



**B E A C H - O S W A L D**  
Immigration Law Associates, PC

## Beach-Oswald Immigration Law Associates Newsletter

Issue 24

Washington, DC  
June 1, 2009

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 Continues to Accept H-1B Petitions

USCIS announced on May 18, 2009 that they have only received 45,500 H-1B visas that count toward the 65,000 cap. If you or your company would like to apply for the H-1B nonimmigrant visa, please contact Beach-Oswald Immigration Law Associates as soon as possible, before the visa cap is reached.

## New Border Crossing Documents Required For Canadians and U.S. Citizens as of June 1

Customs and Border Patrol (CBP) has issued a reminder that starting June 1, 2009 U.S. and Canadian citizens will need to comply with heightened travel document requirements under the Western Hemisphere Travel Initiative (WHTI) in order to be admitted to the U.S. Unlike before, only a limited number of documents will be accepted for entry to the U.S. from Canada. These documents are:



- U.S. or Canadian passports
- Trusted Traveler Card (NEXUS, SENTRI, or FAST/EXPRES)
- U.S. Passport Card
- State or province-issued Enhanced Driver's Licences (where available)

This new law only affects citizens, not lawful permanent residents. More specific information can be found on the WHTI website at [www.getyouhome.gov](http://www.getyouhome.gov)

## New Report Finds That Immigration Enforcement by State and Local Police May Be Detrimental to Public Safety and Local Police Functions



A new report published by the Police Foundation, titled "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties", has found that 287(g) agreements may actually be detrimental to police enforcement.

U.S. Immigration and Customs Enforcement's 287(g) program deputizes local and state police officers to perform immigration enforcement activities. 287(g) agreements are in force across the country, including several police departments in Virginia.

Although the 287(g) program is intended to strengthen police enforcement, the new report shows that many police executives are concerned about the 287(g) agreement and fear that it will destroy the trust that many police officers have built within immigrant communities. Police officers also fear that the 287(g) program will reduce cooperation of witnesses and victims of crime, and a possible increase in the victimization and exploitation of immigrants.

Read more: <http://policefoundation.org/indexStriking.html>

## Beach-Oswald Partners with the Bliss Women and Children Project to Provide Aid to Children in Kenya

At Beach-Oswald, we take our responsibility as global citizens very seriously and understand the importance to the African continent of raising the next generation of children to realize its fullest potential. We have therefore agreed to permanently fund, from the proceeds of our attorneys' consultations, the monthly leasing costs of the **Bliss Women and Children Project's orphanage** in Nakuru, Kenya.



Bliss currently takes care of thirty-five children who have been orphaned due to Kenya's AIDS epidemic. The project provides food, shelter, and clothing for each of the children, and pays the bulk of the children's school fees as well. Founded in 2004 by Esther and James Githaiga, Bliss was forced to cut the size of its program from seventy-five children to thirty-five after election riots last year in Kenya killed many of the members of the women's groups that were financially supporting the project.

The Bliss Women and Children Project is always looking for people anywhere in the world who have the compassion and drive to help, and would be extremely grateful for any assistance our clients would be willing to give. If you would like to donate to Bliss, or are interested in helping to defray the monthly costs for supporting a child at the project's orphanage, please see J.P. Urban for more details or send him an e-mail to [jurban@beach-oswald.com](mailto:jurban@beach-oswald.com).

## Notable Immigration Cases



## Supreme Court Limits the Impact of Using False Identification Documents

The *Flores-Figueora v. U.S.* case, involved the use of false identity documents in order to obtain work by an illegal alien, and will have a significant impact on persons using false documents in order to work in the U.S.

The Supreme Court found that in order to be guilty of aggravated identity theft, federal prosecutors must show that the defendant knew that the identification documents belonged to another person.

The aggravated identity theft statute 18 U.S.C. § 1028A(a)(1) imposes a mandatory two-year sentence if during the commission of a crime the individual "knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person." The government argued that "knowingly" was meant to modify the words "transfers, possesses, or uses" and that the defendant did not necessarily have to know that the identification document belonged to someone else. The Supreme Court, however, disagreed with the government's argument, stating that "[a]s a matter of ordinary English grammar, it seems natural to read the statute's word 'knowingly' as applying to all the subsequently listed elements of the crime." Therefore, to be guilty of aggravated identity theft, one must know that the identification documents he/she is using are not only false, but also belong to another person.

To find out more, see *Flores-Figueroa v. United States*, No. 08-108 (May 4, 2009) or [click here](#) to read the [New York Times](#) article about this case.

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