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November 24, 2009

IMMIGRATION NEWSFLASH!

IMMIGRATION ENFORCEMENT UPDATE

The government continues to focus on identifying and penalizing businesses that employ individuals who are not authorized to work in the U.S. This *Newsflash!* highlights two recent initiatives: I-9 audits and surprise site visits to employers of H-1B and L workers.

ICE ANNOUNCES 1,000 NEW I-9 AUDITS

The Immigration and Customs Enforcement (ICE) recently announced that it will inspect the hiring records of 1,000 companies that are involved in areas of national security and public safety to determine whether they are complying with employment eligibility verification laws. ICE plans to review the I-9 employment eligibility verification forms of all employees at companies served with audit notices, which include military contractors and private companies involved in such infrastructure operations as gas and electric utilities, among others. Additional companies will be added to the list. Companies found to have employed unauthorized workers or failed to maintain proper documentation of their work eligibility may be subject to civil, and possibly even criminal, penalties.

The most recent major audit resulted in significant enforcement action and major penalties.

SURPRISE SITE VISITS TO H-1B & L EMPLOYERS CONTINUE

Government inspectors continue to conduct surprise visits to the offices and worksites of businesses sponsoring H-1B (specialty occupation) and L (intracompany transferee) workers to ensure that the information contained in their immigration applications is accurate. Several thousand companies already have been visited, with an additional 20,000 visits expected in the next few months. Reports from across the country suggest that most of the businesses that have been visited were randomly selected following the recent filing of a petition (both new ones and extensions) for an H-1B or L worker.

During a site visit, the investigating officer normally will ask to meet with the company's representative who signed the application papers. During the meeting, the government officer will ask detailed questions about the company's business activities, as well as the individual's job title, job

requirements, work location, salary and more. It is likely that the officer will request corroborating documentation. The officer will then ask the same questions of the foreign worker (to ensure accuracy and consistency). If the officer is satisfied, the visit normally ends and the investigation is closed. If the officer is concerned about discrepancies or inconsistencies in the responses or evidence provided, the government may continue (and possibly expand) the investigation, and can ultimately pursue civil or criminal penalties.

How can you lower the possibility of penalties following a site visit or I-9 audit?

In this era of enhanced workforce enforcement, every employer must be able to document the legality of its workforce and compliance with the law at all times. Proper and timely recordkeeping is essential, as are regular reviews of the company's immigration-related policies, procedures and documentation.

Any questions?

If you have any questions about site visits or I-9 audits, or would like our assistance in reviewing your compliance efforts, please contact one of the attorneys in our Immigration Practice Group. In addition to the following e-mail addresses, we can be reached at (212) 687-4900.

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