

OUT/LAW IMMIGRATION NEWSLETTER ISSUE 8

Welcome to the 8th issue of the Out/Law Immigration Newsletter. Newsletters are issued periodically when we have information of interest to persons considering immigrating to Canada. If you do not want to continue receiving newsletters or email from us, please contact Rob Hughes at rhughes@smith-hughes.com and request to be removed from the list.

Recently I read how the Netherlands, because of concern that some immigrants are involved in hate crimes, is showing a video to all immigrants before they come to the Netherlands that highlights the openness and tolerance of Dutch society and shows images of topless women at the beach and gay couples kissing in the street. Do you think that Canada should do the same? Send me your comments and I will post them in the next issue.

Simplified Application Process

As of September 1, 2006, Citizenship and Immigration Canada (CIC) will introduce a new **simplified application process** for most federal skilled workers.

Under this process, you submit only a basic application form and fee. This guarantees your place in the processing queue, meaning that the regulations in effect on that date will apply to your application. When the visa office is ready to assess your application, you will be asked to send the required supporting documentation.

Who should use the simplified application process?

Most applicants will qualify for the simplified application process. You **must use** the simplified application process **unless** you:

- are a provincial nominee; or
- have been selected by Quebec; or
- are eligible for points for arranged employment (see [Factor 5](#)); or
- have a legal temporary resident status in Canada as a worker or a student **and** are submitting your application at the Canadian visa office in Buffalo; or
- have a legal status in the United States and are submitting your application through the Canadian visa office in Buffalo.

See <http://www.cic.gc.ca/english/applications/process-skilled.html> for more information.

COMMENT BY ROB HUGHES - Because of the considerable length of time for processing federal skilled worker permanent residence applications, it has been my practice for some time to file an

application as soon as possible with the minimum required by CIC and whatever supporting documents the applicant has available, then wait until the visa office sends an acknowledgement letter with the file number before adding additional supporting documents. All that is required are all of the forms (including any attachments) properly completed and proof of the applicant's citizenship and immigration status so that the visa office will initially accept the application. I am curious as to why Buffalo has not adopted the simplified application process.

Ottawa Sun, Thu, July 6, 2006

By GEOFF MATTHEWS

One day - perhaps - we Canadians will get over our obsession with anything that's a little different than the norm.

We won't make a big deal, like we do now, over the first woman prime minister, the first black NHL player, the first quadriplegic in the House of Commons, the first female soldier to die in combat.

Or, as we saw at the end of last week, the first marriage of two gay Mounties.

Surely, if Canada is as inclusive as we all insist it is, we should have reached this point years ago.

But we have proven, through our collective obsession with the RCMP wedding in small town Nova Scotia, that we still have some maturing to do.

Constables Jason Tree and David Connors could have done without all the fuss, and the headlines about Brokeback Mounties and Mounties that always get their man.

They would have preferred to be seen simply as two people in love who wanted to make a lifetime commitment to one another.

Certainly, locals in Yarmouth, the small town at the southwestern tip of Nova Scotia where the ceremony took place, couldn't understand what all the fuss was about.

"It doesn't bother me one bit," said lobster fisherman Ronnie Devine as he and other fishermen readied their boats to set sail. "As long as they're doing their jobs properly, I couldn't care less about it."

Added Daniel Doucette: "They've got a job and they've got to work just like us and if they want to get married, that's up to them."

Or as Tree himself said: "I fail to see why it gathers the attention it does."

Years from now I suspect a same-sex wedding will generate no more interest than any of the few thousand other marriage ceremonies that take place across Canada on a typical summer weekend. And that's a good thing because no kind of prejudice has a place in our society.

It's odd, though, how so many people still snicker about homosexuality -- people who would insist that they're okay with the concept but suddenly develop a limp wrist and a lisp when they describe someone who is gay.

Others say they're fine with gays, "as long as they're not rubbing it in our faces." I was never quite clear what that meant -- I have several friends who are gay and can't remember any of them doing anything of the sort to me.

There was a time, when I was in my teens and early 20s, that I have to admit I didn't feel as I do now. If there

were gays in our Halifax crowd back then, they were farther back in the closet than our wide-lapel suits.

Anybody the least bit effeminate we'd refer to as a "fruit" or a "fag" and shun him as we would someone with a contagious disease. Why? I really haven't the faintest idea, other than the fact it was something our professed macho image demanded.

