



March 2010 Immigration Update

BY KATHRYN CARMICHAEL & ALYSON FICKENSCHER

Reminder: USCIS starts accepting H-1B petitions for Fiscal Year 2011 beginning April 1, 2010.

The Department of State (DOS) Proposes Sliding Scale Visa Fee Increases Depending on Visa Type. DOS recently published a rule in the *Federal Register* proposing fee increases for the MRV (Machine-Readable Visa) fee that all visa applicants pay. The fee is currently \$131. The proposed rule creates a tiered fee structure based on visa type. Non-petition based visas, such as a B-1/B-2 visa, are at the low end of the tier structure with a fee increase to \$140. Petition based-visas, such as Hs, Ls, Os, and Rs, would see an increase to \$150. The greatest increases are seen in the areas of K visas for fiancé(e)s, up to \$350, and E visas for treaty-traders and treaty-investors, up to \$390. For further information on the proposed fee increase, [click here](#).



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USCIS Issues Petition Guidelines to H-1B Employers Who Repaid Their TARP Funds. H-1B employers who received TARP funds are considered H-1B dependant employers. Currently, those employers who received TARP funds must answer the question "yes" on the H-1B Data Collection and Filing Fee Exemption Supplement. USCIS understands that some businesses who received covered funding have now repaid their obligations. Those businesses should now check "no" to

question A.1.d. as to whether they received TARP funding. In the event where the employer was dependant at the time the LCA was filed, but has repaid the obligations by the time the actual H-1B petition is filed, the employer should attach an explanation to the supplement.

Just How Accurate Is E-Verify? On March 17, the Department of Homeland Security provided information about the accuracy of E-Verify on their blog. According to the independent research firm Westat, who used a sample from a three month period in 2008, E-Verify was accurate 96 percent of the time. DHS also detailed three steps which are being rolled out for E-Verify to improve employer compliance, reduce fraud and increase efficiency: Adding U.S. passports to the list of documents available to provide photo confirmation; working with states to access state driver's license data; and launching a pilot program to explore the use of biometric or biographic-based verification. [Click here](#) for a link to their blog.

ICE Issues 180 New Audit Notices to Businesses in Five Southern States in March. U.S. Immigration and Customs Enforcement (ICE) issued Notices of Inspection to 180 businesses in Louisiana, Mississippi, Alabama, Arkansas and Tennessee. ICE will inspect the business hiring records including I-9 forms to ensure compliance with employment eligibility verification laws and regulations. Names and types of these businesses had not been released at press time. For more information [click here](#).

For more information on these and other immigration developments, contact Kathryn Carmichael at kcarmichael@williamsmullen.com or Alyson Fickenscher at afickenscher@williamsmullen.com.



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