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## Immigration Update

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### Immigration Enforcement Stepping Up



The Jacksonville Business Journal published an article regarding the increasing number of ICE I-9 audits on employers and the heightened emphasis placed on E-Verify usage. I am interviewed in the article, speaking on my experience as an Immigration Attorney. *"With E-verify in Florida and all the national attention on*

*immigration issues in Arizona and across the country, more employers could be receiving fines from U.S. Immigration and Customs Enforcement [ICE] than ever before".* [Click Here](#) to read a preview of the article.

### Family-based Immigration Slows

Family-based immigration just got slower. The U.S. Department of State announced that many of the cut-off dates for family-based visas retrogressed January 1st, 2011. For example, the wait for spouses and children of permanent residents to receive a visa has increased from 4 months to 3 years. For more information, [Click Here](#) to read the January 2011 Visa Bulletin.



### E-Verify Mandatory in Florida



Governor Rick Scott wasted no time in making his view on E-Verify clear, as he signed an executive order requiring all state agencies and contractors to submit employees' identification information to E-Verify. The Governor also encouraged all other employers to use the system. According to the U.S. Department of

Immigration's [Satisfaction Survey](#), E-Verify system has improved but many areas of concern remain such as identity theft and erroneous non-confirmations. View Governor Rick Scott's Executive Order by [Clicking Here](#).

### I.C.E. Penalties for I-9 Violations

Penalties may be imposed for violations of the Immigration Act. If any deficiency or illegality is found, ICE can issue a Notice of

Intent to Fine to the employer. Form I-9 paperwork violations are common and can subject the employer to fines between \$100 and \$1100 per infraction. More serious violations (i.e. hiring unauthorized aliens) are subject to steeper fines and even criminal prosecution. Arrest and imprisonment are possible for those who are found to have engaged in regular pattern or practice of willful violations.

### 5 Mitigating Factors to Lessen Penalties

If you find yourself with penalties for I-9 paperwork violations, there are 5 mitigating factors that may be considered to mitigate the penalties:

1. Size of the Employer
2. Employer's Good Faith
3. Good Compliance History
4. Seriousness of the Violation
5. Whether the employee on the I-9 is authorized to work.

To prevent paperwork violations, detailed instructions for completing I-9's can be found in the USCIS Handbook for Employers: [Click Here](#).

### Arizona-Style Immigration Bill Influencing Other States



An Arizona-style immigration bill has passed through the Mississippi State Senate and is set for review by the House. The bill will allow law enforcement officers to request documentation from individuals suspected of being in the country illegally. Unlike the Arizona bill, these requests can be made only during a lawful stop for another offense.

The bill is being criticized for potential racial profiling and source of funding. Read the news story [Here](#).

### USCIS Reaches H-1B Cap



**U.S. Citizenship  
and Immigration  
Services**

USCIS announced that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year 2011. January 26, 2011, was the final receipt date for new H-1B specialty occupation petitions requesting an employment start date in fiscal year 2011. For full details on this announcement [Click Here](#).

### Tax Deadline Extended!



For those of us who love to procrastinate, especially when filing our taxes, there's good news! You can push that deadline back three days this year. The IRS announced that the deadline for returns will be April 18th. The original date of Friday, April 15th falls on Emancipation Day, a holiday in the District of Columbia, so the deadline was moved to the following business day of April 18th.

To view complete details from the IRS [Click Here](#).  
Happy filing and may you have a happy and prosperous 2011!

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