

SPECIAL

POINTS OF

INTEREST:

- For more information on all the firm's immigration and I-9 compliance services check out our website at [www.bollmanfirm.com](http://www.bollmanfirm.com)
- Our next I-9 Training Seminars are May 18, 2012 and August 10, 2012 in our Metairie office. Check the I-9 Compliance page of our website for more information and a registration form.

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## USCIS Proposes New Form I-9

On March 27, 2012 the United States Citizenship and Immigration Services ("USCIS") published a notice seeking public comment on a newly redesigned version of the Form I-9. This will be the 12th version of the employment eligibility verification form since it originated in 1987.

The biggest change—the proposed new Form I-9 is TWO pages long instead of one and the instructions comprise six pages instead of three. If approved, it can no longer be called "the most complicated one page form in America"!

The form contains major changes. Some of the highlights include a request for some optional information in Section 1, namely, the employee's tele-

phone number and email address. The form has been redesigned and finally addresses the place for the employee's signature by adding a signature box.



**USCIS has published a proposed new Form I-9 which incorporates major changes!**

Section 2 begins on page 2 and adds lines to provide the required information on List "A" or List "B" and List "C" documents.

There are also changes in the employer's certification box. Like Section 1, Section 2 contains shaded boxes for completing the required information.

The proposed Form I-9 changes the name of Section 3 from "Updating and Reverification" to "Reverification and Rehires".

The instructions to the Form I-9 are much more detailed and list some rules that USCIS and ICE have long "assumed" employers understand.

It is important to note that the proposed Form I-9 is a "draft" form at this point. No one should use the I-9 for hiring employees until USCIS issues a final form. Currently, USCIS is taking comments on the proposed Form I-9 until May 29, 2012.

## DREAM Advocates Make 3,000 Mile March

In early March, a group of six "Dreamers", young adults who were born in a foreign country but grew up in the United States without legal status, set out on a walk across America to draw awareness to the Dream Act. The Dream Act is a bill that would provide a pathway to legal

residency for immigrants who were brought to the United States as children, who have graduated high school, and who are pursuing higher education or a career in the military. Currently they have no pathway to regular status, and must either live in the shadows or face deportation

to a country of which they often have little or no memory.

The march began in Sacramento, California and will end in Washington, D.C. just before the presidential election in November.



ICE continues its nationwide enforcement activity.

*“...the agency returned to its original policy in light of negative feedback received from attorneys...”*

DOL released more PERM statistics for FY 2012



## Highlights of Recent ICE Enforcement Actions

Following is a summary of recent enforcement actions throughout the country:

- Two Texas men were indicted for hiring undocumented workers to clean up a Michigan oil spill.
- A New York woman was charged with employing a domestic servant without employment documentation and failing to pay her the proper wages.
- A crew foreman for a Florida-based labor company pleaded guilty to conspiracy to hire 10 illegal immigrants for a worksite in New York.
- The president and vice-president of a Philadelphia construction company were sentenced for hiring illegal immigrants for a worksite in New York.
- An Arizona drywall firm and its president were sentenced for hiring illegal immigrants.
- Nineteen Illinois restaurant workers were arrested and charged with immigration violations following an Immigration and Customs Enforcement raid.
- A California nursery agreed to pay \$457,000 in back pay and penalties for violating the H-2A program.

## USCIS Announces Return to Original Approval Notice Policy

The United States Citizenship and Immigration Services (“USCIS”) has returned to sending original approval notices to the attorney or accredited representative listed on the Form G-28 with copies to the applicant or petitioner. In September, 2011, USCIS had begun sending approval notices to applicants and petitioners rather than their attorneys or

accredited representative, but the agency returned to its original procedures in light of negative feedback received from attorneys and comments during a stakeholder meeting.

Attorneys had been circumventing the new procedure by entering their address as the petitioner’s address. However, this was causing problems with employment based peti-

tions when USCIS performed its validation of the petitioner’s business information through its VIBE program. The change back to the original policy allows immigration practitioners to return to listing the petitioner’s address as the mailing address.

The return to the original policy began in March, 2012 and took several weeks.

## More FY 2012 PERM Statistics

The Office of Foreign Labor Certifications within the Labor Department’s Employment and Training Administration processed 20,980 cases under its permanent labor certification program (PERM) as of

March 26 of this year according to statistics released by the agency. Of those cases, 15,720 were certified, 3,980 were denied, and 1,280 were withdrawn since the beginning of the 2012 fiscal year.

Among the 27,200 active PERM cases as of March 26, 57 percent were undergoing ana-

lyst review, 29 percent were undergoing audit review and 6 percent were being appealed. Six percent were under supervised recruitment, while 2 percent were having sponsorship/business existence examination whereby the DOL verifies that the business is legitimate.

# USCIS Lists Employers Enrolled in E-Verify



**The list of employers enrolled in E-Verify is now listed online.**

now available on USCIS's E-Verify website. The lists, which include federal contractors, provide the business name, city, state and zip code used during registration with E-Verify. Because employers only provide one contact for registration purposes, the lists do not necessarily include every location where the employer does business, USCIS said.

