

IMMIGRATION ALERT

- **HOMELAND SECURITY DELAYS NEW I-9 FORM 60 DAYS**

After eight years, the Department of Homeland Security finally came up with a new Form I-9, changing the documents acceptable for verifying work authorization and prohibiting the use of expired documents. The original effective date of February 2, 2009 has been delayed until April 3, 2009. Until then, employers should continue using the I-9 version dated 06/05/08 to record their verification of new hires' identity and work authorization documents.

- **E-VERIFY FOR FEDERAL CONTRACTORS DELAYED UNTIL MAY 21, 2009**

Major employer and business groups pushed back strongly against a December regulation mandating federal contractors' use of E-Verify on all new hires during the contract period, and all existing employees who work on the contract. The rule originally affected contracts dated January 15, 2009 and later, whose value exceeds \$100,000, as well as subcontracts for services or construction, where the value is more than \$3000. For now, the Obama administration has delayed implementation for 60 days. While 100,000 employers have signed up for E-Verify, which permits employers to check the Social Security number and name of a new hire against the Social Security database, many more of America's 11 million employers want a more accurate alternative.

- **PERM LABOR CERTIFICATION STATS FOR FY 2008 ARE IN AND IT ISN'T PRETTY**

When it began in March 2005, the PERM labor certification program was one of the few government programs that worked as advertised. For about the first year of the program, employers could conduct a standard recruitment, submit the application electronically, and get a decision from DOL within a few days or weeks. Since mid 2006, the process has degraded substantially. Now, DOL considers 4 months for a decision to be timely and most take longer. According to recent FY08 statistics, DOL is auditing 35% of all applications resulting in a 12-16 month backlog. PERM was supposed to do away with backlogs but appears to be re-creating them. DOL promises a new PERM online portal for later this year and will introduce a new application form as well. Employers who seek green cards for foreign nationals with special skills should prepare for a long struggle.

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