

ROSNER PARTNERS

COUNSEL FOR CORPORATE IMMIGRATION



September 12, 2012 Serving the immigration needs of businesses and individuals Phone: (216) 771-5588

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Newsletter

Immigration Law Update

Current Developments in Employment-Based Immigration

By Rosner Partners, L.L.C.

January 2008

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This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties.

Now Is The Time To Initiate New H-1B Petitions For Fy2009!

As most of our readers are all too well aware, the finite number of H-1B visas available for each fiscal year is grossly insufficient to meet the needs of the US business across the country that rely on the contributions of foreign workers in meeting annual business goals. At Rosner Partners, we are constantly urging our clients to plan ahead in initiating the H-1B petition process for new hires who do not currently hold H-1B status with another employer.

If last year's experience is any indication, we can expect that H-1B numbers for beneficiaries who do not hold a US Master's degree will be exhausted immediately after they become available, with the numbers reserved for foreign professionals with US Master's following shortly thereafter. March 31 is only two short months away, and marks the first (and probably the last) date that employers can file H-1B petitions on behalf of new hires for the 2009 fiscal year. Although beneficiaries of these petitions will not be eligible to begin work pursuant to H-1B status until October 1, 2008, petitioning companies risk forfeiting any ability to hire an H-1B professional worker in the next fiscal year if the petition is not filed by March 31.

With this important date quickly approaching, this is the time to get the process started. Employers who have not done so already must evaluate Company needs for the next year and determine if H-1B workers may be required to meet business needs. In particular, we urge our clients to consider the Company's needs with regards to interns and employees currently working pursuant to F-1 Optional Practical Training, who may require an H-1B petition to extend their employment with the Company.

In the event that H-1B candidates are identified, kindly send us the necessary information to get started, including the foreign national's resume, job title, job description, job location and salary. The sooner we receive this information, the sooner we can prepare the petition for timely submission to USCIS. We cannot emphasize enough the importance of acting swiftly in this matter.

Citizenship & Identity Documents Required To Enter All Us Ports

As of January 31, 2008, an oral declaration of U.S. or Canadian citizenship will no longer be sufficient to garner admission at United States land and sea ports. Citizenship and identity documents will be required of all individuals seeking admission into the United States. Acceptable evidence of citizenship and identity includes a passport or a combination of documents, such as a driver's license and birth certificate. A complete list of

acceptable documents appears at www.cbp.gov.

State Measures On Immigration

As we mentioned in our last newsletter, state immigration legislation is on the rise. Although it is our opinion that much of the legislation currently enacted in states must ultimately be found unconstitutional under federal preemption doctrine, until such a determination is made these state laws have the full force of law and are binding to those whom they affect.

Of particular interest to many of our clients, several states require employers to take additional steps to confirm employment eligibility of employees: legislation in Arkansas, Colorado, Georgia, Massachusetts, Oklahoma, and Tennessee holds state contractors and subcontractors to a higher standard in terms of employment eligibility verification; Colorado also requires additional employment eligibility verification steps for all Colorado employers; Iowa and Texas require any entity that receives state funding to certify that all employees are authorized to work; and Arizona requires all employers to verify employment eligibility of all new hires through E-verify.

For more information regarding state immigration laws affecting your business practices, please contact Rosner Partners for an in-depth consultation.

Rosner Partners Wishes A Fond Farewell To Marin Ritter

Marin Ritter has left Rosner Partners after twelve years of service to the firm. A partner with the firm since 2002, Marin has left our immigration practice to pursue other opportunities and interests. We wish her all the best in her future endeavors.

The firm continues to offer the legal services of six attorneys and a growing team of highly trained legal assistants and support staff to service our clients' varied immigration needs.

For additional information about any of the topics presented here, please [contact us](#).

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