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## Immigration Law Update

By Janet Cheetham and Joel Paget

October 20, 2011

### Our Predictions for the Coming Year: 7 Things Every Employer Should Know

1. E-Verify is here to stay and will be required of every employee going forward within the next five years.
2. There will be more Form I-9, H-1B and L-1 audits by USICE and the DOL. There will be fines for noncompliance, as well as “bad” publicity leaked to the press by the government.
3. There will be more requests for further information on petitions filed with the USCIS, so cases need to be documented up front.
4. There will be no comprehensive immigration reform. This means there will be over 10,000,000 people with no status and no desire to leave because they will be barred from returning to the U.S.
5. Employees from India, China and other countries will be waiting longer for permanent visas and for authorization for their spouses to work.
6. The numbers for H-1B petitions will not increase as the economy recovers, which means we will return to a lottery for the available 65,000 numbers for all specialized knowledge jobs for the whole U.S.
7. Foreign owned companies from Treaty countries such as Canada, Japan, Germany and England will have an easier time hiring new employees from their home country for work in the U.S. than U.S. companies will have in hiring anyone outside the U.S.

*We suggest a member of your hiring team consult with legal counsel to develop a long range hiring strategy. Don't let your company be blind-sided.*

### 2013 Diversity Visa Program Registration

The 2013 Diversity Visa Program (DV-2013) opened on Tuesday, October 4, 2011, and will close at noon, EDT, Saturday, November 5, 2011. Applicants must submit entries electronically during this registration period using the electronic DV entry form (E-DV) at [www.dvlottery.state.gov](http://www.dvlottery.state.gov). Paper entries will not be accepted. We strongly encourage applicants not to wait until the last week of the registration period to enter. Heavy demand may result in website delays. No entries will be accepted after noon, EDT, on November 5, 2011.

The annual program makes visas available to persons meeting the simple, but strict, eligibility requirements. A computer-generated, random drawing chooses selectees for Diversity Visas. You must be from one of the specified countries eligible to enter: 55,000 Diversity Visas are issued annually. There is no fee to apply. Please forward this information to anyone you know who may be eligible to apply.



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## Increased I-9 Inspections

As we mentioned in February, USICE is carrying through with its 1,000 Form I-9 inspections. There has been more enforcement of immigration laws under the Obama Administration than the previous administrations. We have heard of an increase in I.C.E. agents visiting work sites to check on I-9 compliance. I.C.E. agents are supposed to provide employers 72 hours to provide the I-9's for the agency to review. It is therefore more critical than ever to perform a self-audit on all of your I-9's now. Avoid fines and penalties by ensuring your I-9's are signed and dated by the employer and employee and that the form is complete and accurate. In a recent case, a Woodinville drywall company was fined \$173,000.00 for the improper completion of their I-9 forms.

During an audit, ICE demands the surrender of I-9 forms within three days. Given this short timeframe, employers should make every effort to bring their I-9 forms into compliance by ensuring the following:

1. There is an I-9 for every employee hired after November 6, 1986 who is currently employed or was employed within the last three years.
2. I-9 forms are completed and signed by both the employee and the employer.
3. Expired documents are updated (corrections need to be initialed and dated as of the current date, forms cannot be backdated).

## Welcome Anna Blindheim!

We'd like to welcome Anna Blindheim to our Immigration team here at Ryan Swanson. Anna's previous immigration experience began at Amazon.com, building relationships with employees and collecting the appropriate paperwork for visa applications. Now Anna's duties focus primarily on drafting forms, reviewing applications for accuracy, and works closely with paralegals and attorneys to provide the best service possible. In her spare time Anna enjoys attending local theaters, watching zombie movies, and playing with her baby nephew. Anna graduated from the University of Washington with a degree in Drama.

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