



Joseph Law Firm^{PC}

Immigration Law Specialists

Newsletter

September/October 2014

5280 MAGAZINE TOP LAWYERS

Joseph Law Firm, P.C. is proud to announce that Jeff Joseph, Senior Partner, and Aaron Hall, Partner, have both been named a 2015 5280 magazine Top Lawyer in immigration law. This prestigious recognition is based on a rigorous peer-review process and 5280 editors' own research. Jeff and Aaron will appear in the January 2015 issue of 5280 magazine.



DENVER'S TOP AV-RATED LAWYER

Jeff Joseph, Senior Partner, is being recognized as one Martindale-Hubbell® Top AV-Rated Lawyers in immigration law and will appear in the 2014 edition of 'Denver's Top AV-Rated Lawyers' to be published on November 13th, 2014. This recognition is very prestigious and highly competitive. The list of AV Preeminent attorneys will be distributed with *The Denver Post*, *The Wall Street Journal* as well as *The American Lawyer*, *Corporate Counsel* and *The National Law Journal*.



REVISED COLORADO AFFIRMATION FORM MANDATED

Contributed by Amber Blasingame, Associate Attorney

The Colorado Department of Labor and Employment (CDLE) published a revised Colorado Affirmation Form on September 1, 2014. The CDLE will not accept any other version of the form on or after October 1, 2014. Any company that employs workers in Colorado must complete and maintain a Colorado Affirmation Form for each employee hired on or after January 1, 2007. The Affirmation Form must be completed by the employer within 20 days of the date of hire for all new hires. The employer essentially attests that she has complied with the federal Form I-9 Employment Authorization Verification requirements. Among other attestations, the employer must attest that she has "examined the legal work status" and "retained file copies of the documents required" for completion of the Form I-9 pursuant to 8 U.S.C. § 1324a. However, unlike the federal form, Colorado requires that the employer copy the documents an employee presents to prove employment authorization and file the copies with the Colorado Affirmation form. The Affirmation Form must be maintained as long as the employee continues to work for the employer. Form I-9s and Affirmation Forms should be maintained in separate locations or files and not in general personnel files.



The CDLE is auditing employers and assessing fines if employers fail to comply with the Affirmation Form. The CDLE has conducted over 7,000 such audits, most at random, since the law's enactment in 2007. Out of that pool, as many as 180 employers have been fined for violations. Penalties for the "reckless disregard" of the documentation requirement or submission of false or fraudulent documentation may be subject to fines as much as \$5000 for each first offense and up to \$25,000 for each subsequent offense. Employers should conduct regular self-audits both of the Form I-9s and the Colorado Affirmation forms, train all staff responsible for the collection of personnel documentation, and include Colorado Affirmation requirements in policy and procedure documentation. Employers are also wise to consult with immigration and employment law attorneys to assure compliance both with the federal and state government employment authorization verification laws.

UPDATE TO DMV APPOINTMENT SCHEDULING

Contributed by Jennaweh Leyba, Associate Attorney

The Colorado Road and Community Safety Act (SB251) provides an opportunity for some undocumented immigrants living in the United States to obtain a driver's license. However, due in part to the incredibly high demand and limited resources for issuing these types of licenses, the process has not been without its challenges. Fortunately, the DMV liaison committee from the American Immigration Lawyers Association (AILA), along with community members and stakeholders have been working hard to communicate with the DMV about these challenges and strategies for improvement. Due to their efforts, there has been a recent, and hopefully beneficial change in scheduling appointments.



Initially, applicants were only able to schedule appointments beginning at midnight every night for appointments ninety days in advance. This caused problems because there was a flood of applicants calling for appointments at the same time, in addition to the fact that many "notarios" were scheduling appointments in blocks so they could sell the appointments to applicants.

In an effort to improve the scheduling process, the DMV will now start accepting appointments at four different times throughout the day. Appointments can now be scheduled at 8:00 a.m., 12:00 p.m., 4:00 p.m. and 8:00 p.m. daily. Twenty-five percent of the appointments will be allocated to each time slot.

The contact information remains the same for scheduling appointments. You may schedule an appointment online or by telephone at 303-205-2335.

There are several different requirements and considerations to be made in deciding whether to apply for a driver's license under this program. Please seek the advice of legal counsel if you have any questions about your eligibility for a driver's license under the SB251 program. To speak to one of our experienced immigration attorneys, please call our office at (303)297-9171.

DACA GRANTEES NOW ELIGIBLE TO JOIN THE MILITARY THROUGH THE MAVNI PROGRAM

Contributed by Kim Tremblay, Associate Attorney

This week, Pentagon officials announced that individuals who have been granted Deferred Action for Childhood Arrivals (DACA) will be able to enlist in the military through the Military Accessions Vital to National Interest Program (MAVNI). The MAVNI program allows the military to recruit non-U.S. citizens who have certain skills vital to the national interest. These skills include training as a medical doctor, nurse, or speaking certain languages and being familiar with the cultural norms of the speakers of that particular language. The maximum number of recruits under this program is capped at 1,500. The recruits must meet several additional standards.



Although this announcement does not open the doors of the military to a broad number of immigrants, it will give individuals with the requisite skills an opportunity not only to serve in the army, air force, or navy, but also to be on a fast path to U.S. citizenship.



12203 East Second Avenue
Aurora, CO. 80011

Immigrationissues.com

Aurora
303-297-9171

Colorado Springs
719-434-5660

Edwards
970-446-7884