The list also indicates which of the employers are federal contractors and provide other information such as workforce size, which must be at least five employees. E-verify does not collect federal contract information, so even when a company is listed as a federal contractor, it is not possible to determine how many employees should be verified or what locations should be covered by that company.

U.S. Citizenship and Immigration Services ("USCIS") announced on April 2, 2012 that lists of the more than 345,000 employers who have enrolled in the E-Verify electronic employment verification system are

*"If the wrong version of the Form I-9 was completed when the employee was hired, an Employer should try to rectify the error."*

## Form I-9 Q&A

**Question:** What should I do if an invalid version of Form I-9 was completed for an employee at the time of hiring?

**Answer:** If the wrong version of the Form I-9 was completed when the employee was hired, an employer should try to rectify the error. The best way to do this is for the employer and employee to complete the current version of the

Form I-9, staple the previously completed Form I-9 to the current version and include an explanation of what happened.

If this is not practicable, the employer may staple the outdated, but complete I-9, to the current version and sign the current version notating why the current version is attached. In the alternative, the employer may draft a note explain-

ing the situation, sign and date it, and attach it to the completed but outdated Form I-9.

**To learn how to complete, correct and maintain your Form I-9s, register to attend one of our I-9 Training Sessions. Registration forms are on the I-9 Compliance page at our website at [www.bollmanfirm.com](http://www.bollmanfirm.com).**

## Firm to Attend AILA Annual Conference

Patricia, Daphne and Yolanda will be headed to Nashville, TN in June to attend the American Immigration Lawyers Associations ("AILA") Annual Conference. This 3 day conference has nearly 150 educational sessions covering all aspects of immigration and nationality law.

The conference also provides Inter-Agency Government panels which

will allow us to obtain the most current information on procedures and practice tips from Citizenship and Immigration Services, Department of Labor, Department of State and Immigration and Customs Enforcement. In addition, we will be updated on pending and anticipated legislation.

With 3 of us attending, we will be

able to cover many sessions and obtain important information in all of the firm's practice areas. Watch for our next newsletter where we will share with you some of the information we have learned at this conference.



**We will be attending the American Immigration Lawyers Annual Conference in June in Nashville.**



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**Specializing in employment based and family based Immigration and Nationality law and the general representation of small businesses. I-9 Compliance and Training**

**Just A Note...**

There is a lot going on right now in the world of immigration law! We work hard to stay up to date on all the changes and to touch on the most important topics in this newsletter. But you can also check out our Facebook page for updates on "hot" topics.

One of the most important upcoming changes is to the Form I-9 (our headline story). Employers need to be watching for this and to make sure that they are doing all they need to do to be I-9 compliant. In my I-9 training seminars I tell people that you should prepare for an ICE I-9 audit the same way as you do a hurricane, "prepare for the worst and hope for the best"! I-9 training for personnel, annual I-9 audits and written I-9 policies are critical aspects of I-9 compliance. Call us or check the I-9 compliance page of our website to see how we can help you.

And, speaking of hurricanes, hurricane season is right around the corner. Should we have a storm this season and need to evacuate, our firm has a comprehensive evacuation plan in place. Updates on where we are and how to contact us will be posted on our website and Facebook page.

*Patricia*

# USCIS Continues To Accept H-1B Petitions

The United States Citizenship and Immigration Services ("USCIS") continues to accept H-1B petitions for Fiscal Year 2013. H-1B visas are for specialty occupation workers who hold a minimum of a bachelors degree and will be working in a position that requires, as a minimum, a bachelors degree. As of May 4, 2012, USCIS had received 32,500 petitions counting towards the 65,000 cap, and 13,700 petitions toward the 20,000 cap for those with advanced degrees. April 2, 2012 was the first day that petitions could be filed for H-1B visas for FY 2013, which begins October 1, 2012.

The numbers are a large increase from the H-1B visa petitions filed during a similar time period for FY 2012.—as of April 22, 2011, USCIS had received only 8,000 petitions

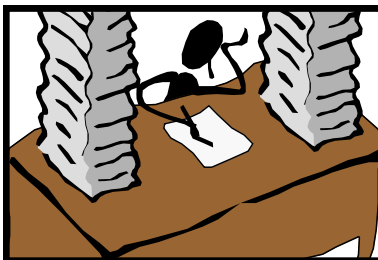
toward the 65,000 cap and 5,900 petitions toward the 20,000 advanced degree cap. Likewise, filings are higher than in April, 2010 when USCIS received 13,500 petitions toward the 65,000 cap and 5,600 toward the 20,000 advanced degree cap.

Although several years ago it was common for the cap to fill up on the

first day that petitions were accepted, during the past few years it has taken months for the H-1B cap to fill, due to the decline in the country's economy. The FY 2011 cap was met on January 26, 2011 and the FY 2012 cap was reached on November 28, 2011. Clearly demand has grown for the FY 2013 cap and it is expected to be filled in the next few weeks.

If you are interested in filing an H-1B visa petition for an employee or perspective employee there is no time to wait! Contact our office now so that we can discuss the H-1B process with you and get started on filing your petition.

The H-1B cap count is updated weekly by USCIS. For current information on the cap count check out the Firm's Facebook page.



**As of the day we went to print, USCIS was still accepting H-1B petitions for FY 2013.**