

# Practical Briefs

Legal Updates for Today's Proactive Manager

OCTOBER 01, 2010

## I-9 Audits, Fines, and Employer Worksite Raids Continue

U.S. Immigration and Customs Enforcement ("ICE") continues what it calls its "comprehensive strategy to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce."

If you think an I-9 audit is not a major risk for your business, think again! ICE announced on September 28<sup>th</sup> that it imposed a **\$1,047,110** fine as a result of a settlement reached with the clothing retailer Abercrombie & Fitch following a November 2008 Form I-9 audit of the company's retail stores in Michigan. Although ICE found **no instances of hiring of unauthorized aliens**, the audit uncovered numerous technology-related deficiencies in the company's electronic I-9 verification system and resulted in the hefty fine.

ICE warned in its statement about the settlement that "Employers are responsible not only for the people they hire but also for the internal systems they choose to utilize to manage their employment process and those systems must result in effective compliance," and "This settlement should serve as a warning to other companies that may not yet take the employment verification process seriously or provide it the attention it warrants."

ICE also reported in the last few weeks that it issued another round of Notices of Inspection (NOIs) to businesses nationwide. ICE reports that it will carry out its increased enforcement by focusing on worksite audits and investigations, particularly of employers that ICE suspects of "cultivating illegal workplaces by knowingly employing illegal workers." Should ICE perform an audit at a worksite and determine that a business has not complied with I-9 requirements or has hired illegal workers, the penalties can be severe. In recent months, ICE and the U.S. Department of Justice have seized business assets, imposed substantial fines, and even arrested and prosecuted business owners, human resource managers, and other supervisors.

Businesses should heed the recent warnings from the federal government regarding its continued focus on employers and enforcement of immigration

laws. Don't wait until ICE comes knocking on your door - now is the time to review and update your I-9 files and policies. Otherwise, your business could be ICE's next headline. If you need assistance in preparing for or responding to an NOI, or if you would like assistance in performing an internal audit to ensure compliance with applicable immigration and other workplace-related laws, please contact Carol Armstrong at (205) 210-4713 in Alabama or (662) 638-0318 in Mississippi (or via email at [carmstrong@adgloballaw.com](mailto:carmstrong@adgloballaw.com)) to discuss further.

## H-1Bs Still Available for 2011 Fiscal Year (October 1, 2010)

Is your business seeking to employ foreign national workers in an H-1B "specialty occupation"? Specialty occupations are those positions that require theoretical or technical expertise in a specialized field and a bachelor's degree or its equivalent, including, but not limited to architects, engineers, computer programmers, accountants, and doctors. 65,000 H-1Bs are available each fiscal year, and as of **September 24, 2010, only 39,600 H-1B cap-subject petitions had been counted** against the annual cap for the 2011 fiscal year that begins October 1, 2010. The cap only applies to the first H-1B filing for the worker, so subsequent extensions are not subject to the H1B cap. Likewise, certain businesses (such as educational institutions and some nonprofits) are not subject to the cap.

If you need assistance in applying for an H-1B or other temporary or permanent work visa for a worker in your business, please contact Carol Armstrong ([carmstrong@adgloballaw.com](mailto:carmstrong@adgloballaw.com)) for details and assistance.

**JOIN ARMSTRONG LAW  
AT  
THE WEST ALABAMA  
CHAMBER OF  
COMMERCE'S FALL  
WORKPLACE LAW  
UPDATE**

Armstrong Law will present immigration law updates at this year's West Alabama Chamber of Commerce's Workplace Law Update to be held at West Alabama Bank and Trust on October 21, 2010. The complete registration form with more details is available on the Chamber's website, [www.tuscaloosachamber.com](http://www.tuscaloosachamber.com), or you may contact Armstrong Law for more details. We look forward to seeing you there.

**Armstrong Law, LLC**

**Carol Armstrong**

([carmstrong@adgloballaw.com](mailto:carmstrong@adgloballaw.com))

Phone: (205) 210-4713 AL

Phone: (662) 638-0318 MS

Fax: (866) 651-4162

**[www.adgloballaw.com](http://www.adgloballaw.com)**

Copyright 2010 © Armstrong Law, LLC. All Rights Reserved.

