



Joseph Law Firm, P.C.

Immigration Law Specialists

NEWSLETTER

FEBRUARY/MARCH 2014

Exciting News!

Check out our newly revised website at:

immigrationissues.com

For info related to business immigration visit:

businessimmigrationissues.com

Sign-up for our electronic newsletter and read up-to-date news by visiting our blogs at:

josephlawfirm.blogspot.com

businessimmigrationissues.com/blog



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Aurora, CO 80011
(303) 297-9171

Colorado Springs Location:

963 E. Colorado Avenue
Colorado Springs, CO 80903
(719) 434-5660

Eagle County Location:

97 Main Street, Ste. W206
Edwards, CO. 81632
(970)446-7884

JOSEPH LAW FIRM, P.C. OPENS NEW OFFICE LOCATION IN EAGLE COUNTY



Joseph Law Firm, P.C. is happy to announce the opening of a new office location beginning March 3, 2014, serving the Eagle and Summit County areas, as well as the entire Western Slope. Our new office is located at 97 Main Street, Suite W206, in Edwards, Colorado.

Senior Attorney **Koby Polaski** has rejoined Joseph Law Firm, P.C. and will be working out of our new Edwards office location.

To schedule an appointment at our new Edwards office, please call **970-446-7884**.

NEWEST MEMBER OF JOSEPH LAW FIRM, P.C.: KOBY POLASKI, SENIOR ATTORNEY



Koby Polaski is a graduate of the University of Denver, College of Law where she received the Scholastic Excellence Award for immigration law. While attending law school, Mrs. Polaski worked as a law clerk for Joseph Law Firm, P.C., spent three months interning with a corporate law firm in Caracas, Venezuela, and worked for a corporate law firm as a law clerk with the business immigration group.

After law school, Mrs. Polaski joined Joseph Law Firm, P.C. as an Associate Attorney from 2009 to 2012. She then went on to work for a small immigration law firm in Boulder, Colorado. Mrs. Polaski is thrilled to have returned to Joseph Law Firm, P.C. where she will run the firm's Eagle County office that officially opened on March 3, 2014.

Mrs. Polaski is a member of the American Immigration Lawyers Association (AILA) and has successfully represented clients before the Department of Labor, the United States Citizenship and Immigration Service, the Executive Office for Immigration Review and the Board of Immigration Appeals. She is currently the chair of AILA Colorado's Immigration and Customs Enforcement Liaison committee.

Mrs. Polaski is bilingual in English and Spanish.

OUR SERVICES

Joseph Law Firm, P.C. —
A full service Immigration law firm for over ten years. We use our knowledge, teamwork, professionalism and expertise to provide the highest quality legal services and results to individuals and businesses, one client at a time.

Our attorneys are all members of the American Immigration Lawyers Association, the national association of immigration attorneys.

We have successfully represented clients before the Citizenship and Immigration Service, the Immigration Courts, the Board of Immigration Appeals, and the Federal Courts.

Visit our websites at:

immigrationissues.com

And

businessimmigrationissues.com

Specializing in:

Business Immigration

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Family Immigration

Deportation Defense

Naturalization

Federal Litigation

Global Outbound Immigration

REPORT CONFIRMS A RISE IN EMPLOYER FINES FOR LACK OF I-9 COMPLIANCE

Contributed by Aaron Hall, Senior Attorney

Immigration and Customs Enforcement (ICE) enforces compliance with I-9 completion and retention requirements with administrative inspections of employers' I-9 forms, initiated either from complaints received by the ICE tip line or from internal initiatives. During the inspections, ICE looks for substantive and technical violations and will issue one of three dispositions:

(1) Compliance: No technical or substantive violations in paperwork and no unauthorized workers are identified, or technical paperwork violations are corrected in a timely manner (adjusted compliance).

(2) Warning: Violations are identified, but there is the expectation of future compliance by the employer.

(3) Fine: The employer has not acted in good faith and has substantive paperwork violations (usually, more than 50 percent of I-9 forms include substantive errors), which warrant a fine.

If ICE decides to impose a fine, it will receive a Notice of Intent to Fine. The employer can attempt to negotiate a lower fine or may request a fine reduction with an administrative law judge.

According to a recent report from the Office of the Inspector General, between 2009 and 2012, almost a third of all inspections originating from the Denver ICE Office resulted in fines. Nationally, \$31.2 million in fines were issued by ICE between 2009 and 2012. The \$31.2 million total dwarfs the total of \$1.5 million for fiscal years 2003 through 2008. This is due to ICE's 2009 implementation of a new strategy focusing on employers.

ICE's focus on enforcement through heavy employer fines is expected to continue. If you have received a notice that ICE will be conducting an inspection or a Notice of Intent to Fine, contact our office as early in the process as possible to try to reduce any fines you may receive. If you have not received any notice of an ICE audit but think that your I-9s may not be properly completed or retained and would like advice on how to minimize liability and ensure future compliance, contact Joseph Law Firm, P.C. for a consultation.

DACA RENEWAL PROCEDURE TBD

Contributed by Kim Tremblay, Associate Attorney

A year and a half has already passed since United States Citizenship and Immigration Service (USCIS) accepted and approved the first applications for Deferred Action for Childhood Arrivals (DACA) in August 2012. As DACA is granted for two years, many early DACA grantees are starting to think about renewing their status in the fall. USCIS has not yet put into place the procedure to renew DACA. However, guidance has been issued for renewal of DACA applications filed with Immigration and Customs Enforcement (ICE) between June 15 and August 15, 2012. Most DACA applicants are not covered by these guidelines, but those who are should apply for renewal following USCIS's instructions 120 days before their DACA status expires.

More relevant to most DACA applicants, in December, USCIS posted drafts of the new I-821D application form and instructions online to solicit comments from the public. Although it contains a section on renewal, the information is somewhat incomplete. USCIS states on its website that final guidelines should be released in the next few months. Hopefully, the agency will post something in April at the latest, to enable those with DACA expiring in August to apply for renewal 120 days before their status expires.

What can DACA grantees do to prepare in the meantime? First, they should periodically check the USCIS website for renewal information. They should put money aside for the \$465 filing fee, start gathering the supporting documents needed for renewal of the I-765 Employment Authorization Document, and be prepared to possibly document physical presence since being granted DACA. They should also obtain paperwork regarding any new educational achievements or arrests, and consult an attorney if they have been arrested since obtaining DACA to confirm continued eligibility. In addition, DACA applicants should contact their attorneys about six months before their status is set to expire. This preparatory list is tentative, not exhaustive, and does not represent all the documents needed for renewal, but should provide applicants with a bit of guidance on how to start getting ready. Finally, individuals who think they qualify for DACA and have not applied can still do so and should consult an immigration attorney or accredited representative.