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## Immigration News Update

December 8, 2009

Welcome to Immigration News Update. Published by Bashyam Spiro LLP - Immigration Law Group, Immigration News Update is written to inform the public, employers, employees, and foreign nationals about the latest developments in U.S. immigration laws, procedures, and news.

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Bashyam Spiro LLP handles U.S. immigration cases in all 50 states and around the world. We are located at The Summit Building, 4101 Lake Boone Trail, Suite 200, Raleigh, North Carolina 27607. Telephone: 919-833-0840. Web Site: [www.bashyamspiro.com](http://www.bashyamspiro.com).

### **Auction to Benefit the Tammy Lynn Center for Developmental Disabilities**

Are any of our readers Carolina Hurricanes fans? Do you want to own a pair of Eric Staal's signed hockey skates?

In conjunction with the Canadian Expat Network ([www.canadianexpatnetwork.com](http://www.canadianexpatnetwork.com)), our law firm is auctioning off a pair of game-worn/signed hockey skates by Eric Staal, a star forward with the 2006 Stanley Cup winning Carolina Hurricanes. These skates are from the Carolina Hurricanes organization and are authentic.

[Immigration Links](#)

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The purpose of the auction is to benefit the Tammy Lynn Center for Developmental Disabilities ([www.tammylynncenter.org](http://www.tammylynncenter.org)). Our entire law firm spent a morning last week volunteering at the Tammy Lynn Center, and we can personally vouch for the great work they do to support adults and children with developmental disabilities. All of the proceeds of the auction will go to help this wonderful organization.

To bid on this soon-to-be collectors item, please [CLICK HERE](#). It will definitely make a great Christmas gift for that special hockey fan this holiday season!

### **H-1B Cap Count at 58,900**

As of November 27, 2009, approximately 58,900 H-1B cap-subject petitions had been filed. The federally mandated cap for Fiscal Year 2010 is 65,000. Does that mean there are 6100 H-1Bs left?

No.

When taking into account that 6,800 H-1B numbers are reserved for nationals of Chile and Singapore, it means that the USCIS has received a sufficient number of H-1B petitions to exhaust the H-1B cap for FY 2010. However, USCIS continues to accept H-1B petitions at this time. If you have an H-1B case to file, you should file it as soon as possible. We will provide additional information at [www.bashyamspiro.com](http://www.bashyamspiro.com) as it becomes available.

### **ICE To Conduct 1000 Employer Audits to Review Hiring Practices**

Immigration and Customs Enforcement (ICE) issued Notices of Inspection (NOIs) to 1,000 employers across the country in the past few weeks. The NOIs alert employers that ICE will audit their hiring records to determine compliance with employment eligibility verification laws.

The 1,000 businesses served with audit notices this week were selected for inspection as a result of investigative leads and intelligence and because of the business' connection to public safety and national security. Audits involve a comprehensive review of Form I-9s, which employers are required to complete and retain for each individual hired in the United States. I-9 forms require employers to review and record each individual's identity and work eligibility document(s) and determine whether the document(s) reasonably appear to be genuine and related to that specific individual.

To read the entire ICE press release on its audit policy, as well read statistics on ICE investigation of employers, please [click here](#). Stay tuned to [www.bashyamspiro.com](http://www.bashyamspiro.com) for

additional information.

## USCIS to Conduct 25,000 Employer H-1B Compliance Inspections

This past year USCIS increased its practice of conducting on-site inspections of employers who file H-1B petitions on behalf of foreign professional workers. This on-site inspection program is expanding, and USCIS is expected to conduct [approximately 25,000 on-site inspections this fiscal year](#). That is a five-fold increase from the past fiscal year.

We also expect an increase in criminal prosecutions of employers who violate H-1B or other immigration laws. According to information provided by Immigrations and Customs Enforcement (ICE), there were 5,184 arrests of employers in 2008. Of this number, 1,103 were criminally prosecuted for immigration violations. To put this in perspective, in 2004 there were only 165 criminal prosecutions of employers.

Employers should make sure they are complying with all immigration laws. If an employer is uncertain whether they are complying with I-9 or H-1B laws, they should contact an immigration attorney for counsel. We will provide additional information on [www.bashyamspiro.com](#) as it becomes available.

## HELPFUL LINKS

To schedule a consultation, please send an email to [info@bashyamspiro.com](mailto:info@bashyamspiro.com) or click [here](#).

To learn more about Bashyam Spiro LLP, please visit [www.bashyamspiro.com](http://www.bashyamspiro.com).

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4101 Lake Boone Trail, Suite 200 | Raleigh, NC 27607



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