There were some things that we knew for certain back in those days. "Real" men didn't cry or hug or drink white wine or like pastels. And they sure as heck didn't kiss each other and get married.

I've done a lot of growing up since those misguided days, and I'd like to think that the country has too -- that we no longer categorize people as good or bad, friend or foe according to things that are simply part of the way they are.

People don't choose to be gay, any more than they choose to be left-handed or brown- or white-skinned or blonde (natural blonde, at least).

Why, then, do so many people refuse to accept others whose sexual orientation is different than their own?

Why do we have court challenges and Parliamentary debates over the rights of gays to marry? Why do we still read of gay bashing and ostracization?

The marriage of two Mounties in Nova Scotia won't put an end to the discrimination. But let's hope it at least marks a turning point.

Government's next big job: managing national labour shortage

JOHN IBBITSON -
Tuesday, July 4, 2006

Consider these recent news items:

The projected cost of a planned new military museum for Calgary has increased by 25 per cent, thanks to the rising labour bill;

Manitoba will need to recruit 6,500 construction workers over the next eight years -- in particular, bricklayers, construction millwrights, crane operators, ironworkers and concrete finishers -- to cope with retiring workers and increased demand;

The Ontario Trucking Industry estimates that truck drivers are, on average, the oldest workers in the country: about 20 per cent of them will retire within the next few years.

This is the face of the largest public-policy challenge confronting Canada: a nationwide labour shortage. Whether it's a Tim Hortons in Canmore or a university in Toronto, the Help Wanted sign is out.

If you're going to have a problem, a labour shortage is the problem to have. Employers are forced to compete to hire workers, which leads to rising wages, more tax revenue and enhanced public services.

Still, it's a challenge to keep an economy growing and inflation under control when there aren't enough workers to meet the demand. And since Canada currently enjoys full employment, its work force is aging, and immigration can't entirely fill the gap, the situation will get steadily more acute.

A negative example: The Canada West Foundation reports a troubling trend among Alberta high school students, who are dropping out because even the most basic jobs are paying up to \$20 an hour.

A positive example: The labour shortage is helping to reverse the stigma attached to a skilled-trades education. Kid, if you want a life in journalism or social work, go ahead. Just remember that bricklayers know more than you do, which is why they make more money.

This is why policy analysts are trying to figure out how to retool the education system to meet the rising demand for skilled labour of all kinds, bolster the immigrant intake to match job shortages, and improve incentives for native Canadians on and off reserves to train for the jobs that are waiting for them.

And yet, perversely, federal and provincial governments consciously distort the labour market with policies guaranteed to worsen shortages by encouraging workers to be unproductive.

Equalization, for example, is supposed to help governments in poorer provinces provide services comparable to those in wealthier provinces. But a new study by the Atlantic Institute for Market Studies reveals that equalization also helps poorer provinces sustain bloated bureaucracies filled with overpaid workers.

Prince Edward Island pays its provincial public servants a wage 31 per cent higher than the average industrial wage in that province, while Ontario's bureaucrats only make a wage 23 per cent higher than average. Manitoba has 105 provincial and local public servants per 1,000 citizens; British Columbia has 76, and Ontario has 67.

The federal government does its bit to skew the economy in the wrong direction by tailoring Employment Insurance to permit seasonal employment. A fish plant on Prince Edward Island has to recruit Russian and Ukrainian workers, even though unemployment on the island sits at 11 per cent.

And policies that make housing a higher priority than education on reserves may inadvertently encourage natives to lead lives of sedentary unemployment, when they should be acquiring the skills they need to make it there or anywhere.

Bloodless analyses that insist unemployed workers in Chicoutimi should migrate to the oil sands don't take into account what it means to abandon aging and ailing parents, or to sell a house for less than you paid for it, or to give up the work you've been trained to do and have done for decades.

Still, the migrations under way in this country -- from East to West, from rural to urban, from the developing world to here -- are inexorable. The job for politicians and public servants is to manage those migrations, to get workers to the jobs that are waiting for them.

Because the stories, and the statistics, just keep piling up.

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<http://workopolis.com/servlet/Content/qprinter/20060704/IBBITSON04>

U.S. deserter asks Canadians for support for fleeing war in Iraq

By Greg Joyce

CASTLEGAR, B.C. (CP) - U.S. military deserter Kyle Snyder pleaded to Canadians on Friday for understanding and acceptance for making a "moral decision about an illegal war."

