



# THE IMMIGRATION COMPLIANCE BOOK

**Editors: Angelo A. Paparelli, L. Batya Schwartz Ehrens, and Dan Siciliano**

Contributors: Jason Burritt, Francis E. Chin, Philip C. Curtis, Laura Danielson, John Fay, Bonnie K. Gibson, Richard Gump, Douglas D. Hauer, Susanne C. Heubel, Loan Huynh, Jay Jorgensen, Susan Kelly, Adam Ketcher, Cynthia Lange, Kevin Lashus, Robert F. Loughran, Kristin Major, Johanna Marmon, Cyrus D. Mehta, Maggie Murphy, Michael Patrick, Julie Pearl, Justin A. Rymer, Olivia M. Sanson, Lynn O. Tarran, Vinh C. Trieu, Steve Trow, Greg Wald, Matthew Warren, Michael J. Wildes

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- L. Memorandum by Michael D. Cronin, INS Act'g Ass't Comm'r, Office of Programs, AFM Update: Revision of March 14, 2000 Dual Intent Memorandum, File No. HQADJ 70/ 2.8.6, 2.8.12, 10.18 (Amended Version), AD 00-03 (May 25, 2000)
- M. Memorandum by Michael L. Aytes, USCIS Assoc. Dir., Domestic Operations, Eligibility of Arriving Aliens in Removal Proceedings to Apply for Adjustment of Status and Jurisdiction to Adjudicate Applications for Adjustment of Status; Revisions to Adjudicator's Field Manual (AFM) Chapter 23.2(b), File No. HQDOMO 70/23.1 (January 12, 2007)
- N. Handbook for Employers, M-274 (3553KB PDF) , Instructions For Completing Form I-9, USCIS (Rev. 04/03/09)
- O. How Do I Complete Form I-9, Employment Eligibility Verification?, USCIS, (August 2008)
- P. E-Verify User Manual For Employers (March 2009)
- Q. E-Verify: Quick Reference Guide for Employers (March 2009)
- R. E-Verify User Manual For Designated Agents (March 2009)
- S. E-Verify: Quick Reference Guide For Designated Agents (March 2009)
- T. E-Verify MOU for Employer [Revision Date 10/29/08]
- U. Federal Contractors Required to Use E-Verify System, USCIS Press Release, 11/13/08
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- W. E-Verify Strengthening the Employment Eligibility Document Review Process for the Nation's Employers, USCIS Press Release, 01/08/2009
- X. USCIS Delays Rule Changing List of Documents Acceptable to Verify Employment Eligibility - Reopens Public Comment Period for 30 days, USCIS Press Release, 1/30/09
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- Z. Questions and Answers: Revised Form I-9, Employment Eligibility Verification, USCIS Press Release, 4/3/09



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AA. Frequently Asked Questions: Federal Contractors and E-Verify, USCIS Press Release, 4/17/09  
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FF. STEM Designated Degree Programs List, ICE, 9/25/08  
GG. Office of Special Counsel for Immigration-Related Unfair Employment Practices "Look at the Facts. Not at the Faces"

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**Angelo A. Paparelli** is a partner of Seyfarth Shaw LLP. Mr. Paparelli, with a bicoastal practice in Southern California and New York City, is known for providing creative solutions to complex and straightforward immigration law problems, especially involving mergers and acquisitions, labor certifications and the H-1B visa category. His practice areas include legislative advocacy; employer compliance audits and investigations; U.S. and foreign work visas and permanent residence for executives, managers, scientists, scholars, investors, professionals, students and visitors; immigration messaging and speech-writing; corporate policy formulation; and immigration litigation before administrative agencies and the federal courts. He is frequently quoted in leading national publications on immigration law. He is also President of the Alliance of Business Immigration Lawyers, a 30-firm global consortium of leading immigration practitioners. Paparelli's blog and a comprehensive list of his many immigration law articles can be found at [www.entertheusa.com](http://www.entertheusa.com). He is an alumnus of the University of Michigan where he earned his B.A., and of Wayne State University Law School where he earned his J.D. Paparelli is admitted to the state bars of California, Michigan and New York.

