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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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Washington family-owned business guilty of federal immigration violations



Two members, a brother and sister, of a family-owned business in Bellingham, Washington have plead guilty to "aiding and abetting the use of false statements on immigration employment forms," according to a news release on the U.S. Immigration and Customs Enforcement website. These immigration violations are considered felonies.

Both family members, who are also corporate directors at the company Yamato Engine Specialists, said they were aware that employees had used false Social Security numbers and names on I-9 forms. The ICE investigation found that 28 illegal aliens were working at Yamato.

In addition to the individual guilty pleadings, the Yamato company will most likely pay a significant fine in the future for its involvement in the case.

[Click here to read more about the Yamato case.](#)

H-1B update and effect of termination

Much to the surprise of many, there are still H-1B visas available for the 2010 fiscal year. The 65,000 person cap, which has historically been met within days of the initial opening date, has not yet been reached. This specific category is used by individuals in professions that are considered "specialty (professional) occupations" including architects, engineers, accountants and doctors.

As of the end of August, 45,100 cap-subject petitions had been filed. Please consult with an immigration specialist if you are interested in filing an H-1B for consideration in the 2010 fiscal year.

This situation is a reflection of the economic downturn which has led to the termination of some H-1B employees. There are special requirements when an employer terminates an H-1B employee which include notification of the

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Just in!



Giselle Carson received the Jacksonville Business Journal's Women of Influence Award at a breakfast celebration in August.

Giselle also spoke at the Riverside Rotary Club on September 9th about immigration procedures and changes that affect area businesses.

If you would like Giselle to speak to your group about immigration, please contact her at

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termination to USCIS and offer to pay the employee's reasonable cost of return transportation to his or her last country of residence. The employee is considered out of status when the employment terminates.

[Click here to read more about the H-1B update.](#)

E-Verify officially required for federal contracts



As of the 8th of September, E-Verify is now required for many contractors and subcontractors wishing to bid for federal contracts. All federal contractors should carefully read their contracts for the Federal Acquisition Regulation (FAR) E-Verify clause.

E-Verify is an electronic system used to verify the work eligibility of employees using a government database. If a contract has the FAR E-Verify clause, the employer has 30 days from the contract award date to enroll in E-Verify.

One of the most controversial portions of this new rule is the requirement that employers verify existing employees "assigned to perform work under the contract" as well as new employees.

[Click here to read more about the E-Verify mandate for federal contracts.](#)

DHS may rescind No-Match rule

The Department of Homeland Security (DHS) has proposed a rule that would rescind the proposed safe harbor procedures for employers that receive No-Match letters from the Social Security Administration (SSA) or suspect document letters from the U.S. Immigration and Customs Enforcement (ICE).

The proposed safe harbor rule was enjoined by a lawsuit filed in 2007 and never implemented. The rule provided procedures for employers to follow up on receipt of a No-Match letter to avoid potential liability for constructive knowledge of a worker's undocumented status.

DHS has indicated that their resources would be better utilized improving E-Verify and other DHS programs to reduce illegal employment than pursuing and enforcing the No-Match. DHS will accept comments on the proposed rule through September 18.

[Click here to read the rule proposed by DHS.](#)

I-9 form extended to August 2012

USCIS has extended approval for the I-9 form to August 31, 2012. I-9 forms with either August 7, 2009 or February 2, 2009 dates are acceptable to use.

A completed I-9 form must be filled out and filed for each employee hired by an employer. It is recommended that I-9 audits be conducted on a yearly basis to ensure that all forms are completed properly for all employees. Please contact Giselle Carson if you have any questions about company audits.

[Click here to read more about the I-9 extension.](#)

[Click here to download the current I-9 form.](#)

Two foremen charged with providing fraudulent documents

Two foremen that worked for Ketchikan Drywall Services, Inc., a large drywall company in Washington state, were charged with recruiting

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illegal workers and providing them with false documents for hire. Additionally, the two men accused were also housing the illegal workers and charging them rent.

The investigation was conducted by Immigration and Customs Enforcement (ICE). Each individual charged could receive up to 10 years in prison and/or a \$250,000 fine.

[Click here to read more about the Ketchikan Drywall case.](#)

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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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