



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. Our firm is A-V rated, and we have 27 years of experience.

We succeed when others don't!

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April 2010



The Refugee Protection Act Of 2010



The first Refugee Act was passed in the United States in 1980. Since then, immigration laws were modified in 1996 and in 2001, making it more difficult for refugees and asylees to obtain legal status in the US. These harsh policies will soon change,

however. This March 15, the Refugee Protection Act of 2010 was introduced by Senators Leahy (Democrat - VT) and Levin (Democrat - MI), and co-sponsored by Senator Durbin (Democrat - IL). As Senator Leahy stated, this act is meant to "repeal the most harsh and unnecessary elements of the Illegal Immigration Reform and Immigration Responsibility Act of 1996," and to "correct [. . .] agency and court misinterpretations of law that limit access to safety in the United States for asylum seekers."

The Refugee Protection Act of 2010 is designed to do the following:

- 1. Eliminate the one year deadline of filing for asylum from date of arrival into the US.**
- 2. Protect those immigrants whose asylum claims are based on persecution that was not socially visible.**
- 3. Require immigration judges to notify the asylum applicant when more corroborating evidence is needed for the asylum claim, and give the applicant an opportunity to respond.**
- 4. Give the asylum applicant a chance to explain any inconsistency in his or her claim.**
- 5. Establish a new "alternatives to detention" (ATD) program all across the United States.**
- 6. Make changes in the current detention system to guarantee asylum applicants access to an attorney, medical care and family visits, and allow them to carry out their usual religious practices.**
- 7. Remove the currently required one year wait for asylees and refugees before they can apply for a green card.**

Join Our Mailing List!



Quote of the Month

**Dost thou love life?
Then do not squander
time,
for that is the stuff
life is made of.**

~ **Benjamin Franklin**



Happy Easter!

USCIS E-Notifications

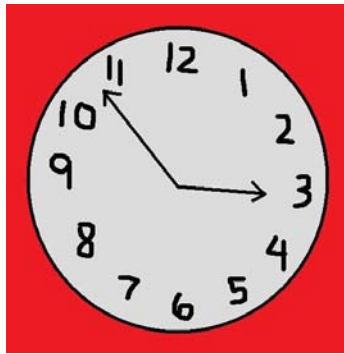
Would you like to be electronically notified by USCIS when your application is accepted? All you have to do is attach Form G-1145 to the top of your application (or ask your BOILA legal assistant to do it for you). This form can only be

8. Allow for possible derivative refugee status for certain family members of refugees.

The lawyers at BOILA PC are very excited to see these changes come into effect for so many of our clients. We will continue to keep you updated on the progress of this Act. To read the full article, please visit

<http://immigrationimpact.com/2010/03/16/senators-introduce-the-refugee-protection-act-of-2010/>

Court Hearing Dates - Why The Long Wait?



Have you been scheduled for a hearing that was many months, or even years in advance? Have you been frustrated with the long wait and wondered why it has to take so long? The answer is quite simple: there are now more people than ever going through the Immigration Courts in addition to a record number of vacancies in judge positions.

In January, an average of every one out of six judge positions was vacant. The Obama administration has failed to fill these vacancies, even though Congress has provided the money for this process. Because president Obama has not taken the time to appoint new judges, your wait for a hearing will be approximately 478 days if you live in Virginia and approximately 430 days if you live in Maryland.

There is a 23% backlog since September 30, 2009, and an 82% backlog since 2000.

The average wait time for a hearing is OVER ONE YEAR.

To read the full article, please visit

http://www.washingtonpost.com/wp-dyn/content/article/2010/03/12/AR2010031201776.html?wpisrc=nl_buzz

Successes This Month at Beach-Oswald Immigration Law Associates

Mr. O. was granted a J-1 waiver.

Mr. S., a native of Pakistan, was finally granted I-130 approval after revocation of the same marriage. His case had

used for applications being sent to the Chicago Lockbox Facility, Phoenix Lockbox Facility, and Lewisville, TX Lockbox Facility.