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AILA's New York Chapter and a second-year member of AILA's National Distance Learning Committee. She is also Past-Chair of the Committee on Central European and Central Asian Law, International Law and Practice Section, New York State Bar Association, and a past member of the Immigration and Nationality Committee, The Association of the Bar of the City of New York. Susanne has served as the discussion leader on two AILA Podcasts, one on 245i and the other on strategies as a working parent or caretaker. In 2002 she authored *Business Immigration After 9/11 - Where is it Heading* in connection with a speaking engagement at a NYSBA CLE conference, *Cutting Edge Issues in International Agency and Distribution Agreements*. She practices primarily business immigration law.

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**Robert F. Loughran** is a Managing Shareholder of Foster Quan, LLP and its Austin office. Mr. Loughran received his undergraduate degree from the University of Texas and his law degree from South Texas College of Law in Houston. Mr. Loughran is fluent in Spanish and has studied international and comparative law in Concepción, Chile, and Madrid, Spain. He is Board Certified in Immigration and Nationality Law by the Texas Board of Legal Specialization, a member of the State Bar Committee on Laws Relating to Immigration and Nationality, and has served as the National H-1B Liaison between the American Immigration Lawyers Association and the Vermont Service Center. Mr. Loughran served as the Liaison between the American Immigration Lawyers Association and the San Antonio District Office of the Department of Homeland Security from 2002-2006 and is a member of the College of the State Bar of Texas. Mr. Loughran has been admitted to the State Bar of Texas, the United States District Court for the Southern District of Texas, and the United States Court of Appeals for the Fifth Circuit. *Texas Monthly* has recognized Mr. Loughran as a Texas Super Lawyer. His practice is concentrated in the areas of corporate immigration, emigration to third countries, and related international law. Mr. Loughran heads the Emigration and Employer Sanctions practice areas of the firm.

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Contributors: Jason Burritt, Francis E. Chin, Philip C. Curtis, Laura Danielson, John Fay, Bonnie K. Gibson, Richard Gump, Douglas D. Hauer, Susanne C. Heubel, Loan Huynh, Jay Jorgensen, Susan Kelly, Adam Ketcher, Cynthia Lange, Kevin Lashus, Robert F. Loughran, Kristin Major, Johanna Marmon, Cyrus D. Mehta, Maggie Murphy, Michael Patrick, Julie Pearl, Justin A. Rymer, Olivia M. Sanson, Lynn O. Tarran, Vinh C. Trieu, Steve Trow, Greg Wald, Matthew Warren, Michael J. Wildes

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Vanderbilt University, where she majored in Latin American Studies. She participated in educational exchange programs in Salvador, Brazil, and in Guanajuato, Mexico. Ms. Kelly is a graduate of the University of Texas School of Law, where she participated as a Student Attorney in the Immigration Law Clinic. She also received a Texas Law Fellowship for a summer clerkship with Catholic Charities of Dallas Immigration and Legal Services. Ms. Kelly joined Foster Quan, LLP, as a law clerk. She has been admitted to the State Bar of Texas and is a member of the American Immigration Lawyers Association, the American Bar Association, the Austin Bar Association, and the Austin Young Lawyers Association. In addition, she is a founding member of the State Bar of Texas Section on Immigration and Nationality Law. Ms. Kelly's practice is concentrated in the areas of employment-based immigration, family-based immigration, and employer sanctions.