FREE BACKGROUND INFORMATION AVAILABLE UPON REQUEST. No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.

This newsletter is intended to provide general information only and is not intended to provide legal advice or opinions for any reader's particular situation. Each specific set of facts and circumstances are unique, and the reader should consult his or her legal or tax advisor concerning specific advice for the issues presented in this newsletter.



OCTOBER 01, 2010

## Immigration Filing Fees Increase (Again)

US Citizenship and Immigration Services (“USCIS”) has adjusted filing fees for immigration petitions and applications. The new filing fees are effective for all filings on or after November 23, 2010. While filing fees for a few petitions were reduced (including the fiancée petition and change of status petition), most of the filing fee adjustments reflected increases. In particular, filing fees for the following petitions and applications will increase on November 23, 2010 (this is not an exclusive list):

**Practice Managers—  
Effective and Practical  
Workshops for Your  
Business**

Today’s business owners and managers are faced with difficult decisions on a daily basis, and many of those decisions can have critical financial and legal implications. Business owners and managers often engage their full management team in planning to prevent legal pitfalls. Armstrong Law provides practical guidance on a variety of legal issues that can help ease the burden on you and your business. We will accommodate your busy schedule with a variety of topic-specific presentations in a variety of available formats, including live seminar or workshop instruction, webinars, audio conferencing, or “on-site” company specific review and discussion. We are also happy to work with you to create a tailored presentation that meets your company’s specific needs. We also routinely present to professional organizations, civic organizations, and other membership clubs upon request.

Please visit Armstrong Law’s website at [www.adgloballaw.com](http://www.adgloballaw.com) for additional details and a list of workshops and presentations offered .



Petition or Application	Current Filing Fee	New Filing Fee
Application to Replace Permanent Resident Card (I-90)	\$290	\$365
Petition for Nonimmigrant Worker (I-129)	\$320	\$325
Petition for Alien Relative (I-130)	\$355	\$420
Immigrant Petition for Alien Worker (I-140)	\$475	\$580
Application for Travel Document (I-131)	\$305	\$360
Application to Register Permanent Residence or Adjust Status (I-485)	\$930	\$985
Request for Premium Processing Service (I-907)	\$1000	\$1225
Petition to Remove the Conditions of Residence (I-751)	\$465	\$505
Petition by Entrepreneur to Remove Conditions	\$2850	\$3750

If you or your business is required or is considering filing one of the above petitions, you should consider filing before the new fees takes effect. If you have questions regarding the increased fees or other immigration matters, please contact Carol Armstrong ([carmstrong@adgloballaw.com](mailto:carmstrong@adgloballaw.com)) or at (205) 210-4713 in Alabama or (662) 638-0318 in Mississippi for details and assistance.

## IMMIGRATION REFORM BILLS - UPDATE

On September 29th, Senators Robert Menendez (D-NJ) and Patrick Leahy (D-VT) introduced the Comprehensive Immigration Reform Act of 2010. The Act has a long way to go in the legislative process, but it is a comprehensive approach toward fixing our country’s broken immigration system. We will continue to monitor progress of this reform legislation and provide updates in future newsletters and on our website.

The Act incorporates the key provisions of the DREAM Act and other immigration-related bills that have failed to pass. What is the DREAM Act? The DREAM Act was initially introduced in 2001 and has come relatively close to passing on separate occasions. The DREAM Act would provide a conditional path to citizenship for certain undocumented youth who were brought to the U.S. as children, provided they either complete a college degree or two years of service in the military. Estimates vary, but it is reported that about 65,000 U.S.-raised students would qualify for the DREAM Act each year if it were passed.

If you have questions or concerns regarding issues that impact your immediate immigration status, please contact Carol Armstrong at [carmstrong@adgloballaw.com](mailto:carmstrong@adgloballaw.com) or (205) 210-4713 in Alabama or (662) 638-0318 in Mississippi for assistance.

**FOR MORE INFORMATION:**

**Visit our website at:**

**[www.adgloballaw.com](http://www.adgloballaw.com)**

