

Immigration Law Update

Summer 2013

By Janet Cheetham, Joel Paget & Marsha Mavunkel

5 Takeaways from the Recent American Immigration Lawyers National Conference

Joel Paget and Marsha Mavunkel just returned from the AILA Annual Conference and have five hot issues to report:

1. **Same-Sex Marriage Petition Update:** With the overturn of Section 3 of the Defense of Marriage Act (DOMA), now former Secretary of Department of Homeland Security, Janet Napolitano, announced that she has advised USCIS to review all visa petitions on behalf of same-sex spouses in the same way that petitions filed on behalf of opposite-sex spouses are treated. USCIS will immediately begin to accept family-based green card cases filed on behalf of same-sex spouses. Former Director Mayorkas stated that USCIS had kept track of all petitions submitted and denied by same sex spouses since February 2011, when the President and Attorney General of the U.S. announced their view on the unconstitutionality of DOMA.
2. **USCIS is looking to partner further with the Post Office** to ensure that tracking and receiving petition packages is as efficient as possible.
3. **Customs & Border Patrol Update:** I-94 cards are no longer being issued except at some land borders. We urge clients to print out I-94s immediately upon entry at <http://www.cbp.gov/i94>. When searching for your I-94, be aware that the name entered into the system can be different based on differences on the passport and visa. We encourage clients to check different variations on an individual's name when searching the automated system.
4. **Update on Employer Sanctions:** ICE Homeland Security Investigations (HSI) Worksite Enforcement Unit has now confirmed that any pre-population of Section 1 of the Form I-9, such as by an electronic I-9 program, is a violation. This is true regardless as to whether the employee provided the original information that is pre-populated and regardless as to whether the preparer/translator section is completed. This prohibition against pre-population by electronic I-9 programs applies to both an employer's existing and future electronic I-9 forms. We also remind employers not to print out I-94 information for employees during the I-9 process, in order to avoid potential employer sanctions.
5. **Update on PERM:** Labor Certification applications are being audited in greater numbers than ever. Recent reports indicate that nearly 42% of PERMS are being audited, with approximately 50% of those audits being denied. We urge employers to start as early as possible on the PERM process in order to prevent any delays in cases due to backlogs and potential audits, which can delay a case for up to a year.



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Permanent Residency Spousal Petitions are now Current!

The August Visa Bulletin indicates that there is no backlog for spouses of permanent residents to file an adjustment of status petition. This is a great relief for persons who in the past had to wait years for their spouse to immigrate.

Join us at the 25th Annual Employment Law Seminar on September 25

For two and a half decades, the lawyers at Ryan Swanson have been keeping our clients, business partners and friends up to date on recent developments in employment law. Please join us this year as we celebrate our 25th Annual Employment Law Update seminar, where we will address current and emerging issues in the workplace, from developments in healthcare law to new EEOC regulations affecting the hiring process. More information and program registration details at www.ryanswansonlaw.com/events.

Janet Cheetham & Joel Paget Named to 2013 Washington Super Lawyers List

Janet and Joel were recently named as “2013 Super Lawyers®” in the Washington legal community. Super Lawyers® are selected based on peer recognition and professional achievement. Only five percent of the lawyers in the state are named to the list. Joel has been on the list for over 20 years, and Janet has been on the list for over 15. Congratulations to them both!

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