



B E A C H - O S W A L D
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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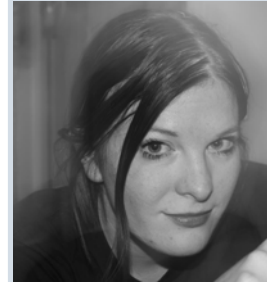
Military Now Recruiting Eligible Noncitizens

The military will be implementing a pilot program that will temporarily allow certain legal aliens to enlist in the armed forces. Currently, only citizens and green card holders are eligible to serve in the military, whereas this program would also allow eligible nonimmigrants to enlist. The program will be accepting noncitizens that have lived in the US for at least 2 years, and that possess certain critically important qualifications for which the army is actively recruiting. In particular, the military is looking for certain health care professionals and people who have knowledge of certain strategic foreign languages and cultures. Anyone who joins the military during a time of war is eligible for accelerated citizenship. For a list of requirements and the types of skills that the Department of Defense is looking for, [click here](#).

For general information on this pilot program, [click here](#).



Maureen Johnson Joins Beach-Oswald as a Full-Time Associate



We are proud to announce that Maureen Johnson, who joined Beach-Oswald as a part-time Law Clerk in Spring 2007, has now joined our firm as a full-time Associate. In May 2008, Ms. Johnson received her J.D. from American University's Washington College of Law, where she graduated magna cum laude, placed in the top 5% of her class, received the Mussey Award for scholastic achievement, and was awarded the Order of the Coif, an honor society for law school graduates. Ms. Johnson earned her B.A. in Peace and Conflict Studies from U.C. Berkeley in May 2003, where she

New Rule Allows Victims of Crime and Human Trafficking to Become Permanent Residents



USCIS announced that those who are in the U.S. on a "U" or "T" visa will now be allowed to adjust their status to become permanent residents. The T visa is issued to victims of human trafficking, and the U visa is given to victims of certain crimes who are willing to assist law enforcement and government officials in the investigation of the crime. To learn more, [click here](#). To find out if you qualify, please contact one of our attorneys.

Deportations to Haiti Have Resumed and no TPS Protection in Sight

Haiti has been ravaged by severe storms that have killed hundreds of people, and caused the U.S. to temporarily stop deporting Haitian residents back to Haiti for the past three months. However, immigration officials have announced that they are resuming deportations to Haiti, which has sparked outrage from the Haitian community in the U.S. and many human rights advocates, who insist that the humanitarian crisis in Haiti is at its worst right now, and that returning residents back to Haiti is simply inhumane. Many hope that the government will extend Temporary Protected Status to Haitian citizens who are currently in the U.S., which would allow them to stay in the U.S. until the conditions in Haiti improve. To read a recent Washington Post article on this topic, please [click here](#).



graduated magna cum laude and was awarded Phi Beta Kappa.

Attorney General Appoints New Vice Chair of the BIA

Chief Immigration Judge David Neal has been appointed as the Vice Chair of the Board of Immigration Appeals. Immigration Judge Thomas Snow will serve as Acting Chief Immigration Judge until the next Attorney General appoints the Chief Immigration Judge

Notable Immigration Cases



Supreme Court to Rule on the Persecutor Bar to Asylum

The Immigration and Nationality Act makes any persons who are determined to have ever participated or assisted in the persecution of others ineligible for asylum. The Supreme Court agreed to hear a case regarding whether this persecutor bar should be rigidly applied in all cases. The Court heard oral arguments on November 5 about whether an Eritrean citizen who worked as an armed prison guard should nonetheless be granted asylum, based on the fact that he was opposed to and occasionally refused to inflict punishment on prisoners. A decision on this case is expected within the next several months.

Supreme Court to Review the Standard for Granting a Stay of Removal

The Supreme Court has agreed to review a case where a man's request for a stay of removal was denied by the 4th Circuit on the premise that a court can only stay the removal of a person if he shows by clear and convincing evidence that his removal would be prohibited by law, as mandated by Section 242(f)(2) of the Immigration and Nationality Act (INA). The alien, however, maintains that the 4th Circuit Court's interpretation of Section 242(f)(2) conflicts with that of eight other circuits, which all hold that the Section does not apply to requests for temporary stays of removal during the alien's appeal. After the Supreme Court hears oral arguments on January 21, 2009, the Court is expected to decide whether a request to stay a removal while an appeal is pending is governed by Section 242(f)(2) of the INA, or instead by the more lenient traditional standard for injunctive relief that measures an applicant's likelihood of success on the merits. For more information, please refer to *Nken v. Mukasey*, 08-681.

Fourth Circuit Criticizes Immigration Judges for Failure to Decide Asylum Cases Consistently

The Fourth Circuit remanded a case back to the Immigration Court after an Immigration Judge (IJ) granted a Cameroonian asylum seeker withholding of removal and protection under the Convention Against Torture (CAT), but denied him asylum. Although the IJ found the asylum seeker to be credible based on the testimony of his witnesses, and believed that his life would be in danger if he were returned to Cameroon, she nonetheless denied asylum because it was within her discretion to do so. The IJ cited what she called a "split credibility finding" - although she believed his witnesses, she felt that the alien's second testimony and several of his documents were not completely truthful. The Fourth Circuit Court disagreed with the IJ's findings, stating that it was inappropriate for the IJ to find the alien eligible for one form of relief but not for another based on the same set of documents. The Fourth Circuit concluded that the IJ abused her discretion by not considering the totality of the circumstances, and even listed the types of factors that an IJ must consider when deciding such a case. The Court appeared extremely critical of the fact that the immigration court system has on many occasions failed to adjudicate asylum cases consistently, and emphasized the importance of appropriate judicial review. To read the decision in its entirety, refer to *Zuh v. Mukasey*, No. 06-2050.

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