

Immigration Issues in January

New Passport Requirement - Effective January 31, 2008, all adult travelers must show proof of citizenship and identity when entering the U.S. through land and sea ports. In continuing implementation of the Western Hemisphere Travel Initiative which eliminates previously exempt travelers including citizens of the U.S., Canada, and Bermuda, DHS is phasing in the next step by requiring U.S. and Canadian citizens 19 and older to present a government issued photo ID, such as a driver's license along with proof of citizenship. Children 18 and under will only be required to present proof of citizenship, such as a birth certificate. Passports and trusted traveler program cards continue to be accepted. Passport turnaround time is currently estimated at 4-6 weeks and DHS is not anticipating the backlog experienced in the spring of 2007.

Fee Increase - In another move the Department of State is raising the nonimmigrant visa fees charged at U.S. Consulates and Embassies abroad from \$100 to \$131.00 effective January 1, 2008.

Arizona - The Legal Arizona Workers Act goes into effect on January 1, 2008. This law puts the business license of Arizona employers at risk for "knowingly" or "intentionally" hiring undocumented workers. Employers, regardless of size, are required to check employment eligibility for new hires through the federal online program called E-Verify. The law imposes aggressive penalties including what has been called the "death penalty" - suspension of a company's license to do business in Arizona - to businesses caught twice knowingly placing illegal immigrants on the payroll. Even first violations garner suspension of the business license (up to 10 days for a first offense of "knowingly"; and at least 10 days for a first offense of "intentionally"). The difference between these concepts is a legal determination of knowledge and intention that is sure to be litigated. Both types of violations require employers to terminate all illegal employees, swear not to hire illegal workers again, and complete periods of probation during which they must file quarterly reports on each new hire with the county attorney.

All U.S. employers are eligible to register for the E-Verify program through the USCIS website at www.uscis.gov. This federal online database checks employment eligibility, but can only be used for new hires within three business days of their start date. The program requires employers to post a formal notice to employees that they use the E-Verify system and provide workers whose eligibility is not immediately confirmed with an outline of options and contact information for appeal. These workers have 8 business days to formally challenge the mismatch.

In the absence of federal immigration reform according to the National Conference of State Legislatures, state legislatures have introduced two and a half times more bills in 2007 than in 2006. These bills focus on employment, health, identification documents, law enforcement, and public benefits. Legislation has often become "copy cat" legislation with states imposing identify

