
This Immigration Update[®] from FosterQuan, LLP contains important information regarding the following:

1. NEW \$14 ESTA FEE STARTS SEPTEMBER 8, 2010 FOR VISA WAIVER TRAVELERS
2. U.S. DEPARTMENT OF STATE CONFIRMS DOS AUDITS OF NONIMMIGRANT VISA PETITIONS
3. SAVE THE DATE FOR FOSTERQUAN'S FALL 2010 IMMIGRATION UPDATE[®] SEMINAR

1. NEW \$14 ESTA FEE STARTS SEPTEMBER 8, 2010 FOR VISA WAIVER TRAVELERS

The U.S. Department of Homeland Security (DHS) has published an interim final rule in the Federal Register to implement a new \$14 fee to be collected from registrants in the Electronic System for Travel Authorization (ESTA), which is required of all Visa Waiver Program travelers to the United States. The new fee will go into effect September 8, 2010, and must be paid on or after that date for all ESTA registrations.

Implementation of the new fee is required by the Travel Promotion Act of 2009, signed into law by President Obama on March 4, 2010. The fee will recover the cost of administration of the ESTA system and fund a partnership between the U.S. Government and private industry for the purpose of promoting and marketing travel to the United States for business and leisure activity.

ESTA registration is generally required every two years, or upon change in a registrant's critical biographic data. Registrants with valid ESTA registration need not pay the fee until they are required to register again in the ESTA system.

As always, FosterQuan will continue to monitor government fee increases and procedural changes and will make such information available via future Immigration Updates and on our firm's website at www.fosterquan.com.

2. U.S. DEPARTMENT OF STATE CONFIRMS DOS AUDITS OF NONIMMIGRANT VISA PETITIONS

The Department of State has recently confirmed that the Department's Kentucky Consular Center (KCC), which is responsible for notifying U.S. Consulates abroad of approved nonimmigrant visa petitions, will conduct audits of nonimmigrant visa petitions, petitioners, and beneficiaries. The KCC Fraud Prevention Unit (FPU) verifies petitioning employer information, and may review the company's website, company contact information, and other third-party or external sources of information, such as internet search engines. The FPU may also randomly select an employer and contact the signatory listed on the petition to conduct a telephone interview.

Likely questions will include whether the petitioner actually submitted/authorized the petition; number of employees; location of petitioner; location of employment; general petitioner information; job information; location of the attorney of record; and other information deemed important in a particular case. In order to anticipate and prepare for potential audits, following the filing of a nonimmigrant petition (such as H-1B or L-1), the employer contact and signatory should:

1. Carefully review and make a copy of the signed petition documents before returning them to FosterQuan for filing with the CIS;
2. Retain the copy in a convenient location until the beneficiary has been issued his or her visa and entered the United States;
3. If the facts supporting a petition have changed, notify your FosterQuan attorney immediately in order to determine whether an amended petition filing may be required;
4. Should a KCC officer or contractor contact the employer to conduct an audit or verification, the employer should request and record the name of the KCC officer or contractor prior to providing any information. The information should be provided to the FosterQuan attorney for purposes of verifying that the officer is actually employed by one of the approved third-party contractors to the KCC;
5. If possible, the employer contact handling the call should have another human resources or legal employee present during the conduct of the call, and both should take notes to record the questions asked and responses provided;
6. If the employer representative handling the call is unsure of the accurate answer to a particular question, the representative should not “guess” but should explain that additional internal inquiry will be required to provide an accurate response. Obtain contact information to follow up for purposes of providing the additional information;
7. Employers should be aware that derogatory information resulting from an audit or verification call could adversely impact previously approved, pending, and future petitions and applications filed by the petitioner. For this reason, if there is any question or doubt, please contact your FosterQuan attorney immediately, before responding to further questions.

Once an interview has concluded, employers should contact their FosterQuan attorney to provide a summary, the KCC contractor information, as well as any notes regarding the call. We will make this information a part of our records for future reference and will evaluate the facts to determine whether any additional steps should be taken with respect to the nonimmigrant visa petition.

The results of the KCC audits will be available for inspection by U.S. Consular Officers at Consulates and Embassies worldwide within approximately two days following completion of the verifications. Consular Officers will be instructed to review the verification information and question visa applicants concerning any apparent discrepancies in information. During the course of the visa interview, should the Consular Officer determine that the discrepancies are real and material, such information will be updated with annotation in the KCC database. Should the Consular Officers determine that the discrepancies resulted from KCC error in updating the database, the KCC will be provided accurate information for purposes of updating the database with appropriate annotations.

As always FosterQuan will continue to monitor government enforcement and audit initiatives and will provide additional information in future Immigration Updates®, and on our firm's website at www.fosterquan.com.

3. SAVE THE DATE FOR FOSTERQUAN'S FALL 2010 IMMIGRATION UPDATE® SEMINAR

SAVE THE DATE

FosterQuan, LLP invites you to our complimentary seminars this fall in Houston and Austin, Texas.

IMMIGRATION LAW COMPLIANCE: A NEW ERA FOR EMPLOYER LIABILITY

FosterQuan, LLP is pleased to present the Fall 2010 Immigration Update® Seminars which will focus on current developments in corporate immigration law, particularly in the areas of compliance and enforcement. These seminars will provide you with timely and strategic guidance for compliance, as well as best practices critical to all employers.

	Seminar Highlights
Thursday, October 7, 2010 Houston Marriott Westchase Houston, Texas 8:30 am – Noon	Immigration Updates: What's on the Horizon Strategies to Ensure I-9 and E-Verify Compliance New Deemed Export Acknowledgements for Immigration Petitions
Thursday, October 21, 2010 Four Seasons Hotel Austin, Texas 8:30 am – Noon	Labor Certification Updates: Challenges, Trends & Solutions Consular & International Travel Advisories H-1B Visas & Roving Employees: Be Prepared!

Look for full registration details in future FosterQuan Immigration Updates®.

For more information, please contact Steve Stasny at seminar@fosterquan.com or 713.335.3961.

Do not miss this opportunity to attend our informative seminar and obtain valuable tips for managing this

dynamic area of HR practice while earning credit towards your Human Resource Continuing Education.



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