**Maggie Murphy** is a Senior Attorney with Foster Quan, LLP, in its Austin office. She is Board Certified in Immigration and Nationality Law by the Texas Board of Legal Specialization. Mrs. Murphy graduated summa cum laude from St. Edward's University, where she majored in English Writing and Rhetoric. She received her law degree from the University of Texas, where she also participated in the International Comparative Law Course of Study at the University College of London School of Law. Prior to joining Foster Quan, LLP, Mrs. Murphy worked for a prominent Dallas immigration law firm, practicing in all areas of U.S. immigration and nationality law. She has been admitted to the State Bar of Texas and the U.S. District Court, Northern District of Texas. She is a member of the American Immigration Lawyers Association, the Austin Bar Association, and the Travis County Women Lawyers' Association. She is a founding member of the State Bar of Texas Section on Immigration and Nationality Law, serving as Secretary for the Section for 2008 - 2010. Mrs. Murphy's practice is concentrated in the areas of employment-based and family-based immigration, and she has a significant employer sanctions practice assisting clients with I-9 and social security compliance. Mrs. Murphy is a frequent speaker on immigration topics to university faculty and students, professional employment lawyer groups, and human resources professional groups.

**Michael D. Patrick** is a partner in the New York office of Fragomen, Del Rey, Bernsen & Loewy, LLP. He is a graduate of Syracuse University (B.A., cum laude, 1975) and Hofstra University (J.D., 1978). Michael's practice has an emphasis on risk management for global immigration programs, including DOL and I-9 compliance. Michael joined Fragomen as a partner more than 18 years ago, after having been a founding partner of the general practice firm of Campbell, Patrick & Chin. Before that, he served as a Special Assistant U.S. Attorney and Chief of the Immigration Unit of the U.S. Attorney's Office for the Southern District of New York, where he represented the INS, the Department of State, the Department of Labor, and other federal agencies in federal court. Prior to joining the U.S. Attorney's Office, Michael was an Assistant Corporation Counsel for The City of New York. At the firm, Michael is Co-Chair of the Corporate Compliance Committee and serves as General Counsel. He is also a member of the firm's Finance and Executive Committees. A widely published author in the immigration field, Michael writes a bimonthly immigration column for *The New York Law Journal*, and is listed in the current editions of *Best Lawyers In America*, *SuperLawyers*, *Chambers USA: America's Leading Business Lawyers*, and the *International Who's Who of Corporate Immigration Lawyers*.

**Julie Pearl**, a graduate of Stanford (BA), Harvard (MPA) and University of California (JD), Julie Pearl began her legal career as Deputy Attorney General in California in 1988. She founded her award-winning law firm in 1995, along with Alan Nelson, the former head of the U.S. Immigration and Naturalization Service under Presidents Reagan and Bush Sr. Within three years, she co-founded ImmigrationTracker ("Tracker"), which soon became the technology of choice in the field. She helps guide the software substantively, and heads the alliance program at Tracker I-9. Julie has been invited to speak as the I-9 and immigration expert at dozens of HR, IT and business conferences. She collaborates with a team of Silicon Valley companies to benchmark best emerging practices for U.S. employers in adapting to electronic I-9s, the world of E-Verification and global immigration. Julie won a Cisco Systems Growing with Technology Award (Customer Service Category, 2004) and was profiled in the book: *The Moral Advantage, Getting Ahead in Business by Doing the Right Thing* (Stanford University Project on Good Works, 2004). She is listed in *Chambers USA*, *The International Who's*





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*Who of Corporate Immigration Lawyers, Lawdragon's Top 1% of U.S. Attorneys and Super Lawyers of the Bay Area.*

**Justin A. Rymer** is an associate in the New York office of Fragomen, Del Rey, Bernsen & Loewy, LLP. He is a graduate of Flagler College (B.A., 1999) and Temple University, Beasley School of Law (J.D., cum laude, 2005; LL.M. with distinction, Transnational Law, 2006). Mr. Rymer is admitted to practice in New York. During law school, Mr. Rymer provided pro bono immigration law services for the Nationalities Service Center in Philadelphia and interned with the U.S. Navy JAG Corp in Japan. Prior to joining Fragomen, Mr. Rymer practiced immigration law for firms in Pennsylvania and New York. Mr. Rymer is a member of the New York State Bar Association and the American Immigration Lawyers Association.

