

Patricia A. Bollman, A Professional Law Corporation Immigration News

USCIS Launches I-9 Central

Our Firm Can Assist You With:

- ◆ Employment based immigrant and nonimmigrant petitions
- ◆ Family based immigrant petitions
- ◆ Naturalization applications
- ◆ Follow up with USCIS on pending petitions
- ◆ I-9, LCA and PERM audits
- ◆ Employment authorization and advance parole extensions
- ◆ Form I-9 training for HR staff and review or drafting of I-9 compliance procedures

The United States Citizenship and Immigration Services (“USCIS”) has announced that it has a new website, dedicated entirely to providing information on the Form I-9. The website which can be found at www.uscis.gov/I-9Central was designed to provide uniform information to the public on the Form I-9.

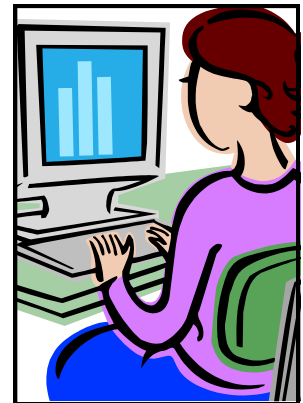
The website provides both employers and employees one-click access to resources, tips and guidance to better understand the Form I-9 process and to properly complete Form I-9.

Tabs linking to additional information in various categories include: What’s New; Complete & Correct; Accepted Documents;

Retain & Store; Employee Rights; Penalties; About the Form; and Customer Support.

The Form I-9 is the most frequently accessed form on USCIS’s website and is used by 7.5 million employers. All employers, regardless of whether they hire one employee or hundreds, are required to complete the Form I-9 when an employee is hired.

I-9 Central complements the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)*. (Note: See the story on page 2 of this newsletter on the recently updated M-274). Anyone who completes Form I-9s should keep this as one of their favorites on their computer.



USCIS has a new website devoted to Form I-9 issues.

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November 4th: Last Chance For I-9 Training This Year

The Bollman Firm will conduct its last I-9 Compliance and Training seminar for 2011 on Friday, November 4, 2011 from 9:00 am until 1:00 p.m. at its Metairie offices.

The seminar which was developed by Patricia Bollman is a PowerPoint presentation designed to

train Human Resource and Personnel employees on all aspects of Form I-9 Compliance. Learn how to properly complete all sections of the Form I-9, recent administrative law decisions on the Form I-9, special rules related to the Form I-9, how to prepare for a

Notice of Inspection from Immigration and Customs Enforcement and much more!

Go to the Form I-9 page of our website to access a registration form or call our office for more information.



Everyone who completes Form I-9s should have the most current version of the M-274 printed and available as a reference.

New M-274 Released by USCIS

On June 1, 2011 the United States Citizenship and Immigration Services (“USCIS”) announced that it had updated the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)*. The M-274 is published by USCIS to provide information to Employers on how to complete, maintain and destroy the Form I-9. The June 1, 2011 version of the M-274 replaces the version that was released in January, 2011.

Some of the updated information in the latest version of the M-274 is as follows:

- ◆ New visual aids for completing the Form I-9;
- ◆ Examples of new relevant USCIS documents;
- ◆ Expanded guidance on Lawful Permanent Residents, refugees, asylees, individuals in Temporary Protected Status (“TPS”), J

Exchange Visitors and F-1 and M-1 students; and

- ◆ Expanded guidance on extensions of stay for employees with temporary employment authorization.

It is important that anyone who completes the Form I-9 for their business have the most current version of the M-274 at their desk. You can download the M-274 at the *I-9 Central* website at www.uscis.gov/I-9Central.

“That KDS chose...to delegate its I-9 functions to employees who were not qualified to perform the task does not demonstrate good faith.”

Washington Drywall Co. Fined for I-9 Violations

On August 11, 2011 the Office of the Chief Administrative Hearing Officer (“OCAHO”) issued a decision in *US v. Ketchikan Drywall Services, Inc.* This was an appeal of fines issued after an I-9 inspection by Immigration and Customs Enforcement (“ICE”).

The OCAHO considered a number of issues. It held that mak-

ing copies of employee’s documents does not relieve an employer from completing the document information part of section 2. Also, the employer is responsible for ensuring that the employee properly completes Section 1. Failure to do so is a substantive violation which results in a fine.

The OCAHO further held that I-9 corrections and copies of docu-

ments obtained **after** the subpoena has been served cannot be considered in determining compliance with I-9 regulations.

It was also held that the good faith defense is not available where the company failed to properly train its employees who completed the Form I-9s.

A fine in the amount of \$173,250 was ordered to be paid.

Patricia A. Bollman, APLC is on Facebook



Check out our Facebook page: Patricia A. Bollman, APLC

Patricia A. Bollman, APLC now has its own page on Facebook for clients and the public. Check out our latest postings, news articles and photo albums.

It is a great way to keep up with current events in immigration law and information on our

firm. We post updates on current immigration news and information as soon as it becomes available. You can also find pictures of some of the events that our firm has participated in recently.

If you cannot find our Facebook

page, visit our website at www.bollmanfirm.com and click on the Facebook link on our homepage.

