



Beach-Oswald Immigration Law Associates Newsletter

Washington, DC
Immigration Lawyers

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Beach-Oswald is a full-service law firm, concentrating on immigration law. We have special expertise in work visas, family based visas, visa waivers, green cards through family and employment and asylum. We have staff members who speak many different languages to assist you.

We succeed when others don't!

8th Circuit Says "Cameroonian Widows" Are a Particular Social Group

Danielle Beach-Oswald successfully argued Ms. Elizabeth Ngengwe's case

before the 8th Circuit, which remanded her case back to the BIA to determine whether she had demonstrated a reasonably objective fear of future persecution. Ms. Ngengwe sought review of a BIA decision denying her application for asylum and withholding of removal based on mistreatment at the hands of her in-laws after the death of her husband.

The court held that the BIA was wrong to reject the proposition that "Cameroonian widows" should be perceived as a particular social group. The court also found that there was not enough evidence to uphold the BIA's decision that Ms. Ngengwe failed to establish that she suffered at the hands of people that the



Religious Worker Program Extended



The religious worker visa program, which was scheduled to end on October 1, 2008 has been extended through March 6, 2009.

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Cameroonian government was unable or unwilling to control.

For more info, see: Ngengwe v. Mukasey (2008 U.S. App. LEXIS 19758).

Attorney General Decides Female Genital Mutilation Case



The Attorney General made it clear that female genital mutilation (FGM) is something that can be inflicted repeatedly on a woman, and is a valid reason to fear future persecution. The Attorney General vacated and remanded a BIA decision that denied a Malian woman withholding of removal based on her claim that she had been subjected to female genital mutilation (FGM). The Attorney General stated that the BIA was wrong in its presumption that FGM is a one-time act that cannot be repeated on the same woman, and that the Respondent did not possess a fear of future persecution. The Attorney General also pointed out that the BIA was wrong to focus on the idea that any future harm done to the Respondent would take the same form as the past harm that she had already suffered (i.e. the female genital mutilation). The alien may very well be subjected to a different type of persecution based on what she has already suffered.

For more info, see Matter of A-T-, 24 I & N Dec. 617 (AG 2008)

4th Circuit Slams Immigration Court's Investigation Procedure



On appeal, the court found that the Immigration Judge was wrong in denying Ms. Anim's case based on an overseas investigation that concluded that the documents she

submitted were fraudulent. In support of her case for asylum Ms. Anim had submitted three convocations that had been issued to her in Cameroon. Concerned about the alien's credibility, the Judge suggested that forensic testing be conducted to determine the documents' authenticity. The report that came back from Cameroon concluded that the documents were fraudulent, and the Judge subsequently denied Ms. Anim's asylum claim. On appeal, the court agreed with Ms. Anim and found that the government's overseas investigation violated her right to due process and to a confidential asylum application, since the government investigators showed the convocations to an official of the Cameroonian government. The court stated that it was fundamentally unfair for the Immigration Judge to have relied on the report finding the documents to be fraudulent. There was no indication that this report was reliable and this, in turn, violated Mr. Anim's due process rights.

For more info, see *Anim v. Mukasey*, 535 F. 3d 243 (4th Cir. 2008).

News from Capitol Hill

On September 17, the House passed two immigration related bills -- H.R. 2608 would provide a two year extension of benefits under the Supplemental Security Income Program (SSI) for elderly and disabled refugees, asylum seekers, and victims of trafficking who are younger than 18 or older than 70, making the total period of eligibility nine years instead of seven. The bill is expected to be signed into law by President Bush.



On September 17, 2008 the House Judiciary Committee approved H.R. 6020, which is a bill that will create easier naturalization conditions for immigrants serving in the armed forces by streamlining the citizenship process for foreign-born military personnel, as well as the permanent residence process for the families of military personnel. The bill would also prevent deportation proceedings against undocumented immigrants who have served honorably in the military.

New Address for Mailing N-400 Applications

USCIS has announced that the Direct Mail program will now include Applications for Naturalization (N-400). Non-military N-400 applications must now be sent to a lockbox facility in either Phoenix, AZ or Lewisville, TX instead of one of the four service centers as has been the case since 1998. The appropriate place where to send your application is determined by where you live. For the proper lockbox address, please visit the [USCIS website](#).



Extension of TPS Status

USCIS announced on September 26, 2008 that it will extend Temporary Protected Status (TPS) for Nicaraguans for 18 months – through July 5, 2010. The extension allows those who have already been granted TPS status to reregister and maintain their status for an additional 18 months. In order to reregister, TPS beneficiaries must submit Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization), as well as the applicable filing fees. TPS status has also been extended for anyone from Honduras and El Salvador, since all three countries are still suffering from the effects of natural disasters.



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