"I'd like Canadians to accept what I've done," Snyder said at a news conference held at the Our Way Home Reunion and Peace Event.

"We should fall into the category of people who made a moral decision about an illegal war."

Snyder, 22, joined the U.S. military because he said he thought he was going to Iraq to "reconstruct a civilization we bombed."

After a stint in Mosul he decided to leave the army and came to British Columbia, where he is part of the province's anti-war movement.

He applied for refugee status and is now caught up in the legal maelstrom involving lawyers, immigration panels and public opinion.

"There are probably people who don't want me here," he told reporters, but for the most part he has felt accepted.

He conceded that he "expected it to be easier. I thought I was making the right decision."

While most of the participants at the reunion are Vietnam war draft dodgers or deserters, there are a handful of Vietnam veterans including David Cline, the president of Veterans for Peace.

"We believe that when a war is immoral and unjust it should not be supported," he said, referring to the Vietnam and Iraq conflicts.

When he returned to the U.S. he joined groups of his peers to discuss their war and the trauma it caused. The resisters who left the U.S. had to start a whole new life.

"One thing I've noticed about the people who came to Canada, the war resisters, is that they've integrated into society. So in a sense this conference plays an important role for them to resolve issues they never thought about."

Tony McQuail, a Quaker and dairy farmer in Ontario, came to Canada as an 18-year-old in 1971. He became a citizen that year.

He likened the U.S. government then and now to a person who drinks and drives.

While most in society now condemn drinking drivers, "the U.S. has been drunk on militarism for 40 years" and people should work towards "taking their keys away."

NDP MP Bill Siksay urged Canadians to accept Snyder and all people who resist war due to conscience.

He said Canadians realize that people of conscience are a net benefit to Canada.

Earlier, longtime peace activist Tom Hayden said the while the number of U.S. deserters in Canada from the Iraq war pales in comparison to the number of draft resisters who avoided the Vietnam war, he believes the Canadian public is still as sympathetic.

"It's different from the Trudeau era and the Vietnam era," Hayden said, referring to former prime minister Pierre Trudeau who opposed U.S. militarism. "But Canadian opinion is still unanimously against (President) Bush."

Hayden, a former student activist, longtime opponent of U.S. militarism and a member of the famous Chicago Seven, was here to participate in the reunion.

The reunion is to honour U.S. draft resisters who came to Canada during the late 1960s and early '70s and the Canadians who welcomed them.

There is not much support for deporting Iraq war deserters back to the U.S., said Hayden.

It's not clear how many Iraq war deserters are in Canada, fighting to be allowed to stay, but it's only a fraction of the number of Vietnam war resisters and deserters who moved to Canada.

"There's not a public in Canada wanting to send these guys back."

Hayden also expressed dismay at Canada's fighting role in Afghanistan, which is far removed from its traditional role abroad as a peacekeeper.

"Afghanistan has been a graveyard for many occupants and I see no prospect for Canada and the U.S. in Afghanistan," said Hayden, who now lives in Los Angeles and spends much of his time writing and teaching.

The close relationship between Prime Minister Stephen Harper and Bush also concerns Hayden.

"It's a strange time to become a partner of Bush," he said, referring to the fact Bush has only a couple of years left in his presidency while Harper wants to endear himself enough to Canadians to form a majority government at the next election.

The reunion has drawn dozens of draft dodgers from Canada and the U.S. Many of the men and women remained in Canada but thousands of others returned to the U.S. and travelled back from as far as Tennessee for the event.

The reunion is being held in this West Kootenay city, where hundreds settled about 600 kilometres east of Vancouver.

Almost 50,000 Americans of draft age avoided the call in the late 1960s and early '70s by going to Canada, where for the most part they were welcomed.

Many returned after President Jimmy Carter granted an amnesty in 1977. It's believed that about half the original number chose to remain in Canada.

George McGovern, former U.S. senator and defeated presidential candidate, is the keynote speaker and will speak Saturday about the comparisons between Vietnam and the current war in Iraq.

Arun Ghandi, the grandson of Mahatma Ghandi, will speak on non-violence and the path of war resistance.

<http://ca.news.yahoo.com/s/07072006/2/national-u-s-deserter-asks-canadians-support-fleeing-war-iraq.html>

Right of Permanent Residence Fee Refund to Start Within Weeks

Prospective immigrants who have paid their \$975 landing fee will start receiving a \$485 refund within weeks. Following the 2006 budget, Citizenship and Immigration Canada confirmed that refunds will be issued to all those who have paid the fee but haven't yet received their residence papers.

