



**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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## USCIS Allocates \$1.2 Million to Citizenship Programs

USCIS has initiated a \$1.2 million competitive grant program through Grants.gov for community-based organizations to support citizenship preparation programs for legal permanent residents. To be eligible for funding, the community-based organization must have experience in providing citizenship and/or immigration related services to legal immigrants. To apply, an organization needs to send an e-mail to citizenshipgrantprogram@dhs.gov by April 15, 2009. To apply for this funding opportunity, visit the Grants.gov Web site at <http://www.grants.gov>.



## US Changes Its Policy Toward Cuba



On April 13 the President announced that the US is changing its policy toward Cuba to help bridge the gap among divided Cuban families and to promote the free flow of information and humanitarian aid to Cuba. The core changes are as follows:

- Lift all restrictions on transactions related to the travel of family members to Cuba.
- Remove restrictions on remittances to family members in Cuba.
- Authorize U.S. telecommunications network providers to enter into agreements to establish fiber-optic cable and satellite telecommunications facilities linking the United States and Cuba.
- License U.S. telecommunications service providers to enter into roaming service agreements with Cuba's telecommunications service providers.
- License U.S. satellite radio and satellite television service providers to engage in transactions necessary to provide services to customers in Cuba.
- License persons subject to U.S. jurisdiction to activate and pay U.S. and third-country service providers for telecommunications, satellite radio and satellite television services provided to

## Mexico Consular Posts Temporarily Suspend Service



As a precautionary measure in response to the swine flu outbreak, all consular posts in Mexico have suspended nonessential services until May 6. The only consular services currently available to U.S. citizens are limited to emergency assistance and to citizenship applications.

## TPS for Burundi Ends May 2

USCIS issued a reminder that Temporary Protected Status (TPS) for nationals of Burundi ends at 12:01 AM on May 2, 2009. TPS related employment authorization documents will also end at this time.

individuals in Cuba.

- Authorize the donation of certain consumer telecommunication devices without a license.

-Add certain humanitarian items to the list of items eligible for export through licensing exceptions.

To read the full White House press release, please visit [http://www.whitehouse.gov/the\\_press\\_office/Fact-Sheet-Reaching-out-to-the-Cuban-people/](http://www.whitehouse.gov/the_press_office/Fact-Sheet-Reaching-out-to-the-Cuban-people/)

## State Department to Review Asylum Applications More Efficiently

The Department of Homeland Security (DHS) has amended its procedure for handling asylum application. US Citizenship and Immigration Services (USCIS) will no longer forward all asylum applications it receives to the Department of State. USCIS will instead only forward asylum applications when it believes that the Department of State has country conditions information that is relevant to a particular case. The purpose of the change is to make the process through which the Department of State reviews asylum applications more efficient

## The Immigration Reform Debate

There has been a lot of talk recently that this year will be the year for immigration reform, and President Obama has indicated that he plans to address the issue despite the current economic downturn. Below are several articles highlighting recent developments in the area of immigration reform.

## Labor Unions Unite for Immigration Reform



Two of the largest labor unions in the U.S., A.F.L.-C.I.O and the Change to Win Coalition have joined forces to promote immigration reform in one voice. The two labor unions endorse legalizing the status of illegal immigrants who are already in the U.S. and oppose proposed programs to bring in temporary immigrant workers. According to a recent New York Times article, the labor unions' opposition to expanding a guest worker program will likely stand in the way of reaching an accord regarding immigration reform in light of the fact that the U.S. Chamber of Commerce and the business community strongly favor the guest worker program.

To read the full NY Times article, please click here: [http://www.nytimes.com/2009/04/14/us/14immig.html?\\_r=1](http://www.nytimes.com/2009/04/14/us/14immig.html?_r=1)

## H-1B Cap Not Yet Reached

USCIS began accepting H-1B nonimmigrant visa petitions on April 1, 2009. On April 20, 2009 USCIS announced that it has received approximately 44,000 petitions that count toward the cap of 65,000 visas per fiscal year. This is quite different from recent years, when the H-1B cap was reached within a matter of days.

## Colleges Push for Tuition Aid for Illegal Immigrants

Colleges and universities have joined the immigration debate, and are pushing for a path to citizenship as well as tuition aid for illegal immigrant students. The College Board, which is made up of 5,000 schools, recently released a report that urges Congress to provide in-state college tuition, financial aid, and legal status to illegal immigrants. The report noted that currently illegal immigrants are legally entitled to a K-12 public education, but the law is silent on whether or not illegal aliens are entitled to higher education. For this reason states vary in their approaches regarding education rights, and often leave it up to the individual colleges to decide whether they will enroll illegal immigrants and allow them to pay in state tuition or not.



The DREAM Act, which was introduced on March 26, 2009, aims to provide exactly the type of change that the College Board is seeking-if it becomes law, the Act will provide a path to citizenship for certain immigrant students that have grown up in the U.S.

To read the Washington Post article on this topic, please [click here](#).

To read a synopsis of the DREAM Act, [click here](#) or visit [www.dreamact.info](http://www.dreamact.info)

## H-1B and L-1 Reform on the Horizon

On April 23, 2009 Senators Dick Durbin (D-IL) and Chuck Grassley (R-IA) introduced the H-1B and L-1 Visa Reform Act, which hopes to prevent fraud and abuse in the guest worker program by introducing the following changes:

- The bill requires employers who want to hire an H-1B worker to first make a good-faith effort to recruit qualified American workers
- The bill prohibits the discriminatory practice of "H-1B only" ads
- Employers would be prohibited from hiring additional H-1B and L-1 workers if more than 50% of their employees are H-1B and L-1 visa holders

To find out more, visit Senator Durbin's website at <http://durbin.senate.gov/showRelease.cfm?releaseId=311910>

## Notable Immigration Cases



### Supreme Court Makes a Ruling on the Appropriate Standard for a Stay of Removal

In a recently published opinion in the case of *Nken v. Holder*, the Supreme Court reexamined which standard should be applied when deciding whether or not to grant a stay of removal when a petition for review has been filed. The petitioner argued that the traditional standard governing stays of removal should be used, while the government argued that the court should apply the more stringent standard in Section 242(f)(2) of the Immigration and Nationality Act, which requires one to produce clear and convincing evidence that the removal order is prohibited as a matter of law. The Supreme Court rejected the government's argument, and decided that the traditional standard will apply. Under this standard, when making a decision on a stay of removal while a petition for review is pending, the court should consider the following:

- (1) whether the applicant has made a strong showing that he is likely to succeed on the merits
- (2) whether the applicant will be irreparably injured absent a stay
- (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding
- (4) where the public interest lies.

See *Nken v. Holder*, No. 08-681 (April 22, 2009)

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