

Newsletter

Immigration Monthly - December 2012

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DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

More of our clients are using or considering use of the DHS's E-Verify system as part of the I-9 Employment Eligibility Verification process. Among issues that come up most frequently is employees' names entry into the E-Verify database and the U.S. Citizenship and Immigration Services (USCIS) has provided guidance regarding same. Other than letters, E-Verify permits entry of spaces, single quotes, and hyphens only. The recommended practice for employers is to enter employees' names as they appear in Section 1 of Form I-9, without any special characters that E-Verify is likely to reject. Use of spelling variations or attempts to transliterate foreign language name spelling into English may result in E-Verify inability to verify the individual and require additional verification under the "name check review process." Discuss best E-Verify data entry practices with your immigration counsel to ensure consistent and straight forward database use.

U.S. CUSTOMS AND BORDER PROTECTION (CBP) UPDATE:

Good news from CBP: the recently implemented trusted traveler program aimed to allow frequent international travelers' fast and unhindered passage through U.S. and Canadian immigration lines when crossing the border, is quickly expanding. Frequent travelers who apply for a NEXUS card under the trusted traveler initiative are pre-screened before being subsequently issued a Trusted Traveler Card. To date, more than 100,000 cards have been issued, resulting in expedited border crossing for their owners.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

Starting the New Year right, with the best employment and immigration practices, may mean evaluating existing relationships with employment agencies and contractors to ensure that all of your business partners are in compliance with U.S. laws. ICE has recently indicted a California employment agency owner alleging false work visa petitions filing for foreign workers the agency claimed were recruited to work for U.S. healthcare organizations. Importantly, legitimate employers of foreign workers (including employment agencies) must have placements for sponsored workers before filing their work visa petitions, and may not "bench" sponsored employees or force them to procure their own employment opportunities.

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