The refund process is expected to take about a year before it is complete.

Those who paid the landing fee (Right of Permanent Residence Fee) in Canada will automatically be mailed a refund cheque, but those who applied from another country need to send in a request to the CIC mission where the fee was paid. If no request is made, the cheque will be sent at the same time as the visa is issued.

In-Canada applicants who have changed their address since arrival can call the CIC Call Centre at 1-888-242-2100. There is no charge for this call.

If you do not receive your refund before you become a permanent resident, you will be given information on how to request one when you arrive in Canada.

There is no deadline for requesting refunds.

Cheques sent outside Canada will be issued in the equivalent local currency, and will be subject to the prevailing exchange rate at the time the refund is sent. This means some applicants may receive a higher or lower amount than what they paid above the new \$490 landing fee.

All refunds are being issued by cheque only; requests for other payment methods are not being entertained.

According to CIC, approximately 185,000 people who have paid the fee but who have not yet become permanent residents of Canada as of 12:00 a.m. Eastern Time on May 3, 2006, are eligible for a refund.

See the FAQ's on the CIC website at <http://www.cic.gc.ca/english/resid-fee/faq.html>

Newcomers held back

Canada's laws, policies pressing issues: report

By Bill Dunphy

The Hamilton Spectator (Canada), July 13, 2006

A newly released report by a Hamilton researcher says Canada's laws and policies are undermining the efforts of newcomers to become self-sufficient and productive citizens.

'Few issues are as pressing,' researcher Sarah Wayland says in the report, jointly commissioned by the Law Commission of Canada and the Community Foundation of Canada.

'Immigration ... accounts for more than half our population growth and about three-quarters of our labour market growth.'

Most economists believe our economic health is dependent on growth, which is driven by immigration. If immigrants fail to thrive (they are doing worse than previous generations of immigrants) then, the theory goes, so will we.

'The difficulties newcomers face as part of their settlement experience must be recognized as Canadian problems, rather than 'immigrant problems,' Wayland says. In her report, Wayland urges the private and non-governmental sectors to get involved in finding solutions to these problems, and says they have a key role in providing employment opportunities.

Wayland cites factors such as:

- * Inadequate funding and inflexible programming rules for settlement service providers;
- * Slow and complicated family reunification policies and cumbersome residency rules;
- * Language barriers to health, legal and educational services as key barriers newcomers face when arriving.

Several recent studies suggest that the lot of immigrants who have come to Canada and Hamilton in the past 20 years has worsened significantly. Far more are living in poverty and far fewer are lifting themselves out of it, a reversal of pre-1980 trends for immigrants. In Hamilton, half of the 3,000 or so immigrants who have settled here each year over the past decade are living below the poverty line.

Wayland, who used Hamilton as the source for most of her research on immigrants, the barriers they face and the services we provide them, said as a society we're encouraging immigrants to come to Canada even as we're erecting more and more barriers to their chances for success.

Low-skilled immigrants who were willing to work hard and long to succeed used to be able to do just that in Canada, and certainly Hamilton is full of examples of people who immigrated here in the '50s and '60s and succeeded with only minimal -- if any -- governmental or societal support. But 'we've lost a lot of those jobs, especially in manufacturing, and moved into a more knowledge-based economy, with an emphasis on language skills and knowledge,' says Wayland. And while we've switched our emphasis to skilled and qualified workers, Wayland's research found that at the same time we've cut language instruction services and tightened our local accreditation demands.

'Employment is the primary settlement need for most newcomers,' Wayland said, which, if achieved can sweep away many other barriers to their successful integration into society.

Ironically helping more professionals find work in their chosen fields -- of medicine, finance, education -- would not only help the individual newcomer, it would provide those professions with desperately

needed language and translation skills that keep many other newcomers from accessing their services.

EDITOR'S NOTE: The report is available on line at

http://www.hamiltonspectator.com/Spec_pdfs/Newcomers_Dumphy.pdf

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JAN RAVENSBERGEN

The Gazette

Thursday, July 13, 2006

This summer's First World Outgames in Montreal have hit a major visa snafu.

With less than two weeks to go before a human rights conference tied to the Outgames begins, about 250 of 315 specially invited participants from overseas are still in limbo over whether they will be allowed into Canada.

