



BEACH - OSWALD
Immigration Law Associates, PC

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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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On Nov. 7th the U.S. Department of Education launched a new website, www.USALearns.org, which provides free online English lessons. The website is part of President Bush's immigration reform, and it's aimed at helping immigrants learn English and assimilate to life in the U.S.

USCIS Plans To Go Paperless

The Washington Post recently reported that the U.S. Citizenship and Immigration Services Agency (USCIS) is planning to convert the agency from a paper-based system into an electronic system in a \$500 million dollar, five-year long project. The contract for this exciting and massive project has been awarded to IBM. The agency's hopes are that by having the immigration process go paperless, they will be able to access immigration records faster and more accurately, and will be able to reduce backlog delays by 20 to 50 percent. To read the full article, [click here](#).



Still Waiting to Hear About your Naturalization Application?



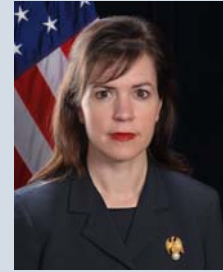
For those who have submitted naturalization applications to USCIS, and have been left wondering when their applications will be processed, the US Citizenship and Immigration Services (USCIS) has posted a very helpful resource on their website, which lists the expected processing times for naturalization applicants. This list can be found on the USCIS website at www.uscis.gov or by [clicking here](#).

Federal Contractors Must Use E-Verify



The USCIS announced on Nov. 13th that as of January 15, 2009 all federal contractors and federal subcontractors will need to use the E-Verify system to comply with a new law that was issued by President Bush last summer. According to the USCIS website more than 90,000 employers are actively using E-Verify, which is an electronic system

Julie Myers Resigns from ICE



Julie Myers, who has been the Assistant Secretary of Immigration and Customs Enforcement (ICE) since March of this year, has announced her resignation, which will become effective on November 15, 2008.

that employers can use to verify whether the new employees that they've hired are eligible to work in the U.S. Enrollment in the E-Verify program is voluntary, but will become mandatory for all federal contractors as of January of 2009. To learn more about E-Verify, visit www.uscis.gov.

Visa Waiver Travelers Will Now Need Authorization Prior to Travel

On November 13th DHS issued a reminder to all eligible nationals of



countries that are part of the Visa Waiver Program (VWP) that as of January 12, 2009, anyone from a VWP country wishing to travel to the U.S. will need to obtain approval through the Electronic System for Travel Authorization (ESTA) prior to travel. Australia is the only other country that currently uses a similar system for travel authorization. To find out how to get approval through the ESTA system, visit www.cbp.gov/esta.

Notable Immigration Cases



Asylum Must be Filed Within 1 Year of Most Recent Arrival

A recent BIA decision re-examined what it means to file an asylum application within 1 year of an alien's "last arrival" in the United States, as required by 8 CFR § 1208.4(a)(2)(ii). The case involved a Mexican citizen who had been living in the U.S. illegally since 1989, and who returned to Mexico for a one month long visit in the summer of 2005. When he was apprehended at the border on his way back from this short trip, he immediately filed for asylum. Although the Immigration Judge found the alien eligible for withholding of

removal, he concluded that he was not eligible for asylum because he did not file his application for asylum within 1 year of his last arrival in the US. The Judge reasoned that the 1 year clock should have started in 1989, because "taking a short excursion abroad... would undermine the [1 year] deadline's clear purpose of focusing the asylum process on those who have recently fled persecution in their home countries." On appeal, the BIA scrutinized the language of the statute, and concluded that the words "last arrival" should be construed literally to mean "the alien's most recent arrival from a trip abroad." Therefore, the BIA concluded that the alien was in fact eligible for asylum, despite the fact that he only left the US for a very brief period after being present in the U.S. for several years.

For more information, please refer to Matter of F-P-R, 24 I&N Dec. 681 (BIA 2008)

9th Circuit Says Non-Aggravated Felony Can Be a Bar to Asylum

A man from El Salvador was denied asylum, withholding of removal, and withholding under the Convention Against Torture, in part because of his three prior driving under the influence (DUI) offenses. Having been denied relief by the BIA, the man appealed to the 9th Circuit. The Circuit Judges, however, agreed with the BIA that although the DUI offenses were not aggravated felonies, the Attorney General is permitted to classify these offenses as "particularly serious crimes", which would thus render the alien ineligible for asylum and withholding of removal.

To read the full decision, please see *Delgado v. Mukasey*, No. 03-74442 (9th Circuit, Oct. 8, 2008)

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