



BEACH - OSWALD
Immigration Law Associates, PC

Beach-Oswald Immigration Law Associates Newsletter

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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!

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Relief For Abused Spouses

The Violence Against Women Act (VAWA) provides immigration relief for non-citizens who are victims of domestic abuse. The law allows victims to self-petition for legal status without relying on a U.S. citizen or LPR abuser. The victim can also self-petition without their abuser's knowledge.

You may be eligible to petition as a spouse for yourself under VAWA if

- If you are or were a victim of spousal abuse and your spouse is a U.S. Citizen
- If you are or were a victim of spousal abuse and your spouse is a lawful permanent resident (LPR)
- If you are or were a victim of spousal abuse and

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**New Lawyer at
BOILA**

**Charlotte
Luckstone-Leavell**,
who has recently
returned to work at
BOILA PC after
completing law school
at American
University, has just
been sworn in a
lawyer. She passed
the Virginia Bar, one

your marriage to the abuser was terminated by death or divorce (relating to the abuse) within 2 years prior to filing

- If you are or were a victim of spousal abuse and your spouse lost or renounced citizenship or LPR status because of an incident of domestic abuse within 2 years prior to filing

To be eligible as a spouse, you also must prove:

- You entered into the marriage in good faith (and not solely for immigration benefits)
- You are living with or previously lived with your spouse
- You are a person of good moral character

What if I am a male spouse?

- You can obtain relief under VAWA whether you are male or female. The provisions of VAWA apply equally to men and women.

You may be eligible to petition as a parent for yourself under VAWA

- If you are a parent and your child was or is abused by your U.S. citizen spouse
- If you are a parent and your child was or is abused by your LPR spouse

To be eligible as a parent, you also must prove:

- You entered into the marriage in good faith (and not solely for immigration benefits)
- You are living with or previously lived with your spouse
- You are a person of good moral character

You also may be eligible to petition as a parent for yourself under VAWA

- If you are a parent and you are or were abused by your U.S. citizen child
- If you are a parent and you are or were abused by your child, and your child lost U.S. citizenship due to an incident of domestic abuse within 2 years prior to filing

To be eligible as a parent you also must prove:

- You are living with or have previously lived with the abusive son or daughter
- You are a person of good moral character

Is there an age requirement if I am an abused parent?

- There is no age requirement for you as an abused parent
- Your child, however, must be over the age of 21

You may be eligible to petition as a child for yourself under VAWA

- If you are an abused child and you were abused by your U.S. citizen/LPR parent and

of the most prestigious and difficult bars in the country.

If you are a client at BOILA PC, you may now have **Charlotte** working on your court case or going with you to hearings. Charlotte does wonderful work and we are very fortunate to have her working at BOILA as a new associate.



ADVICE COLUMN

Family Focus

At this time of year, you may have all your immigration problems resolved, or you may be in a very desperate situation awaiting decisions or court hearings on your case. You may be depressed and stressed because you are separated from your spouse, children, family and loved ones.

Rather than letting all this overwhelm you,

To be eligible as a child, you also must prove:

- You are under 21 years of age
- You are unmarried
- You are living with or have previously lived with the abusive parent
- You have evidence to prove your relationship to your parent
- (You are a person of good moral character (if you are between the ages of 14 and 21))

How can I petition for myself?

If you wish to petition for yourself under VAWA, you must consult with an attorney.

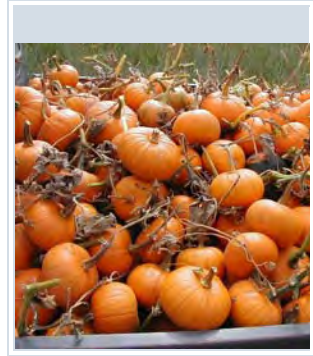
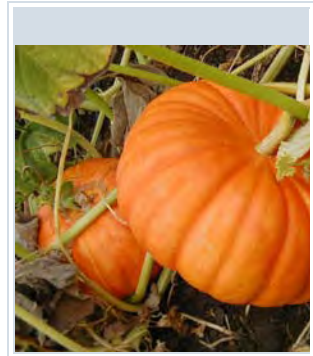
- You must complete the Form I-360 (This is the Petition for Amerasian, Widow(er), or Special Immigrant)
- You also must include all required documentation on the form
- You must file the form with the Vermont Service Center (VSC)

What if I am eligible, but I am currently in removal proceedings?