The email/text message from USCIS will include your receipt number and inform you of the date the application was accepted. Also please note that these text messages from the USCIS will be at your cost.

To fill out and print Form G-1145, go to <http://www.uscis.gov/files/formg-1145.pdf>.



Ninth Circuit Credibility Decision

The U.S. Court of Appeals for the Ninth Circuit reversed an adverse credibility finding by the immigration judge in an asylum case: "The IJ articulated six reasons for finding Chawla not credible, and the BIA independently articulated a seventh reason.

None of the reasons articulated by the IJ or BIA, considered either separately or in combination, provide a legitimate basis to question Chawla's credibility. Therefore, we hold that the adverse credibility finding is not supported by substantial evidence." While some might not find this surprising -- it is the Ninth Circuit, I was surprised that the opinion was written by Judge Stephen Trott, not known to frequently reverse decisions of the immigration agencies, and joined by Judges Diarmuid O'Scannlain and Paez.

unjustly undergone numerous delays and investigations by USCIS.

Mrs. Augustina. was granted adjustment of status through her US citizen husband. Her case was frustrated by an unjustified former denial by USCIS of her marriage petition. However, BOILA succeeded in winning her case on appeal and causing USCIS to reverse their former decision. She was granted her green card by a very understanding judge at the Dallas Immigration Court.

Mr. A-S., a citizen of Gambia, also finally obtained his green card at the Baltimore Immigration Court. This victory was a true miracle, as Mr. A-S had previously been ordered removed from the United States. BOILA was able to get his case reopened and through USCIS cooperation, his proceedings were terminated to allow him to use a previously denied petition and substitute a recently approved petition to gain permanent residency under the CSPA.

Ms. S. was a long standing permanent resident who was forced to abandon her permanent resident status. After being parolled back into the US, BOILA submitted a legal memorandum on her behalf, allowing the Immigration Court to terminate her removal proceedings and allow her to regain her permanent residency at the Fairfax USCIS office.

Mr. Gilles was granted asylum at the Baltimore Immigration court. He was a member of the UDC, and was arrested and detained by the Cameroonian government as a result of his political activism. This was a big win by associate Maureen Johnson.

Mr. Martin, a citizen of Cameroon, was granted asylum by the Arlington Immigration Court, as he suffered past persecution on account of his political opinion and membership with the SCNC.

Ms. Grace was also granted asylum by the Arlington Immigration Court, through stipulation (consent) by the government. She was arrested, detained and tortured on multiple occasions by the Cameroonian government on account of her membership with the SCNC.

Ms. Viviane was also granted asylum at the Arlington Immigration Court. A true believer of the Southern Cameroons independence movement, Ms. N. was arrested and detained and endured gross physical abuse and torture.

Ms. Ruth was granted asylum at the Arlington Immigration Court based on her membership and involvement with the UDC in Cameroon.

Mr. Adams was finally granted asylum by the Baltimore Immigration Court, after many years of argument regarding the government's investigation into his case.



March 2010 Immigration Rally

You have probably seen on TV, or even participated in, the Immigration Rally which took place on March 21, 2010. Tens of thousands of people turned up for this peaceful rally, and have certainly captured the White House's attention. President Obama spoke at the rally and stated that: "I have always pledged to be your partner as we work to fix our broken immigration system, and that's a commitment that I reaffirm today." We are very optimistic about the reforms that will take place. With everybody's best efforts, our immigration system is bound to improve very soon.

The same day the House passed the health care reform bill, tens of thousands of people gathered on the Washington Mall hoping for immigration reform. Most of the supporters were Hispanic/Latino immigrants who came from 30 different states and on 700 buses, waving American flags and chanting "Yes we can!" President Obama taped a video message for the occasion to reach over 11 million illegal immigrants.



AILA Suggestions for Reform

The Policy Manual explains how any effective, long-

Ms. Ann's case was remanded by the Board of Immigration Appeals (BIA) to the Immigration Court, allowing her another case at seeking asylum. The BIA agreed with BOILA's legal and factual arguments on appeal, and found that the Immigration Judge abused her discretion when finding Ms. K was not credible during her prior proceedings.

