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Immigration Update

In the September 2010 issue

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ICE I-9 Inspections on the Rise



On September 16, ICE released a notice of the agency's intent to issue more than 500 Notices of Inspections (NOI) to companies throughout the United States in the following week. According to ICE, the up tick in inspections is due to a growing number of leads on employers allegedly engaging in illegal hiring practices and exploiting workers through unfair wages and other means.

During current audits and inspections, ICE is not only asking for I-9 forms but also a variety of other related documents and/or information including....[Read More](#).

Unauthorized Immigration Down Sharply

The Pew Center for Hispanic Research reported in September that the annual inflow of unauthorized immigrants to the U.S. was down significantly from March 2007 to March 2009 when compared to the same period from 2000 to 2005....[Read More](#).

New Rules for I-9 Verifications Involving Puerto Rico Birth Certificates

In July, the Vital Statistics Office of the Commonwealth of Puerto Rico began issuing new, more secure certified copies of birth certificates to U.S. citizens born in the territory....[Read More](#).

E-Verify Updates

A recent meeting between immigration lawyers and representatives of the USCIS Verification Division provided some important updates on the E-Verify system.



The Office of Special Counsel and E-Verify have signed an MOU to formalize information sharing between the two agencies. As a result, the OSC has increased its role in the enforcement of E-



Verify policies, specifically regarding discrimination and employer use of the online employment verification system....[Read More](#).

Outlook for Federal Immigration Reform

With the November elections approaching, the likelihood for comprehensive federal immigration reform is unfortunately minimal to non-existent.

For the remainder of the year, and possibly for sometime after, we anticipate immigration reform taking a back seat to other hot button issues. In the meantime, States continue to introduce their own immigration legislations and the need for a national reform remains high....[Read More](#).

New Fees Announced for Some H1-B and L Visas

Petitioning employers who employ 50 or more workers in the United States with more than half of those employees being H1-B or L visa holders are now having to pay higher filing fees of \$2,000 for H1-B petitions and \$2,500 for L visa petitions....[Read More](#).

Tips to Effective Estate Planning by John R. Crawford, Esq.

Here is an interesting article from my colleague, John R. Crawford, Esq.



There are two sides to effective estate planning. The one that is thought of the most, the passing of wealth to future generations, should be secondary to the other: preservation of wealth while you are living, known as asset protection.

Many business owners and professionals have blindly utilized the limited liability company ("LLC") as the bulwark of their asset preservation strategy, believing that a creditor cannot take property titled in the name of an LLC to satisfy the debt of a partner or member (and assuming that the creditor's only remedy is the much more restrictive "charging order"). A recent Florida Supreme Court decision made it clear that charging order protection is not available to the owner of a single-member LLC. Moreover, the Court implied that even a multiple-member LLC will be scrutinized to determine whether it qualifies for charging order protection. This holding came as no surprise to those of us who extensively counsel clients in asset protection, but it will come as a shock to many others.

Everyone interested in preserving their assets must now reevaluate their strategies. Owners of LLCs should make sure their operating agreements include professionally drafted asset protection provisions, designed to insulate management and control over distributions from possible creditors of members.

Single member LLCs should consider adding members. Consideration should be given to converting some LLCs to limited partnership arrangements or, where possible, moving the LLCs to a jurisdiction with more favorable LLC statutes. LLC asset protection is still possible, but caution must be exercised and professional advice secured.

Free Estate Planning Seminar October 26th, 2010

The end of 2010 will mean the sunset of tax breaks which we have enjoyed since 2001. Among other changes, estate and gift taxes will be reinstated at levels not seen for a decade. Other Federal and State law changes are making it more difficult to protect your savings against the IRS and claims of creditors. What will this mean for your estate and the management of your assets? Are you protected?

Be proactive! Even if you already have an estate plan, please join us on October 26, 2010 at 8 am or 12 pm for an informative free workshop to learn about important changes you may want to make to ensure that your hard-earned assets remain in your family. Complimentary breakfast or lunch will be provided.

If you would like more information on the seminar, please contact Amanda Holt at aph@marksgray.com.

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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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