About eight of every 10 of those guests - scheduled to fly in on an all-expenses-paid basis from such nations as Brazil and Congo - haven't been granted the visas they require to enter the country, games organizers say.

The visa process is supposed to work quickly. Citizenship and Immigration figures show 72 per cent of visa applications from overseas are processed within 48 hours.

The 250 "as yet have had no response from Canadian authorities regarding their visa applications," Outgames organizers complained Friday in a letter to Prime Minister Steven Harper.

Ironically, federal money is being used to help subsidize their trips to Montreal.

Louise Roy, executive director of the Outgames, suggested in the letter to Harper that Canada's international image could be damaged. "It is inconceivable and unacceptable that such a situation could occur in the context of an international event in Canada. The image of openness, inclusion and tolerance of our country risks being severely tarnished at the global level," the letter added.

It was co-signed by Outgames co-president Mark Tewksbury.

Asked yesterday for more details about the controversy, Outgames organizers turned mum. Roy declined to be interviewed.

Federal Immigration Minister Monte Solberg said in a statement that all those in visa limbo are being dealt with through "the normal review process."

Immigration Department official Lesley Harmer said, "We've asked our missions to review all the lists" of overseas invitees provided by Outgames organizers "and report on the visas issued, refused and in process.

"I cannot confirm if that was today or yesterday.

"Dozens have already been issued," she said, while "a handful" have been refused.

When will that review be completed?

"I can't give you an answer on that," Harmer said.

The majority haven't shown up in the federal government's records because the visa applications haven't been submitted, or are in the mail, or contain an incorrect birth date, or don't contain a file number, or for other reasons, she added.

"We have confirmed through our visa office records that, to date, fewer than half" of the 250 "have actually submitted a visa application," she said.

Laval-Les Iles MP Raymonde Folco, Liberal critic for citizenship and immigration, said: "We are sending the message that being gay, lesbian, bisexual or transgendered is similar to moral turpitude and, therefore, exclusion is warranted."

Folco suggested some visas might be refused "to individuals based on their sexual orientation."

"Nothing could be further from the truth," Solberg said in his statement.

"The opposition should be ashamed of itself for misleading the public and trying to score cheap political points."

Denis Coderre, a former Liberal immigration minister, called it "absolutely nonsensical that the organizers of the Outgames ... can't even get an explanation as to why this process has been so slow."

Criminal convictions related to sexual orientation are not used to deny an entry visa to Canada if there is no reciprocal crime in Canada, Harmer said.

"With foreign convictions," she added, "they look at the elements of the foreign statute and elements of the Canadian statute and compare."

Homosexuality is forbidden in 75 nations.

"I would have no idea" how many of the 250 in visa limbo have criminal convictions in their home country related to their sexual orientation, Harmer said.

She wasn't able to say whether all the visa snafus will be resolved before the conference begins.

The International Conference on LBGT - lesbian, bisexual, gay and transgendered - Human Rights is expected to bring 2,000 people from 80 nations to the Palais des congres. It runs July 26-29.

The Outgames' website is www.montreal2006.org

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<http://www.canada.com/montrealgazette/news/story.html?id=21c61245-500c-43d9-a094-cff5f8dd094e&k=43438>

Mixed Results on Asylum Claims

Federal appeals courts differ in evaluating credibility findings

BY ARTHUR S. LEONARD

Gay asylum applicants achieved two wins and one loss within the past month, as gay men from Mexico and Albania won chances for reconsideration of their petitions while a lesbian from Colombia was denied further review. In the Mexican case, the Immigration Judge applied what the appeals court found was an inappropriate standard for evaluating whether the asylum applicant's persecution required that his petition be approved. In the other two cases, the applicants' credibility was questioned at immigration hearings, and in all three, the Board of Immigration Appeals, following the customary practice during the Bush years, rubber-stamped the results.

On June 2, the U.S. Court of Appeals for the 9th Circuit, in San Francisco, ruled that Jorge Soto Vega, a gay man from Mexico, is entitled to reconsideration of an Immigration Judge's decision to deny him asylum. The Immigration Judge found Soto Vega's hearing testimony to be "essentially credible," concluding it "did demonstrate past persecution." However, the Judge then stated that it was up to Soto Vega to show "a clear probability that life or freedom would be threatened on account of his membership in this social group" and that he had failed to do so.

