



Immigration Update

In the July 2011 Issue

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Highlights from the 2011 AILA Conference

As in years past, this past June, I presented and attended the American Immigration Lawyers Association Annual Conference. I was the discussion leader on a panel that covered the topic of



"Adjustment of Status" (AOS) (how to become a "green card" holder). Obtaining a "green card" is one of the main goals of many foreign nationals in the U.S. but the process is getting more difficult and can lead to significant stress and anxiety.

Our panel discussed when and how to file, priority dates and cross chargeability issues, requests for evidence and 245i availability, among others. I also had the opportunity to attend many other panels and group discussions and will provide a summary of some additional key Hot Immigration Issues in the next newsletter....Please look out for it!

Four More States Requiring Mandatory E-Verify Status after U.S. Supreme Court Decision

North Carolina, South Carolina, Alabama and

Louisiana have joined the growing group of states mandating the use of the electronic federal program for employment verification.



However, each state is implementing different employment verification requirements and this lack of uniformity continues to create significant problems for employers that have to comply with different state-by-state E-Verify and verification mandates.

This recent proliferation of E-Verify legislation came after the 5-3 U.S. Supreme Court long awaited decision on Arizona's E-Verify statute. The Court held that Arizona could require that beneficiaries of Arizona's business license use E-Verify. This decision will continue to pave the way for other states to enact laws to control immigration, unless there is action by Congress.

I believe Congress will be able to agree on a national employment verification standard by sometime next year. This past June, two bills were introduced in Congress that would require employers to use E-Verify. The bills would have eliminated the use of the current I-9 Form and increased employer penalties for violations of immigration laws. For more information on E-Verify, [click here](#)

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Applying for a U.S. Visa Abroad? A New Form Awaits You!

The DOS has introduced a new version of Form, DS-160, the electronic visa application currently used by foreign nationals



applying for a nonimmigrant visa. The makeover includes changes to the sections relating to the applicant's signature, travel information, and "purposes" of trip. Additionally, the form contains more inadmissibility related

questions, and emphasizes that the applicant (and no one else) must electronically sign and submit the DS-160 form. For more information about the form's changes and how they may affect you, [click here](#)

ICE Embarks on a New Round of Company Audits

The Immigration and Customs Enforcement (ICE) has issued 1,000 immigration audit notices to companies in 50 states. This is the second round of ICE audits this year. The audit notices typically request I-9 documentation, payroll records, immigration filing documents, Social Security No-Match letters and other related documents. ICE has reiterated that it is focusing on employers' compliance rather than employees to further decrease the number of illegal immigrant workers in the U.S. The current audit is targeted to companies that play a significant role in our national infrastructure such as transportation, utilities and agriculture. The scope of the audited companies could increase in the future. Employers typically have three days to produce the documents requested during an I-9 audit and should prepare in advance. Information on Employment Eligibility Verification (I-9) can be found at the USCIS website [here](#)



The August Visa Bulletin Shows Movement of Priority Dates

The July 2011 Visa Bulletin brought good news for foreign nationals from India, China, Mexico and Philippines as there was significant forward movement on their priority dates. The priority dates moved by about five (5) months in some instances. The August Visa Bulletin brings additional, but smaller, movement. For example, China and India second preference moved 5 weeks to April 15, 2007. We are getting ready to file several "green card" applications for foreign nationals that can benefit from these moves. To check whether your priority date is or will be current, read the [August Visa Bulletin](#)

USCIS Educates Public on Immigration Scams

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USCIS Educates Public on Immigration Scams

USCIS has introduced a proactive initiative to help educate individuals on how to avoid scams in the immigration law community. All too often, those in need of advice and legal assistance seek the help of so called "experts" who are not licensed to practice law , and individuals suffer heavy consequences. From deportation, to unnecessary fees and processing delays, the pitfalls of these scams are devastating. USCIS has provided online resources to help recognize these scams and how to report them. Read the entire article [here](#)



Extension and Re-designation of Haiti for Temporary Protected Status

Haitians who have Temporary Protected Status (TPS) have until August 22, 2011 to re-register to maintain their status. TPS beneficiaries are encouraged to file for re-registration as soon as possible. All of those registering for the first time or re-registering for TPS must file Form I-821 and Form I-765, with the required fees or a fee waiver request. Failure to submit the required application and biometric fees or a properly documented fee waiver request will result in the rejection of the TPS application package. For additional information, please [click here](#)

Tips for Better Health and Life

I recently wrote an article on tips to improve health and life by making a few changes in your lifestyle. As an immigration and litigation attorney, active community member and a tri-athlete, I have a very active schedule. I want to share with you some of the tips I have learned to optimize my productivity, health and fitness in hopes they can be useful to you. Standing and smiling more, simplifying your meals and taking a 'power nap' are some of the lessons. Here's to your Success and Health! To read the entire article, [click here](#)

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Marks Gray, P.A. is dedicated to customer service. We monitor proposed and current developments in the law. The contents of this newsletter are not intended as legal advice related to individual situations. If you have any questions about your particular situation, please contact a lawyer.

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