

Newsletter

Immigration Monthly - October 2014

10/13/2015

Welcome to the October issue of our monthly newsletter. This is a complimentary service to clients and friends of the Firm to keep you informed of immigration law developments that may affect you or your organization. Please contact Munsch Hardt's Immigration Team with your comments and questions.

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

As of October 1, 2013 (i.e., the first day of the federal government shutdown), DHS's website and social media network have not been actively managed and are no longer providing up to date information. Consequently, transactions submitted online might not be processed until the DHS funding is restored. Do not try to contact DHS via the website with any urgent matters or inquiries.

DEPARTMENT OF JUSTICE (DOJ) NEWS:

- The DOJ has reached a settlement with Macy's Inc. over allegations of unfair treatment of immigrant employees. The DOJ alleged that Macy's unlawfully denied jobs to applicants with work authorization documents when encountering these documents during the I-9 employment eligibility verification process. According to the settlement agreement terms, Macy's must pay \$175,000 in civil fines and set aside substantial funds to compensate individuals that suffered financial damages due to employment termination or suspension.
- The DOJ Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC") has recently entered into settlement agreements with Huber Nurseries, IBM, and Infinity Group. During the course of its investigations, OSC had determined that Huber Nurseries engaged in preferred hiring of foreign workers in nonimmigrant H-2A temporary agricultural worker status over qualified U.S. workers. Similarly, OSC concluded that IBM had engaged in citizenship discrimination by favoring foreign workers with temporary work authorization (i.e. work authorized F-1 international students and H-1B specialty occupation workers) in their hiring process. During its investigation of Infinity Group's practices, OSC decided that Infinity discriminated against non-citizens by having them present specific documents during the employment verification process. OSC's settlement agreements with Huber Nurseries, IBM, and Infinity Group resulted in civil fines in the amounts ranging from a total of \$44,000 to \$53,800. OSC is likely to revisit these companies to monitor remedial measures' implementation. Contact your immigration counsel to discuss the distinctions between immigration compliance and discriminatory practices in the hiring policies and employment eligibility verification process.

DEPARTMENT OF STATE (DOS) NEWS:

The DOS Visa Bulletin for November 2013 indicates moderate advancement with regard to the priority dates for Employment-Based 3rd (EB-3) "Professionals/Skilled Workers" and "Other Workers" category for All Chargeability Areas and nationals of China and Mexico. This category advanced 3 months to October 1, 2010. The EB-3 "Other Workers" category for Chinese nationals made substantial progress. This preference jumped 6 years to October 1, 2010. Additionally, the severely retrogressed priority date for the EB-2 classification for Chinese nationals slowly advanced 23 days to October 8, 2008. Since there is considerable progress in this month's bulletin, it is important to discuss your or your employees' potential eligibility for an adjustment of status filing with your immigration counsel, to take advantage of the newly available immigrant visas.

© MUNSCH HARDT KOPF & HARR PC 2013, ALL RIGHTS RESERVED.

This newsletter is not intended to establish an attorney-client relationship. All information contained in this newsletter is general and does not constitute legal advice.

Related Practices

Immigration