Lambda Legal, arguing Soto Vega's appeal to the 9th Circuit, noted that the Immigration Judge questioned Soto Vega's claim that he feared persecution because he did not appear stereotypically effeminate or gay. The 9th Circuit Court found that once the applicant established that he had been a victim of persecution, he enjoyed a presumption of asylum eligibility, and the burden was on the government "to rebut the presumption by showing a fundamental change in country circumstances or that the petitioner could reasonably relocate to another part of his native country." The court also found that the Immigration Judge incorrectly applied a "clear probability" standard to Soto Vega's fear of future persecution in Mexico, when an asylum petitioner need merely show a "reasonable possibility."

The court sent the case back to the Board of Immigration Appeals.

In the case of the gay Albanian, the 3rd Circuit Court of Appeals, based in Philadelphia, ruled on June 30 that the Immigration Judge's stated reasons for rejecting the man's story did not stand up. Ardian Rezhdo and Pellum Berberi were lovers, but Berberi's brother, Genc, a bodyguard for the former Albanian prime minister, was unhappy about this situation and outraged to learn that the couple applied for a marriage license.

Rezhdo claimed that Genc arranged to have him beaten up, burned his business down—and even obtained permission from his own family to have him murdered. When police took no action on his complaints about his business and a judge urged him to drop his assault charges, Rezhdo and his lover fled the country. While the couple was in an Italian hotel, an intruder murdered Pellum Berberi, and Rezhdo fled, illegally entering the U.S. and applying for asylum.

The Immigration Judge expressed incredulity about details Rezhdo described about the aftermath of Pellum's murder's and that his own family would agree to have Genc kill him. He also noted that Rezhdo became confused in his testimony, later correcting himself, and that he appeared nervous and sweaty during his hearing.

Writing for the 3rd Circuit panel, Chief Judge Anthony J. Scirica dismissed all of the Immigration Judge's reasons for questioning Rezhdo, noting in particular that his testimony about having high blood pressure could explain his nervous appearance while testifying. Scirica also rejected the Immigration Judge's suggestion that Rezhdo could safely return to another region in Albania, noting that Genc Berberi allegedly arranged to have his own brother Pellum killed in Italy.

Scirica ordered that Rezhdo deserves a new immigration hearing.

The 11th Circuit Court of Appeals, based in Atlanta, in contrast, found no basis to question the Immigration Judge's credibility determination about a lesbian from Columbia in its July 3 decision.

Doris De La Immaculad Tavera Lara claimed that after she came out to her supervisor she was discharged from a job in which she had earned promotions. She was later harassed on the street and received mysterious phone calls and threatening notes. She testified that private militias hostile to gay people operate in Columbia, sometimes with acquiescence of the police, and that a friend of hers was abducted and killed by such people.

The Immigration Judge received voluminous testimony about the problems facing gays in Columbia from a variety of sources. Still, he rejected Tavera Lara's claim that she feared persecution, mainly because after fleeing to the U.S. she returned to Colombia briefly at Christmas to visit her children. She testified that she had done so in the hopes that things would be better, but quickly concluded otherwise. The Judge also cited discrepancies among Tavera Lara's original statement to Immigration officials, her written asylum application, and the testimony she gave at the hearing.

The 11th Circuit panel, in an unsigned opinion, reviewed the evidence of anti-gay violence in Colombia, but affirmed the Immigration Judge based on the discrepancies among Tavera Lara's accounts. The court also cited her brief return to Colombia and the improbability of a person fearing persecution revealing her sexual

orientation to her boss. Even had Tavera Lara proved her claims of persecution—including an account of being beaten up by militia members—she failed to show a reasonable fear that such abuse would continue in the future, the court found.

These cases point to several common themes. First, many Immigration Judges are extremely suspicious of claims that asylum applicants are gay people who fear persecution, and are inclined to discredit their stories unless they are provided in fully consistent, letter-perfect rendition. Second, federal courts circuits vary widely in how closely they will scrutinize Immigration Judge decisions for logic and bias. Finally, it is clear that the asylum process is no place for amateurs; many of the pitfalls that trip up the applicants could be avoided with the assistance of experienced counsel. But since it is not a criminal proceeding, applicants have no constitutional right to appointed counsel, so many applicants, on their own, without knowledge of non-profits that provide legal assistance, face the luck of the draw.

http://www.gaycitynews.com/gcn_528/mixedresultsonasylum.html

If you have a question that you would like answered, email Rob at rhughes@smith-hughes.com