See our next issue for complete details.

www.beach-oswald.com

focus on your future and preparing for your immigration case. Be the best that you can be and reach out to your colleagues, friends or neighbors. If you are in need, speak to your attorney, as we may be able to refer you to groups or agencies that may help you medically, financially, or socially.



NEW!

Vietnam Religious Persecution

A recent article by Human Rights Watch highlighted the growing trend in Vietnam of government suppression of religious liberties. The article was sparked by the government



crackdown on a Buddhist monastery on September 27, 2009, where 150 followers of world-renowned Buddhist monk and peace activist Thich Nhat Hanh were beaten and evicted from the monastery.

This horrific act by the Vietnamese government follows a recurring pattern in Vietnam's recent history of the government clamping down on religious freedom. Since the Communists obtained power in the 1970s, the Vietnamese government has frequently been accused of persecuting religious groups, including Catholics, ethnic minority Christians, Mennonites, members of the

Cao Dai faith, and Buddhists, the majority religious group in Vietnam. The religious persecution has been in the forms of unlawful detentions, tortures, threats, and rigid constraints on freedom to travel.

The Vietnamese government began to show signs of alleviating its actions against religious groups in the early 2000s. The United States, speaking out against these atrocities by the Vietnamese government, placed Vietnam on its "blacklist" of countries that violated religious freedoms. Vietnam's place on the blacklist also barred it from entering the World Trade Organization. In response to the international pressure, the Vietnamese government released the 2004 Ordinance on Beliefs and Religions which grants the right to freedom of religion. The Ordinance, however, has some loopholes: it requires all religious groups to register with the government and bans all religious activity "deemed to cause public disorder, harm national security, or sow divisions."

In 2006, the U.S. removed Vietnam from its religious freedom "blacklist" and Vietnam was admitted into the WTO. Since then, Vietnam has regressed from its 2004 stance and has reverted back to committing horrific atrocities against religious groups. Religious officials and advocates are frequently in danger of their lives because of their beliefs, and the number of Vietnamese refugees fleeing religious persecution continues to grow each year.

The associates at Beach-Oswald Immigration Law Associates have over 20 years of experience in handling asylum cases, and we currently have over a 90% success rate for winning asylum cases. If you or a loved one is a victim of religious persecution, please contact the associates at Beach-Oswald for a consultation.



Problems With Immigration System



There are many problems with the current immigration system. The immigration laws that were put into practice in the 1990s are now outdated and need to be replaced with laws that will be adequate for the increasing number of immigrants coming into the USA.

The biggest problem is that there are only a few ways that immigrants can come into the US legally:

1. **Family-based.** If you are a US citizen, then you can apply for green cards for your spouse, your parents, your children, and your siblings. If you are a green card holder, then you can only apply for your spouse and unmarried children. Regardless of whether you are a citizen or green card holder, you need to have

an income that is higher than the poverty line in order to be able to support the relative that you are petitioning for. Not only that, but it normally takes up to 11-12 years to get this type of green card. Also, if you're from a country such as China, Mexico, or the Philippines, or India, then it can take up to 20 years.

2. **Work-based.** In order to get a work visa, immigrants need to have an employer in the US who is willing to hire and sponsor them. It is mainly only immigrants with very high education levels that can get this type of visa. Also, obtaining a work visa takes a very long time and is very expensive.

3. **Asylum-based.** Every year, there are only a certain number of immigrants that can obtain asylum in the US. These people have to prove that they are being persecuted in their country and that they will be persecuted if they are forced to return to their country. The persecution has to be based on race, religion, membership in a social group, political membership, and ethnicity.

4. **Other.** There are a few other ways in which immigrants can get green cards. It is, however, very difficult to get a green card through one of these limited ways, such as the diversity lottery, because they are only a few small groups of immigrants that qualify for them.

At BOILA PC, we handle cases of all the petitions listed above. We can help you get through the unnecessarily-difficult process of obtaining a green card and, in some cases, to even speed up the process.

Domestic Violence Asylum Grant

After 14 years of being in the court process, Ms. Rody Alverado, an abused spouse, has been granted asylum in the U.S. Ms. Alverado's case was considered by several immigration courts. Finally, the Department of Homeland Security decided that Ms. Alverado "is eligible for asylum and merits a grant of asylum as a matter of discretion."

See www.beach-oswald.com if you are eligible for this relief.

Works Cited

Some images taken from www.worldbank.com

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