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Immigration Update

In the March 2010 issue

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Intending to visit Mexico for business or work? Read on.



As of May 1, 2010, Mexico will institute new processing requirements for each immigration category.

Some of the most relevant changes include:

- All migratory forms for tourists, business visitors and technical visitors with lucrative activities, who intend to stay in Mexico for up to 180 days, will be replaced by a single "FMM" form ("Forma Migratoria Multiple")
- The recipient of the FMM will be classified as either Business (Visitante Persona de Negocios); Visitor with Lucrative Activities (Visitante con Actividades Lucrativas) or Visitor with Non Lucrative Activities (Visitante con Actividades No Lucrativas) which will allow the foreign national to visit Mexico for businesses.
- If the business visit extends for more than 180 days, the foreign national will have to file for a change of Immigration status to obtain the correspondent FM3.
- New migration cards will replace the FM2 and FM3 booklets.

Audit notices served to 180 businesses

Businesses in five states (Louisiana, Mississippi, Alabama, Arkansas and Tennessee) have been issued Notices of Inspection (NOIs) by U.S. Immigration and Customs Enforcement (ICE). These notices preface an inspection by ICE to determine if each business is complying with regulations and rules governing employment verification. Part of this inspection deals with inspecting the I-9 forms that each business is required to keep on each employee in its workforce.

These NOIs demonstrate the government's emphasis on investigating employers and their practices in hiring a legal workforce, while discontinuing the massive worksite raids that took place during the last few years.

[Click here to read more about these notices.](#)

Identity fraud detection may be difficult with E-Verify



USCIS released an overview of an independent party's analysis of the E-Verify system. Key findings in the survey and study, conducted by a third party (Westat), are listed below. One of the major key findings was that

identity fraud detection may be difficult with E-Verify when sifting through the unauthorized worker list.

Key findings:

- Overall, 96% of initial E-Verify responses aligned with the work authorization status of the person
- Of all E-Verify queries, 6.2% are related to unauthorized workers. Approximately half of the 6.2% of unauthorized workers result with incorrect categorization as "work authorized."

USCIS states that many individuals included in the 50% wrongly classified as "work authorized" under the unauthorized worker group are due to identity fraud. As a result, E-Verify is working to better detect identity fraud by:

- Increasing the number of photographs in the system
- Implementing state partnership initiatives to share information and data
- Developing and introducing methods for both locating and preventing identity fraud in E-Verify system use.

[Click here to read more about the Westat findings.](#)

DOS announces increased fees

A new fee structure has been announced by the Department of State for cases that are processed at U.S. embassies and consulates. The current fee is a flat rate of \$355 per person plus a machine readable visa fee of \$45 (for a total of \$400) for employment or family-based Immigrant Visas. In the new four-tiered system, family-based visas would be relatively unchanged at \$330 plus \$45, but employment-based visa processing would jump to \$720 plus \$45. Self-petitioned and humanitarian cases would have various other rates.

According to the Notice by the DOS, non-immigrant visa application fees would stay the same at \$131 USD. There appears to be no fee increase for non-immigrant visa applications at this time.

[Click here to read the DOS Notice.](#)

H-1B updates

Ports of Entry and H-1B

If you are an H-1B holder (or holder of another employment-based visa) or if you employ H-1B employees ensure that you, or your employee, keep evidence of current immigration status and employment verification documents on hand when traveling outside the United States. These documents include employment letter confirmation, pay stubs and approval notice. Ports of entry into the U.S. are closely reviewing documentation for those individuals with employment-based visas.

Filing date for new H-1B nears

The FY2011 H-1B program petition submission window opens April 1, 2010. These petitions are capped at 85,000 with 20,000 of those reserved for advanced degree applicants. Keep in mind that the cap only applies to new H-1B petitions, and we recommend that you start preparing any petitions now.

[Click here for more information about the H-1B program for FY2011.](#)

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