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In Our
Second Century
of Service

IMMIGRATION ALERT

by [Giselle Carson](#), a Marks Gray attorney who practices primarily in the areas of immigration and naturalization and civil litigation.

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19 undocumented workers arrested while working on Jacksonville courthouse

JUST IN! The recent arrest of 19 undocumented workers who were helping to build the new Jacksonville courthouse has resulted in the contractor (Turner Construction) and subcontractors having to reverify more than 300 employees working on the site. In addition to the arrests, federal officials have found approximately 100 false documents related to the incidents. United Forming, the concrete subcontractor, employed about 15 of the 19 people arrested.

This local example demonstrates the U.S. Immigration and Customs Enforcement's (USCIS) commitment to eradicating undocumented workers from the workforce - especially when it comes to government contracts. Investigations of the contractor and subcontractors for this project are ongoing and penalties are likely to follow including possible loss of contract.

Following are some simple steps that we encourage employers to take to maintain a legal workforce, minimize liability and mitigate potential damages:

- Yearly audits of employee documents
- Regular I-9 training
- Re-verification tickler system
- Purge I-9s
- Prepare for a subpoena, warrant and raid
- Hire immigration counsel
- Remain informed!

Poultry-processor pays \$450,000 fine resulting from the hire of undocumented workers



As part of a settlement agreement stemming from 136 arrests of undocumented workers in 2007, George's Processing, Inc. (based in Missouri) paid a \$450,000 administrative fine in September, 2009. The arrests were made after U.S. Immigration and Customs Enforcement

Links of Interest

[Giselle Carson](#)

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Happy Holidays!



The Holiday Season is fast approaching and the Marks Gray attorneys, staff and I would like to wish you and yours a **safe and happy holiday season.**

Please note that there will not be a December edition of the Immigration e-Newsletter - see you all in January!

Happy Holidays!

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(ICE) conducted a worksite enforcement investigation of the company.

The funds collected from this and other similar operations are being used to fund ongoing worksite enforcement activities.

[Click here to read more about this ICE investigation.](#)

Federal contractors: E-Verify supplement available

As a result of the recent governmental push to require most federal contractors to utilize the E-Verify system to verify their workforce, the U.S. Citizenship and Immigration Services (USCIS) has released the E-Verify Supplemental Guide for Federal Contractors. This guide explains and discusses some issues that had remained unanswered since the federal contractor rule was first published.



Particularly, this guide covers:

- How to determine whether your company is affected by this rule
- How to verify existing and new employees
- What are the prime contractor's obligations as they relate to subcontractors' compliance
- What subcontractors need to know
- Exemption information and
- Much more...

[Click here to download the E-Verify Supplemental Guide for Federal Contractors.](#)

ADDITIONAL E-VERIFY NOTE: The U.S. House of Representatives recently passed a FY 2010 bill that includes funding for E-Verify through September 2012.

Invest \$500,000, obtain an immigrant visa

There are 10,000 investor immigrant visas (EB-5) available to individuals who qualify based on "engagement in a new commercial enterprise" and are looking to gain permanent residence status.

The program provides an opportunity to obtain an immigrant visa for foreigners who invest at least \$500,000 in distressed areas, in a new commercial enterprise and create at least 10 full-time jobs for American workers. Last year, EB-5 immigrants invested more than \$400 million in U.S. ventures and the program has provided a significant infusion of capital to struggling areas.

Prior to the program that currently allows for a \$500,000 investment a \$1 million investment was typically required to be eligible for the EB-5 investor visa. The lower investment threshold and the creation of regional centers have fueled the interest for the EB-5 visa as a vehicle to obtain a "green card".

Regional Centers are private or public entities that have received government approval to participate in the program. They enable the pooling of capital for targeted investment in designated regions in the United States and have more flexible investment and job creation requirements.

There are specific eligibility requirements that include the type of business created, number of jobs created by the new venture, amount invested, benefit to the U.S. economy, and others.

If you, or someone you know, have specific questions about the EB-5, please contact us for details.

[Click here for an overview of the EB-5 visa.](#)

H-1B audits continue - make your company plan today



A continued reminder that the Department of Homeland Security (DHS) is ramping up its company audits through unannounced visits by USCIS' Fraud Detection and National Security Division (FDNS). DHS hopes to use these unannounced visits to question employers and foreign-born workers and find labor law and immigration violations.

Companies should thoroughly prepare for these surprise investigations by:

- Training receptionists and employees on how to handle visits from investigators
- Having a plan in place to contact outside counsel if a government agency shows up at their business.

The average visit is lasting 20-30 minutes. Investigators are asking to speak to the foreign national and the employee representative who signed the I-129 (H-1B petition) form; to see proof the company is paying the required wages; and to tour the employer's place of business.

If you have any questions about preparing your business for a potential audit, please contact me at gcarson@marksgray.com

[Click here to more about worksite enforcement.](#)

Wills, trusts and estate planning: prepare for 2010

More than ever, planning for the future is important. Our wills, trusts and estate planning group can help you move into 2010 and prepare for the future of your estate.

Below are some suggestions based on the current economic situation and expected changes:

- It is anticipated that the existing \$3.5 million exemption will be extended into 2010, and then re-evaluated.
- Everyone should look at existing estate plans in light of reduction in asset values and family needs and possibly higher taxes.
- Consider family gifting in light of reduction in asset values and potential elimination of minority income discounts.
- Start evaluating Roth IRA conversion in light of elimination of income restrictions for 2010..
- Take advantage of low interest rates on estate and charitable planning techniques - grantor retained trusts, intentionally defective grantor trusts & charitable lead trusts.

Please let us assist you or your business in preparation for 2010 and beyond.

[Click here to learn more about these services at Marks Gray.](#)

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If you need assistance with any immigration-related issues, please contact Giselle Carson or Thyra Reveron at (904) 398-0900.

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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