the Korean Language at Duke University for a semester while attending UNC-CH. Mr. Long graduated magna cum laude and in the top 1% of his class.

Mr. Long graduated with highest honors and received his J.D. (law) degree from the Wake Forest University School of Law. During law school, Mr. Long was selected as a member of the Law Review based on his academic standing. He was one of three members on the school's nationally-recognized Gabrielli Family Law Moot Court Team. Mr. Long also studied Labor and Employment Law at the law school's summer program in Italy. Following law school, Mr. Long worked as an attorney in the commercial real estate department of Kilpatrick Stockton LLP in Winston-Salem, NC, one of largest law firms in the United States. After two years of working at a large law firm, Mr. Long desired the opportunity to assist clients on a more personal basis. As a result, he joined Ms. Chang in forming Long, Chang & Associates, L.L.P. Most recently, Mr. Long served as an adjunct faculty member at Handong International Law School in Pohang, South Korea where he taught U.S. Immigration and Naturalization Law.

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