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November 2011 Immigration Update

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Another Wave of I-9 Audits Expected



Secretary Napolitano recently testified before the US House of Representatives Committee on the Judiciary about worksite enforcement, E-Verify and many other issues. She indicated that ICE has audited more than 6,000 employers, debarred 441 companies and individuals, and imposed more than \$76 million in financial sanctions since FY 2009. In FY 2011, ICE criminally arrested 221 employers accused of violations related to employment.

The ICE unit in Crystal City, VA is targeting larger employers, particularly those with 1,000 or more I-9s. We are expecting another wave of I-9 audits. ICE has indicated that it will prioritize "recognized" employers suspected of employing unauthorized workers.

It is important that employers perform I-9 audits, procedure and practices, and engage in regular training to minimize liability. To read Sec. Napolitano's testimony, [click here](#).

Raising Arizona Law in Florida?

In this month's issue of the Florida Bar Journal is the first of a two part article I wrote regarding the potential of an Arizona style immigration law coming to Florida. With Arizona, Alabama and now South Carolina passing these controversial laws, the possibility of the same legislation in our state is closer than ever. To read Part I of my article, "Raising Arizona Law in Florida?" [click here](#).



December 2011 Visa Bulletin and DOS' Predictions

In a recent meeting with the American Immigration Lawyers' Association (AILA), Charles Oppenheim, Chief, Immigrant Visa Control and Reporting Division at the DOS advised that he expects continued positive movement in the employment-based, second preference (EB2) category for India and China in the upcoming months. All other countries of chargeability are expected to remain "current" in EB2 throughout fiscal year 2012 (FY12). This advancement will slow down, and maybe retrogress, based on visa demand.

In the third preference category (EB3), Mexico and the Philippines are expected to advance by about one month at a time. China's cutoff date is expected to advance by about one-to-three weeks each month. Oppenheim did not give predictions for the heavily backlogged India category but it appears that it might move by one to two weeks per month.

The movement of visa bulletin is very complex. I will continue to keep you updated as predictions become available. The bulletin is available [here](#).

An Immigration Success Story: K Visa Brings Family Together in US

A number of us have either been a part of, or know someone who has been a party to a long distance relationship. We cross state lines on weekends to see them, have phone conversations that last for hours each night, and we look forward to the day when we and our significant other are sharing the same home, or at the very least, the same area code.

For Jeff, a U.S. citizen, and Maribel, a Peruvian citizen, the proverbial long distance relationship took on a whole new meaning. It was an international love story. Read the rest of the story [here](#)

USCIS Launches Enhanced Immigration Documents



On October 30, USCIS started to issue enhanced Employment Authorization Documents (EADs) and Certificates of Citizenship that come with features that will improve document security and prevent fraud and tampering. While the documents will look and feel

different, the process for applying for and receiving them has not changed. Read the press release [here](#).

Florida Minimum Wage to Increase in the New Year

The Florida minimum wage will be \$7.67 per hour, effective January 1, 2012. This increase might prompt employers to wonder whether their employees paid on an hourly basis could be legally classified as salaried employees who are not entitled to overtime compensation. Employees who are not properly classified as hourly or salaried under the federal Fair Labor Standards Act can be entitled to compensation for unpaid overtime wages, plus "liquidated damages" which are usually an amount equal to the unpaid overtime, plus their attorneys' fees.



There has been a sharp increase in federal wage-and-hour lawsuits in recent years. Rather than spend money on defending such lawsuits, we recommend conducting an audit of the job descriptions and duties for your hourly and non-hourly employees to ensure compliance with the federal Fair Labor Standards Act and the Florida wage and hour law. Marks Gray's employment law group can assist. Click [here](#) to view the new wage poster.

Jax Chamber 2011 Leadership Trip - Houston



Earlier this month, leaders of our community and the Jax Chamber went to Houston, Texas for our 2011 Leadership Trip. The incoming Jax Chamber Chair, Tom Van Berkel, chose Houston because of the many similarities it has with Jacksonville. We met with

Houston's dignitaries and learned how Houstonians worked together to create and fulfill a successful vision for their city. The lessons we learned will help to continue to move Jacksonville to a prosperous future. Click [here](#) to view a two minute video with recap of the trip and beautiful pictures of Houston. Enjoy!

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!



And may you have many blessings for

which to give thanks this upcoming Thanksgiving day!

Please note that there will not be a December edition of the Immigration E-Newsletter - see you all in 2012!

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

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