

**WKG&J****WORMSER KIELY GALEF & JACOBS LLP**

IMMIGRATION HIGHLIGHTS - MAY 2011



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New Resource for I-9 issues and questions

U.S. Citizenship and Immigration Services (USCIS) has a new website which provides information and guidance to help employers and employees complete the Form I-9 and better understand the I-9 process. The website is called [I-9 Central](#). In view of the current administration's focus on increased enforcement on employer compliance in the workplace, including visits to employers' premises and the imposition of fines for I-9 paperwork errors, we urge clients to make certain that their I-9s are being completed correctly using proper procedures. We also invite you to contact us to review your current employment-related practices from an immigration perspective, and to conduct an internal audit to confirm that your I-9s are in order.

Green Cards and Other Documents are being delivered by USPS Priority Mail

USCIS has announced that it is now using the U.S. Postal Service Priority Mail system for delivery of green cards, employment authorization cards and certain other documents. Documents will be delivered using the delivery confirmation service in order to confirm delivery and allow tracking of packages. If a document has not been received two weeks after the approval notice has been issued, the attorney or client may call USCIS' customer service line at 800-375-5238 to request the Priority Mail tracking number. When calling, it will be necessary to provide information from the Form I-797 approval notice. This is a very welcome development and will aid in avoiding problems encountered with the regular mail system.

Update on USCIS Use of Dun & Bradstreet (D&B) Data

On May 27, 2011, USCIS held an information sharing session with its customers concerning its Validation Instrument for Business Enterprise (VIBE) program. WKGJ attorneys Patricia Gannon and Marcela Bermudez recently wrote an article on the VIBE program (available upon request) and caution that the introduction of this system by USCIS effectively compels employers filing immigration-related petitions to first register and/or update their company information on D&B's website. By doing so, employers may be able to avoid delays and additional costs resulting from USCIS Requests for Additional Evidence concerning company-related information. We urge all clients to check your registration on D&B to make sure that it is accurate and current. We will keep you updated regarding any newsworthy developments affecting implementation of the VIBE program.

SSA Reinstates Practice of Sending Employers No-Match Letters

The Social Security Administration (SSA) has once again resumed its practice of sending “no-match” letters to employers when the social security number provided by a company’s employee in connection with I-9 processing does not coincide with the SSA’s records. The SSA had halted this practice in 2007, but has now begun to generate similar notices with an updated version of the “no-match” letter.

The SSA’s guidance to employers receiving a “no-match” letter is to check their records to determine if their information matches the information submitted to the SSA. If it does, the employer should ask the employee to check their records to ensure that they have provided the employer with accurate information. If the employer and the employee are unable to quickly resolve the issue, the employer should instruct the employee to contact a local SSA office and provide the employee with “a reasonable amount of time” to resolve the discrepancy. While there is no definition provided for what constitutes a “reasonable amount of time”, based on prior SSA guidelines and guidelines recently provided by the Office of Special Counsel (OSC) which handles employment-related discrimination claims, the employer should give the employee up to 120 days to resolve Social Security number discrepancies. For more detailed information regarding actions to be taken by an employer in receipt of a no-match letter, we suggest that you contact us. We also suggest that you review the [general "no-match" guidelines](#) and recommendations provided by the OSC on its website.

Spotlight On...

WKGJ's Litigation Practice Group

WKGJ’s Litigation Practice Group includes eight of the firm’s attorneys located in both its New York and White Plains offices. In its wide ranging practice, the Group represents clients from all of the firm’s other practice groups, as well as clients that retain the firm on a case-by-case basis.

Members of the Group are admitted to practice before the Supreme Court of the United States, five Federal Courts of Appeal, several Federal District Courts, and a number of State Courts, and have been admitted to practice on a case-by-case basis in a dozen other Federal District Courts throughout the United States.

Apart from litigating in the Courts, the Group has represented clients in international and domestic arbitrations, including arbitrations before the International Chamber of Commerce, the American Arbitration Association and the National Association of Securities Dealers.

The Group’s practice is very broad, and members of the Group often work directly with non-litigators in other practice groups whenever helpful to the client.

Group members have represented plaintiffs and defendants ranging from individuals and families to some of the largest banks and industrial corporations in the world. These clients are headquartered or resident in the United States and many foreign countries.

The Group has co-counseled with, or opposed, some of the largest law firms in the country, but because of the firm’s size and structure it can provide services at highly competitive rates.

About John T. Morin, Chair of WKGJ's Litigation Practice Group

The Group's Chair, John T. Morin, has practiced with the firm for more than twenty years, following a number of years of practice with other New York City firms. He is a graduate of Princeton University and the University of Virginia Law School, where he was a member of the National Moot Court Team and served on the Moot Court Board.

You can contact Mr. Morin by e-mail at jmorin@wkgj.com or by phone at 212-687-4900 (ext. 635).

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WKGJ's Immigration Practice Group

In addition to the email addresses below, we can be reached at (212) 687-4900.

Donald J. Wolfson:	djw@wkgj.com
Annie J. Wang:	awang@wkgj.com
Stephanie Marks:	smarks@wkgj.com
Patricia Gannon:	pgannon@wkgj.com
John Quinn:	jquinn@wkgj.com
Appen Menon:	amenon@wkgj.com
Andrew R. Lerner:	alerner@wkgj.com
Gayle Oshrin:	goshrin@wkgj.com
Joseph Yoo:	yooj@wkgj.com
Nina Manchanda:	nmanchanda@wkgj.com
Marcela Bermudez:	mbermudez@wkgj.com
Michael Mandel:	mmandel@wkgj.com
Najia Sheikh Khalid:	nsheikh@wkgj.com

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