Ms. Grace's case was reopened by the BIA, following a final order of removal, allowing her to seek adjustment of status at the Immigration Court based on her marriage to a US citizen. BOILA filed a motion to reopen her case with the BIA, citing exceptional circumstances and extreme hardship considerations and BOILA is hopeful she will soon receive her green card in removal proceedings.

To Deport Or Not To Deport: The Pros And Cons

To date, our broken immigration system calls for the deportation of approximately **11 million illegal** immigrants. There are currently two ways of removing illegal immigrants from the United States.

One way is to make living conditions in the US so unbearable for them that they would eventually have to return to their country of origin.

The other is to directly deport them.

But how much would deporting these immigrants cost? According to the Center for American Progress, **it would cost \$200 billion to deport all the illegal immigrants currently in the US and an additional \$85 billion to enforce this policy for the next five years.** In total, the cost of deporting illegal immigrants back to their countries would cost the United States tax payers \$285 billion. This will mean that every single person in the US will have to pay an **additional \$922 in taxes every year.**

But will this strategy be beneficial in the long run? It is estimated that, on top of the \$285 billion, the deportation of illegal immigrants from the US will result in a **\$2.5 trillion loss in Gross Domestic Product** over the course of the next ten years. **Allowing the illegal immigrants to stay in the US, however, will result in a \$1.5 trillion growth in Gross Domestic Product over the next ten years.**

So what are the cons of deporting illegal immigrants? An outrage increase in taxes and a severe Gross Domestic Product loss. What are the pros of deporting illegal immigrants? There are none. This brings us back to the question: "To deport or not to deport?", and the answer is obvious. We at BOILA make it our mission to help those deserving immigrants become part of

term solution to the immigration problem must:

1) require the unauthorized population to come out of the shadows, register their presence with the government, and give them the opportunity to earn legal status;

2) provide fair and lawful ways for American businesses to hire much-needed immigrant workers who help grow our economy while protecting U.S. workers from unfair competition and all workers from exploitation;

3) reduce the unreasonable and counterproductive backlogs in family-based and employment-based immigration;

4) ensure the permanent immigration system provides adequate visas to meet the needs of American families, businesses, and communities; and

5) preserve and restore the fundamental principles of due process and equal protection while protecting our national security.

AILA's newest advocacy resource, Solutions That Work: A Policy Manual for Immigration Reform is available to review and download at www.aila.org/solutions. An AILA Solutions companion website and video component are coming soon!



New CBP Commissioner

President Obama has just appointed Alan Bersin to the position of US Customs and Border Protection Commissioner. Mr. Bersin was a federal prosecutor and supported Operation Gatekeeper, a program for keeping Mexican citizens

the American fabric and citizenship.

To read the full Center for American Progress report, please go to

http://www.americanprogress.org/issues/2010/03/pdf/cost_of_deportation.pdf

from crossing the border. Unfortunately, this does not look like promising news for immigrants.

Broken Asylum Clock Causing Delays In Work Authorization

If you are an applicant for asylum, then you probably already know that you have to wait until you have 150 days before you can apply for employment authorization. Often, however, that number of days can stretch out into a much longer waiting period. The reason for that being that the asylum clock system is inefficient and allows for many errors.

There are actually two asylum clocks - the Employment Authorization Document (EAD) asylum clock and the asylum adjudication clock. The EAD asylum clock was issued to count the number of days that have passed since an individual has submitted his or her asylum application. The purpose of the asylum adjudication clock is to put a 180-day time limit for the United States Citizenship and Immigration Services (USCIS) and the Office of Immigration Review (EOIR) to entirely process the individual's asylum application. The EAD asylum clock is supposed to have a 180-day limit as well, as the **applicant has to wait 150 days before filing, and then another 30 days before receiving the EAD**. Because both of these clocks have 180-day deadlines, USCIS and EOIR tend to combine them into one asylum clock, and this creates problems. For example, when the asylum adjudication clock is stopped because the applicant asks for a continuance on the interview date, the EAD clock gets stopped as well, though it shouldn't. As a result, many individuals are left with no choice but to wait for lengthy periods of time until their next interview or hearing when they can get their clock restarted.

