

# ROSNER PARTNERS

COUNSEL FOR CORPORATE IMMIGRATION



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

▶ home

▶ job openings

▶ staff

▶ newsletters

▶ request for consultation

▶ directions

## useful links

▶ US Citizenship & Immigration Services

▶ US State Department

▶ Embassy World

▶ Department of Labor ETA

Sign up for our   
Email Newsletter

Privacy by  SafeSubscribe<sup>SM</sup>  
For Email Newsletters you can trust



## Newsletter

### Immigration Law Update

**Current Developments in Employment-Based Immigration**  
By Rosner Partners, L.L.C.

August 2010

- **H-1B Quota is Far From Being Reached**
- **Easier Passage to Mexico for Foreign Nationals in the U.S.**
- **USCIS Unannounced Worksite Visits: What to Expect**
- **USCIS Update on E-Verify**

*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.*

#### **H-1B Quota is Far From Being Reached:**

As of August 6, 2010 less than half of the H-1B quota numbers available for fiscal year 2010 have been used up. The following information has just been released with regards to the Cap Count: For H-1B regular cap there are 65,000 regular H-1B visas allotted and only 28,500 eligible petitions have been received; as for the H-1B Master's Exemption cap, there are 20,000 visas allotted and only 11,900 cap eligible petitions have been received.

If you are an employer considering hiring someone in H-1B status, you can proceed with such a hire for the coming months without having to worry about the H-1B quota being reached.

#### **Easier Passage to Mexico for Foreign Nationals in the U.S.:**

Effective immediately: Any foreign national holding a valid U.S. visa, regardless of nationality, will be granted passage into México at any port of entry without having to obtain a Mexican visa. This applies to tourists, business travelers, entrepreneurs and visitors on transit.

The required paperwork for entry into México, besides a valid passport and proof of a valid U.S. visa, will be a **Multiple Migration Form (FMM)**, which will be distributed on flights to México and at land ports of entry. It is required by the Mexican government that any eligible foreign national complete this form at the beginning of his/her trip.

This form must be "cancelled" upon completion of the foreign national's stay in México. This can be done by returning it to the immigration officer upon departing México. Some airline employees may not be aware of this change. For this reason, it is advisable to get a printed version of the information from the following website:  
<http://www.inami.gob.mx>

For a more detailed account of this information, please visit the Mexican Consulate's website in Detroit at:  
<http://www.sre.gob.mx/detroit/>

#### **USCIS Unannounced Worksite Visits: What to Expect**

The American Immigration Council's Legal Action Center, on behalf of the American Immigration Lawyers' Association, has filed a lawsuit against both the Department of Homeland Security, and United States Citizenship and Immigration Services. This lawsuit has been brought against the DHS and USCIS in order to better

understand the restrictions set forth by the agency regarding the “H-1B” visa program.

Since 2008, USCIS has implemented a new level of heightened scrutiny when considering H-1B visa applications. This has led to a considerable increase in the frequency of unannounced worksite inspections. Statistics reveal that a number upwards of 25,000 visits should occur this year alone—all in connection with H-1B applications.

As of July 9, 2010, Immigration and Customs Enforcement has already audited about 2,900 companies. Consequently, the agency has levied \$3 million in civil fines.

These unannounced inspections typically follow recurring patterns. Here is a list of what you should expect to encounter in case you receive an unannounced inspection.

1. Visits can range from as short as 15 minutes to several hours.
2. When the agent arrives, the inspecting officer will typically ask to speak to the company representative who signed the Form I-129 in support of the H-1B visa. If that individual is not present, the agent will ask to speak to another employer representative—such as the HR manager.
3. The information they seek is:
  - a. The nature of the employer’s business;
  - b. Annual revenue;
  - c. Number of employees at the company; and
  - d. Employer’s overall use of the H-1B program.
4. Additionally, the inspecting officer may request information that may go beyond the normal information required for H-1B petitions such as:
  - a. Tax returns;
  - b. Quarterly wage reports;
  - c. Corporate leases;
  - d. Employment and consulting contracts;
  - e. Any documentation that petitioner is a bona fide business; or
  - f. Payroll records.
5. The officer may also inquire about the H-1B beneficiary’s background related to:
  - a. Job title and duties;
  - b. Work location;
  - c. H-1B holder’s salary;
  - d. Pay statements;
  - e. Form W2;
  - f. Information regarding prior H-1B petitions; or
  - g. Information concerning your immigration counsel.
6. The officer may interview the H-1B beneficiary to inquire about his/her job duties, title, employment dates, position location, requirements for the position, his/her educational and experience, current address and dependents.

The conduct of these unannounced inspections varies. These are guidelines to help you know what to expect. If you have any questions regarding any of the above information, please contact us at Rosner Partners.

---

#### **USCIS UPDATE ON E-VERIFY:**

USCIS recently launched their redesigned E-Verify Employer Web Interface. The new system has two key features to note: the USCIS homepage now includes a helpful case alert feature; and USCIS has added a security feature to mask U.S. Social Security numbers. Other new features include: simplified terms, “Easy as 1-2-3”, case results, view cases, close cases, view MOU, “sneak preview webinars”, and one labeled “spread the news.”

USCIS has also included a helpful tutorial to update current users of all the changes in the E-verify system. This tutorial will give users a detailed explanation of all of the features the redesigned E-Verify system has to offer.

---

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

---

[Return to Newsletter Index](#)

**Rosner Partners, Counsel for Corporate Immigration**

The Caxton Building • Suite 601 • 812 Huron Road • Cleveland, Ohio 44115 • [Map to our Offices](#)  
**Telephone: (216) 771-5588** • Facsimile: (216) 771-5894 • E-Mail: [immigration@rosnerlaw.com](mailto:immigration@rosnerlaw.com)

Last update 111907  
© Copyright 2000-2007  
Rosner Partners, LLC  
all rights reserved.

The information contained in the Rosner Partners, LLC web site is provided "as is" with no warranty, express or implied, including, without limitation, warranties of merchantability or fitness for a particular purpose. Rosner Partners, LLC assumes no liability for any loss or damage for errors or omissions on the web site, whether arising in contract, negligence, or otherwise.

Send any comments regarding this website to [webmaster](#).