



January 2012 Immigration Update

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An Exciting Year to Come...

2012 is going to be a busy and exciting year. The Republican primaries are well on their way as the Presidential election looms at the end of the year. The economy and immigration reform are on the forefront of the hot topics during this election year. We will be covering all of the pertinent topics in Immigration policies throughout the year to keep you informed of the issues that affect you most. *Let's all have a Happy, Healthy and Successful New Year!*

U.S. Supreme Court to Hear the Arizona Immigration Case



The Highest Court will hear arguments in the case of Arizona v. U.S. in April. The case will decide, among others, whether a law enforcement officer can check the immigration status of people stopped or arrested if the officer should "suspect" that the person stopped is in the U.S. illegally. A decision is likely to come in late June. To read more, [click here](#)

Don't Forget to Dot Your I(-9)'s

Alyn Industries, Inc., a California electronics company with 60 employees, was fined \$43,000. Violations included failure to complete and sign I-9s and failure of employees to check the box indicating their immigration status. Mitigating factors included: no prior violations and good faith efforts. Every current and former employee's I-9 can potentially be audited. Make sure you cross your t's and dot your i(-9)'s to ensure that your company does not find itself in a costly I-9 audit situation. For more information, [click here](#).

The Cap Has Been Met for H-1B Visa's

USCIS announced that the FY 2012 cap of 65,000 H-1B petitions has been reached. USCIS will no longer accept H-1B petitions for new employment until April 2012. However, USCIS is still accepting petitions exempt from



the cap such as H-1B extensions, change of employment for current H-1B holders, concurrent H-1B employment, and petitions filed by institutions of higher education and affiliated entities. Read the press release [here](#).

DOS Releases February 2012 Visa Bulletin

The U.S. Department of State has released its February 2012 Visa Bulletin. The Bulletin continues to show significant movement in the EB-2 category particularly for China and India where numbers have advanced one year to January 2010, and have advanced by almost two years in recent months. The DOS noted in the Bulletin that this rapid forward movement of cut-off dates has been necessary to stimulate demand for EB-2 visa numbers; however, this rapid movement will likely slow down in the near future. For more information on this issue, please click [here](#).



Federal Judge Blocks Portions of South Carolina Immigration Law just before the New Year



Judge Richard Gergel found that certain sections of the new South Carolina immigration law were unconstitutional. Included in the sections blocked were provisions which make it a crime to harbor or transport illegal immigrants, and allow law enforcement to check the immigration status of any person that they believe might be in the country illegally. Passed by the South Carolina state legislature in June, 2011, the law would have taken effect on New Years' Day. Similar laws have been struck down in Arizona, Alabama, Indiana and Utah. Click [here](#) for full article.

New Immigration Laws Taking Effect in 2012

Several new immigration laws took effect the first week of January, including in states such as Alabama, California, Georgia, Louisiana, Tennessee and South Carolina. Most of these laws



require the use of E-Verify, while other, more controversial and potentially unconstitutional provisions, have been blocked by federal courts for further review. Not all of these laws are punitive however. California's law allows students who have entered the country illegally to receive private financial aid at public colleges. To read more on these states' laws, click [here](#).

Immigration Success Story: L-1A Visa



Immigration Success Story

In an election year taking place during a recession, a hot topic is job creation. Click [here](#) to read about

how we assisted a foreign national to open a new business in Florida that is creating new jobs.

USICS Plans to Reduce Family Separation Time



USCIS issued a proposed plan to reduce the time U.S. citizens are separated from their immediate family members when they have to leave the U.S. to process a waiver of inadmissibility abroad to apply for legal permanent residency. Currently, immediate relatives of U.S. citizens who have accrued

unlawful presence in the U.S. and need to apply for a waiver of inadmissibility must wait outside of the U.S. for months and sometimes years during the waiver process. The proposed plan would allow family members to apply for a provisional waiver and determination while in the U.S. Those eligible for this streamlined process will still need to meet all legal requirements for admission to the U.S. and make a showing of extreme hardship as a result of the separation. For additional information, please click [here](#).

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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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