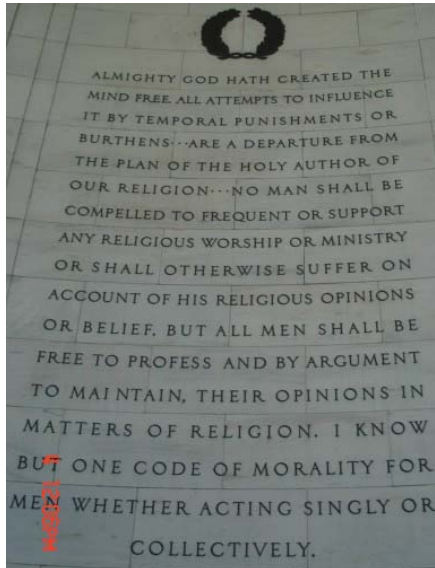
Currently, both the Immigration Judges (IJ) and Asylum Officers (AO) can stop an asylum applicant's clock **if they feel that the applicant has requested or caused a delay in their case**. The problem with that is that both the IJ and AO, but especially the AO, often stop the clocks improperly, and sometimes even indefinitely. Once this occurs, it is difficult to fix the clock and get it to restart again because there is very little transparency in this process, and often attorneys are not able to figure out why the clock was stopped. Thus, in order to fix this problem, the EOIR needs implement the following five steps:

1. The asylum adjudication clock and the EAD asylum clock must be treated as two separate clocks, independent of one another.
2. Delays that are requested or caused by the asylum applicant must be correctly interpreted.
3. When a decision is made to stop the EAD clock, it must be made on the record, so that one will have a way of finding out the reasons behind the EAD clock being stopped.
4. Clear guidelines must be established that explain the cases in which an Immigration Judge should stop and restart the EAD asylum clock.
5. A clear and consistent process must be established in order for applicants and their attorneys to be able to challenge or appeal an Immigration Judge's decision on the EAD asylum clock.

If all of the above-mentioned steps are implemented, applying for employment authorization will become much less stressful. We can only hope that these changes will come soon. In the meantime, we at BOILA do everything in our power to get EAD asylum clocks restarted, and, to date, have had many successes.

Burmese Refugees Starving In Bangladesh

Thousands of Burmese refugees in Bangladesh, who have fled their country due to religious persecution, are being arbitrarily arrested, illegally removed, and starved to death. All this is being done in an attempt to prevent the Burmese refugee population in Bangladesh from increasing. The current number of Burmese refugees living in Bangladesh is between 200,000 and 400,000, and only 28,000 of them are registered refugees. Only those 28,000 refugees are protected by the United Nations High Commissioner for Refugees (UNHCR), since they came to Bangladesh before 1993.



In 1993, the Bangladesh government ceased to grant refuge to people fleeing Burma, as the population of refugees in Bangladesh was becoming too high. This leaves the remaining Burmese population of approximately 172,000 to 372,000

subject to removal from Bangladesh. The Bangladesh police are now rounding up the unregistered Burmese refugees and either deporting them back to their home country or jailing them. This has left the unregistered refugees terrified - too terrified of leaving the refugee camps in order to go to work and make money to buy food. This, combined with the Bangladeshi government refusing to provide unregistered refugees with food aid, is leaving the refugees to die of starvation. Families often have to go for days without any food. Most of the children in these camps are suffering from malnutrition, and many will die as a result.

To help put an end to the violation of the Burmese unregistered refugees' human rights, donate to the Physicians for Human Rights. **If you know anyone who has fled Burma and come to the United States, please let them know that the lawyers at BOILA are here to help them obtain asylum. No one should ever have to suffer from the lack of human rights, and you can do your part to help.**

To read the full article, please visit <http://physiciansforhumanrights.org/library/documents/reports/stateless-and-starving.pdf>

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