



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 Reminds Applicants That Registration for TPS Has Ended



USCIS recently released a reminder to nationals of Honduras, Nicaragua and El Salvador that the re-registration period for Temporary Protected Status (TPS) ended on December 30, 2008. The only way to re-register for TPS now that the registration period is closed is if you are able to demonstrate good cause for not filing during the registration period. For more information on TPS, please visit www.uscis.gov/tps.

Attorney General's Final Rule: Aliens Have No Constitutional Right to Effective Assistance of Counsel

Circuit courts have been split on whether aliens have a constitutional right to effective assistance of counsel, but the Attorney General issued a precedent decision on January 7, 2009 stating that aliens that have been put in removal proceedings have no constitutional right to effective assistance of counsel.



This decision overrules Board decisions in *Matter of Lozada*, *Matter of Assaad* and *Matter of Compean-Bangaly*, changing the current procedure for motions to reopen based on ineffective assistance of counsel by making:

- the burden of proof higher,
- the procedure more laborious to show egregious behavior, and
- requiring a showing of prejudice and definite relief.

The Attorney General's decision means that anyone whose case was denied due to a negligent or ineffective lawyer does not have a legal right to have his or her case reopened, but a court may nonetheless choose to do so as a matter of discretion. For more information, see *Matter of Compean*, 24 I&N Dec. 710 (AG 2009).

Mandatory Use of E-Verify for Federal Contractors to be Delayed



Due to the pending litigation that the U.S. Chamber of Commerce initiated against the Department of Homeland Security, the government has pushed back the start date for when federal contractors will be required to use the E-Verify system from January 19, 2009 to February 20, 2009.

No More H-2B Visas for 2009 Fiscal Year

No More H-2B Visas for the 2009 Fiscal Year
USCIS has just announced that it has received the maximum number of H-2B applications for the second half of the 2009 fiscal. Any new H-2B applications received after January 7, 2008 with employment start dates prior to October 1, 2009 will be rejected. Anyone who is currently on an H-2B visa and wishes to extend their visa or change the terms of their employment may still do so, and will not be subject to the cap. You can find out more on the USCIS website by [clicking here](#).

Napolitano Vows to Make Changes in Immigration

Janet Napolitano, who will head the Department of Homeland Security during the Obama administration, vowed to change the focus of immigration enforcement during her Senate confirmation hearing on January 15. Napolitano stated that unlike the Bush administration, she plans to shift the focus of immigration enforcement from illegal workers to the prosecution of employers who hire those workers. She also plans to reexamine DHS's security policies, including the plan to tighten standards for driver's licenses. Click [here](#) to read the [Washington Post article](#).



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