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Immigration Law Update

February 28, 2011

ICE Increases Employer Inspections

The U.S. Immigration and Customs Enforcement (ICE) department recently announced it is issuing up to 1,000 I-9 inspection notices 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-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).

Employers need to be proactive and conduct internal audits to ensure that a meaningful immigration compliance policy is in place. Look to uncover potential liability areas such as identity theft, use of fraudulent documents, careless completion of I-9 forms and most importantly – evidence of knowingly hiring or the continued employment of unauthorized workers.

- *Related:* The United States Citizenship and Immigration Services (USCIS) recently released an updated handbook for employers, also known as the M-274, which guides employers through the Form I-9 process.

Deemed Export Control Laws

Federal law prohibits the "export" of controlled technology and technical data to certain foreign nationals in the United States without a license. As of February 20 employers petitioning for H-1B, L-1 or O-1A classifications for their employees will have to answer Part 6 of the Form I-129. The petitioning employer must certify it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that either (1) a license is not required to release the technology to the beneficiary, or (2) a license is required and the petitioner will prevent the beneficiary's access to the technology until the petitioner has secured a license or other authorization.

USCIS Announces New Validation Tool

Validation Instrument for Business Enterprise (VIBE) is a new web-based tool designed to enhance adjudication of employment based petitions. The primary source of employer information will be derived from Dun & Bradstreet Reports. Every employer should have a D-U-N-S number (call 1.800.234.3867 to request a number) and it is critical to keep the information about your company current.

RSC Paralegals Volunteer at Citizenship Day

We are proud of Liz Krueger, Brenda Ferderer and Hiromi Peltonen for volunteering at Citizenship Day on February 5 in Mount Vernon at Skagit Valley College. They assisted many applicants in completing the necessary forms to become U.S. citizens.

Please contact us if you have any questions:

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