

# Newsletter

## Immigration Monthly - March 2013

3/15/2013

### DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE

- H-1B Season is Here. A new H-1B filing season is starting on April 1, and it is time to consider your work visa needs for the government's fiscal year starting October 1, 2013. Since new H-1B visa numbers are limited annually to 65,000 for college degree level professionals and 20,000 for those with U.S. Master's or higher degrees, and more employers are expected to file more H-1B petitions for their existing or incoming employees this year, it is important to file early to ensure visa availability. Discuss your H-1B filing needs with your immigration counsel before the H-1B filing season is in full swing.
- On March 8, the U.S. Citizenship and Immigration Services (USCIS) published a new Form I-9, Employment Eligibility Verification form, to be used by employers to verify the identity and employment authorization of newly hired employees and those requiring re-verification. Importantly, an employer should not complete a new I-9 for a current employee if a properly completed I-9 is already on file. While the USCIS has allowed for the prior form version to be used through May 7, primarily to accommodate those employers who utilize electronic I-9 platforms, employers are encouraged to begin using the new form immediately. The new I-9 form has been expanded to two pages, and other key changes to the form include: new data fields for employee's foreign passport information, e-mail address, and telephone number; and more detailed form instructions. Now is a good time to review the company's I-9 program compliance and provide refresher training to your human resources professionals.

### DEPARTMENT OF STATE (DOS) UPDATE:

- In an effort to unify and improve the visa application process at U.S. Embassies and Consulates abroad, DOS has begun implementing the Global Support System (GSS) to streamline information sharing, appointment scheduling, fingerprinting, fees payment, and document delivery for visa applicants. Already in use in Trinidad & Tobago and the Bahamas, the system is scheduled for upcoming implementation at the U.S. visa-issuing posts in Guyana, China, and Jamaica in the upcoming week. As visa application procedures and timelines may vary from one Consulate to another, applicants should confirm any updates to local practices when planning a visa application.

### IMMIGRATION ENFORCEMENT NEWS:

The U.S. Department of Justice (DOJ)'s Office of Special Counsel has entered into a settlement agreement with one of the largest hospitality companies in the world. The DOJ alleged that the company discriminated against non-citizens in the employment eligibility verification processes, including E-Verify. Specifically, the government alleged that the company impermissibly held non-U.S. citizens to a different standard during the I-9 employment eligibility verification process by asking that specific documents be presented, beyond what is required and allowed under federal law. The company has agreed to pay \$250,000 in civil penalties, compensate employees who lost wages as a result of its practices, train its personnel on the immigration laws pertaining to discrimination, and be subject to compliance monitoring and reporting requirements for 3 years. The DOJ also reached settlement with Houston Community College (HCC), after an investigation into similar claims of immigration-related discrimination. Under the settlement agreement, HCC agrees to pay \$83,600 in civil penalties, centralize its employment eligibility verification process, create a \$20,000 back pay fund to reimburse additional individuals that were harmed in the similar scenario, train its human resources personnel on the immigration laws pertaining to discrimination, and be subject to compliance monitoring and reporting requirements for 2 years.

### Related Practices

Immigration

