



The Ryan, Swanson & Cleveland Seattle Immigration Group is committed to providing excellent service and efficient communication to our clients.

*July 23, 2009*

## **Reminder: I-9 Compliance**

On July 7, 2009, U.S. Immigration and Customs Enforcement (ICE) announced that it is issuing 652 Notices of Inspection (NOIs) to businesses in order to audit I-9 records that contain information regarding an employee's right to work legally in the U.S.

During an audit, ICE demands the surrender of I-9s within three days. In this short timeframe, it isn't possible to correct all I-9 deficiencies. For example, how can one update expired work authorization documents if an employee is on vacation? Nevertheless, employers facing surprise audits should make every effort to bring their I-9s into compliance by ensuring that there is an I-9 for all employees hired after November 6, 1986, that I-9s are fully completed and signed by both the employee and the employer, and that expired documents are updated. Corrections need to be initialed and dated; never backdate the forms.

Stepped up enforcement has only just begun. The smart employer will be proactive and conduct internal audits to ensure that a meaningful immigration compliance policy is in place and to uncover potential liability such as identity theft, use of fraudulent documents, careless completion of I-9 forms and -- most importantly -- evidence of the knowing hire or the continued employment of unauthorized workers.

On 7/7/09 ICE announced a \$40,000 settlement had been reached with Krispy Kreme Doughnut Corporation. An I-9 audit revealed the company employed unauthorized workers in a Cincinnati, Ohio factory. As part of the settlement, the company has taken measures to revise its immigration compliance program.

## **Update on the Cap Count for H-1B Petitions**

As of July 10, 2009, USCIS has received 44,900 H-1B petitions for the 65,000 cap. USCIS has also received 20,000 Master's H-1B petitions for the 20,000 Master's H-1B cap. Although the H-1B cap has not yet been reached, we cannot be sure how long these numbers will be available. If you would like to file a new cap-subject H-1B petition for work to begin on or after October 1, 2009, please contact our office as soon as possible.

Please contact us if you have any questions:

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