

# Immigration Advisory

From the Buchanan Ingersoll & Rooney Immigration Group

Buchanan Ingersoll & Rooney PC  
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## E-Verify: Latest Developments for Employers

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Since its establishment in 1997 as the "Basic Pilot Program", the U.S. Citizenship and Immigration Services' ("USCIS") E-Verify program has evolved significantly. It continues to be a work in progress. In recent months, USCIS has launched several outreach initiatives and system enhancements that U.S. employers enrolled in the program should be aware of. Many of these new tools and resources could save employers valuable time and money. Below are just some of the latest developments:

### E-Verify Can Now Verify Driver's Licenses

E-Verify launched the Records and Information for Department of Motor Vehicles (RIDE) enhancement which adds driver's license verification capabilities to the program. So far, Mississippi is the only state to partner with USCIS for the RIDE program, but USCIS expects other states to join the program in the coming months. As of June 13, 2011, Mississippi employers had run 201,382 queries through the system in fiscal year 2011.

### New Ease-of-Use Enhancements

The latest enhancements of E-Verify features many customer-focused improvements —

- USCIS has added a "help text" feature that allows employers to click on any blue question mark icon to receive instructions on selecting documents, entering employee information, case status and more. In June, more than 30 new and revised help text items were added to the system.
- USCIS has also modified the hire date in E-Verify so that it matches the Section 2 "Certification" date on Form I-9. Employers may now select a future hire date and use the Section 2 "Certification" date from the employee's Form I-9 as the hire date in E-Verify. Previously, if an employer created a case in E-Verify after the employee accepted a job offer but before the employee began work for pay, the employer had to select the date the case was created as the hire date because E-Verify wouldn't permit a future date.
- USCIS has upgraded the user registration process. Companies will no longer need to provide a new user with his or her user ID and password. E-Verify now sends new users a confirmation email that includes the user ID, temporary password, E-Verify login website address, and steps for getting started.

### New Flyer that Summarizes the E-Verify Obligations for Federal Contractors

USCIS has released a new flyer that concisely summarizes what federal contractor employers need to know about the Federal Acquisition Regulation (FAR) E-Verify clause. To view the flyer, [click here](#).

We will continue to update you with any new developments regarding the E-Verify program. In the meantime, please contact one of our immigration attorneys if you have questions about these latest developments or want to know more about the E-Verify program.

## H-1B Visa Numbers Still Available for FY2012

Employers are advised that H-1B visa numbers remain available for Fiscal Year (FY) 2012. USCIS has announced that, as of July 29, 2011, approximately **22,700 H-1B cap subject petitions have been received** and counted towards the 65,000 H-1B cap. USCIS has also received approximately **13,800 petitions needed** to meet the 20,000 cap for foreign workers with U.S. advanced degrees. Until USCIS announces that the respective caps have been met, employers can continue to file H-1B temporary worker petitions for foreign nationals requesting an employment start date on or after October 1, 2011. While both caps are still expected to be reached, the numbers so far appear to reflect the realities of the job market.

The availability of H-1B visa numbers presents a great opportunity for employers to meet their hiring needs for the coming year. The H-1B visa is one of the few nonimmigrant visa options available to employers seeking to fill openings in “specialty” occupations. Many foreign national students who were unable to file H-1B visa petitions on April 1, 2011 because they had not yet graduated have since become eligible for H-1B sponsorship. We encourage employers to consider their hiring needs and start interviewing potential H-1B candidates and finalizing job offers immediately. Once the H-1B cap is reached, employers will not be able to obtain **new** H-1Bs until October 1, 2012.

It is important to remember that the cap only applies to new H-1B cases, and not to extensions of H-1B status or a transfer of an H-1B visa from one employer to another. The cap does, however, affect those foreign nationals who are in H-1B status seeking to work for new employers, but who are currently exempt from the cap based on employment with an institution of higher education or not-for-profit or governmental research organization.

If you are considering the hiring of a foreign worker who will need H-1B sponsorship, we encourage you to contact one of our immigration attorneys as soon as possible to review your hiring plans. In the meantime, we will continue to provide you with the latest developments on the H-1B numbers.

For more information, email the author(s) at [immigration@bipc.com](mailto:immigration@bipc.com).

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