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## Immigration Law Update

### Current Developments in Employment-Based Immigration

#### Greetings!

*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.*

### ICE Announces I-9 Audits of 1,000 Employers

In late June, ICE announced I-9 Audits of 1,000 Employers. This round of inspections focuses largely on businesses related to national security and businesses providing key resources; however, employers should be aware that I-9 audits are being issued with much greater frequency across all sectors. Since October 2010, ICE has initiated more than 2,300 employer I-9 audits. This is already more than the number of I-9 Audits initiated in the entire fiscal year of 2011. I-9 violators are subject to hefty monetary fines and in certain circumstances criminal prosecution. Employers concerned with the prospect of an I-9 Audit should contact Rosner Partners for guidance on proper I-9 Compliance and to arrange for an internal I-9 Audit to be performed.

### Obtaining a Visa at a US Consulate or Embassy

When arranging to visit the US Consulate and Embassies abroad to obtain a visa stamp, foreign nationals should anticipate wait times for interview appointments and the processing of the visa stamp. These wait times vary based upon the consulate and the volume of applicants. Consequently, visa applicants need to apply early for their visas, well in advance of any anticipated travel date. Additionally, foreign nationals should be aware that occasionally visa stamps are further delayed under the guise of "administrative processing". Such delays tend to be brief but occasionally can be substantial while waiting for a security check to be completed or for an issue within the application to be resolved. Foreign nationals are advised to familiarize themselves with the application they are presenting

in advance of the visa interview. Additionally, foreign nationals should take contact information for Rosner Partners with them when going to US Consulate or Embassy. Administrative processing is not common, and most administrative processing issues are resolved within 7-60 days of the visa interview. However, foreign nationals are urged to visit the US Embassy in his or her home country or where the foreign national is capable of spending extended time should the need arise.

## Immigration Compliance in Acquisitions: What to Do Before the Deal Closes

When negotiations for acquisitions are underway, the immigration consequences of the deal are understandably the last concern for an employer, however, before a deal closes, it is important that employers take stock of the employees in the to-be-acquired corporation and take the necessary steps in advance to continue to employ foreign nationals after the acquisition. In order to continue to employ H-1B nonimmigrants after a material change in corporate structure, the new employing entity must prepare proper documentation. Employers should contact Rosner Partners in advance of an acquisition for further details.

## Latest FY 2012 H-1B Cap Count Numbers

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000	18,400	7/1/2011
H-1B Master's Exemption	20,000	11,900	7/1/2011

## July Visa Bulletin

The July 2011 Visa Bulletin released by the Department of State shows significant movement forward in the employment-based second preference and third-preference categories. Individuals with priority dates before the dates listed in their respective categories are eligible to file adjustment of status (green card) applications as of the first of July. Those that filed previously with current priority dates are now ripe to be adjudicated. Eligible foreign nationals should contact Rosner Partners at their earliest convenience to begin the adjustment of status process or to follow up on the status of their case.

Employment-Based	All Charge-ability Areas Except	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
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	Those Listed				
1st	C	C	C	C	C
2nd	C	08MAR07	08MAR07	C	C
3rd	08OCT05	01JUL04	01MAY02	01JUL05	08OCT05
Other Workers	22NOV04	22APR03	01MAY02	22NOV04	22NOV04
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Targeted Employment Areas/ Regional Centers and Pilot Programs	C	C	C	C	C

*For additional information about any of the topics presented here, please contact us. If you would prefer not to receive future e-mails of this nature, please unsubscribe on the link below.*

**Sincerely,**  
**Rosner Partners, L.L.C.**

**The Caxton Building**  
**812 Huron Road, Suite 601**  
**Cleveland, Ohio 44115**  
 T: (216) 771-5588  
 F: (216) 771-5894  
[immigration@rosnerlaw.com](mailto:immigration@rosnerlaw.com)

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