Make sure you let us know if you like our new Facebook page.

Deadline Approaching in Widow's Legislation

It has been almost 2 years since the widow penalty ended, and in less than 30 days a chapter will forever close in the course of immigration history.

Widow(er)s of U.S. citizens who were married less than 2 years, whose spouse died before October 28, 2009, have only until October 28, 2011 to file an I-360 self-petition, or be forever barred from doing so in the future. That's about two weeks away! If you know of anyone

this may affect—please pass this along.

A widow(er) of a U.S. citizen married any length of time can always file an I-360 self petition within 2 years of the death, despite the October 28, 2011 deadline. That is a permanent provision.

The October 28, 2011 deadline is only to allow people with pre-enactment (before October 28, 2009) widow cases to file to

immigrate, no matter how long ago the death occurred. Once October 28, 2011 passes, the rule will simply be that a widow(er) must file within two years of the death. Only the I-360 petition needs to be filed by the deadline, so that permanent resident status can be applied for or granted at a date that is later than the deadline.

Information can be found at www.uscis.gov or www.ssad.org or by calling our office.



October 28, 2011 is an important immigration deadline for any widow or widower whose spouse died before October 28, 2009.

E-Verify Self Check Expands to 16 More States

The United States Citizenship and Immigration Services ("USCIS") announced that it has expanded its E-Verify Self Check to include 16 additional states. Included in those 16 additional states are Louisiana and Texas. Mississippi was one of the original five states when the program was launched in the Spring of 2011. E-Verify Self-Check is expected to be available nation-

wide by the Spring of 2012.

E-Verify Self-Check is a concept similar to checking your credit score online before applying for a loan. Individuals who are planning to apply for a job can go online to E-Verify Self-Check and check their work eligibility status as it appears on the Social Security Administration and Department of Homeland Security databases. If E-Verify Self-

Check says the individual is not authorized to work it provides instructions on how to resolve a potential data mismatch.

USCIS is not notified when an individual uses E-Verify Self-Check. Only the individual using the online system receives the report.

E-Verify Self-Check is available in both English and Spanish.

E-Verify Self-Check is now available to residents of Mississippi, Louisiana and Texas.

Dunkin Donuts Manager Sentenced for Hiring Illegal Workers

In August, 2011, the manager of several Dunkin Donuts stores in Maine was sentenced for knowingly hiring unauthorized workers from 2001 to 2009. This was discovered after Immigration and Customs Enforcement ("ICE") conducted an I-9 audit of the Dunkin Donuts stores.

The manager was sentenced to six months home confinement and five years probation with 20 hours of community service during each month of probation. The community service was to be geared towards educating employers about the importance of complying with employment

eligibility requirements. The manager was also fined \$64,000.

During sentencing the U.S. District Judge stated that the immigration laws must be respected and enforced.



Manager sentenced after ICE I-9 audit.

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*Specializing in employment-based and family-based
Immigration and Nationality law
I-9 Compliance and Training*

**We are on the web:
www.bollmanfirm.com**

Just a Note...

Happy New Year! Seems premature I know! But for the United States government, October 1st is the beginning of its new Fiscal Year. And although there is still some wrangling in Congress over the details of the FY 2012 budget, one thing is very clear to immigration practitioners—Immigration and Customs Enforcement's ("ICE") worksite enforcement division will be well funded.

What can we expect now that our government's new year has started? ICE will conduct many more I-9 inspections. A huge source of income for our government, the number of inspections will at least double from last year meaning there will be thousands of inspections done nationwide.

What can you do? Be prepared for an I-9 inspection by ICE. Make sure your staff is trained, have your own I-9 audit done now so that you can correct any errors and make sure you have appropriate policies and procedures in place. Recent case law has said that where employees completing I-9s are not trained there is no good faith defense available.

I will be attending a seminar in January devoted to I-9 compliance and worksite enforcement issues so that I can continue to provide you with the most up to date information on this subject. So please contact us if your business needs help in making certain it is ready for an I-9 inspection by ICE.

Patricia

DOL Issues Annual Foreign Labor Certification Report

In July, 2011, the United States Department of Labor ("DOL") issued its annual report for Fiscal Year 2010 for Foreign Labor Certifications. Some highlights from the 117 page report follow:

- FY2010 began with the DOL facing a backlog of 66,885 cases that needed to be adjudicated and an average processing time of 394 days for a PERM application. DOL began an aggressive campaign to reduce the backlog and reduce processing times. In FY 2010, the DOL adjudicated 82,685 PERM applications (compared with 36,409 in FY 2009) and reduced processing times to 167 days.
- In FY 2010 there was a 28 percent decrease in PERM filings from FY 2009, attributed to the recession and employers' ability to find willing and qualified U.S. workers to fill their employment needs.
- In FY2010 India, South Korea, China, Canada and Mexico were the top five countries of origin for foreign workers of PERMs.
- The five states which received the most certified PERMs were California, New York, New Jersey, Texas, and Virginia.
- The occupation for which the most PERMs were certified was Computer Software Engineer.



California had the most certified PERMs in FY 2010.