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## **Compromise Bill Allows Illegal Aliens in the U.S. to Adjust Status**

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Section 245(i) which has allowed previously ineligible aliens to adjust their status without leaving the U.S. by paying a penalty of \$1,000.00 was not extended. A deal, however, was worked out by the Congressional leadership and the Administration to benefit those who are already in the U.S.

The efforts of conservative Republicans led by Rep. Lamar Smith succeeded in killing the measure that would have provided for permanent extension as earlier endorsed by the Senate and the Administration. The law which became effective in 1994 and was due to expire on September 30, 1997 had been extended through November 7, 1997 in a series of continuing resolutions.

The compromise bill will allow beneficiaries of visa petitions and labor certification applications filed by January 14, 1998 to adjust their status under Section 245(i) when their visa number becomes available. This is the so-called grandfather clause.

In addition, Section 212(o) which imposed a requirement to remain outside the U.S. for 90 days on those who left the U.S. for visa processing abroad was terminated.

Certain employment-based applicants who have been out of status for more than a total of 180 days get also the benefit of being able to adjust their status in the U.S. This benefit extends even to aliens who are not able to file their visa petition or labor certification by January 14, 1998.

As it stands, Section 245(i) will terminate as of the date of the enactment of the compromise bill which is the day that President Clinton will sign it. Before that date, Section 245(i) will remain in effect.

Those who are contemplating to file a visa petition, whether family-based or employment-based, or labor certification application should do so now to avail of the benefits of this compromise bill. Filing does not make them legal nor does it authorize them to work and in fact it may subject them to exposure to immigration authorities. But there may be more benefits to filing than not filing. It is advisable that those affected should consult with their immigration lawyer.