**Olivia M. Sanson** is an associate in the immigration group at Satterlee Stephens Burke & Burke LLP in New York City. After obtaining a B.A. in History, with high honors, from the University of Florida, Ms. Sanson earned a J.D. and LL.M. in International and Comparative Law from Duke University School of Law. While at Duke, she attended the Duke-Geneva Institute in Transnational Law in Geneva, Switzerland. Ms. Sanson specializes in immigration and nationality law and is admitted to practice in New York.

**Lynn O. Tarran** she has practiced immigration and nationality law as an attorney at Trow & Rahal since December 2006. She gained essential immigration knowledge and experience working as an immigration paralegal for two years before entering law school. Upon receiving her JD degree and passing the Maryland Bar, Lynn worked in general practice and then as a corporate attorney at Interstate Dairy Queen Corporation. In 2003, Lynn received her J.D. degree from the Catholic University of America, Columbus School of Law, Washington, DC. As a law student, Lynn was a Constitutional Law Moot Court Competition Winner, a runner up in the Appellate Advocacy Competition and a Plato Papps Labor Law Scholar. She earned her B.A. degree, cum laude, in Government & Politics from the University of Maryland in 1997 where she was elected for membership in Phi Beta Kappa and graduated with Departmental Honors. Lynn is a member of the American Immigration Lawyers Association (AILA) and the American Bar Association. She is the Founder and Chair of the Immigration Section of the Maryland State Bar Association. She is admitted to practice before all state and federal district courts in the State of Maryland.

**Vinh C. Trieu** is a Senior Attorney with Foster Quan, LLP in its Austin office. He received his undergraduate degree in Political Science and English from Western Michigan University. He received his law degree from the Cleveland State University Cleveland-Marshall College of Law, where he was President of the Asian Pacific Islander Law Student Association. Prior to joining Foster Quan, LLP, Mr. Trieu was an associate with a Cleveland, Ohio based immigration law firm. His experience also includes working as a solo practitioner practicing all aspects of immigration law in Ohio. He has consulted and represented numerous private companies in all industries regarding H-2A, H-2B, E visas, family based, worksite enforcement and employer sanctions. He has extensive experience representing foreign nationals before several Immigration Courts throughout the United States. He is a member of the State Bar of Ohio, American Immigration Lawyer's Association, Association of Trial Lawyers of America, and is admitted to practice before the Federal Northern District Court of Ohio. Mr. Trieu is proficient in Vietnamese.

**Steve Trow** is the CEO of Trow & Rahal, a law firm he founded in 1993. He has practiced immigration and nationality law since 1980, focusing his practice exclusively on this field since 1989. He received his J.D. degree with honors in 1978 from Cornell Law School, where he served on the Board of Editors of the Cornell Law Review. He earned his B.A. degree in Political Science from the University of Colorado in 1975. Steve is listed in The Best Lawyers in America, the International Who's Who of Business Immigration Lawyers, the Chambers USA Guide to the World's Best Lawyers, and the Martindale-Hubbell Bar Register of Preeminent Lawyers. He is a frequent speaker and writer on U.S. immigration and citizenship issues, particularly as they intersect with U.S. tax law and affect high net worth clients. His recent publications include "U.S. Citizens Who Don't Know It" in Legal Times and "Exit Tax: Eying the Turnstile, Again" in Bender's Immigration Bulletin. Steve is a founding member of the Alliance of Business Immigration Lawyers ([www.abil.com](http://www.abil.com)),



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which has over 200 immigration attorneys in 32 major cities worldwide. He served for seven years (2000-2007) on the Legal Advisory Board of the Capital Area Immigrants' Rights Coalition (CAIR Coalition), a non-profit organization in Washington, DC. He is a member of the District of Columbia Bar and the American Immigration Lawyers Association.

**Gregory A. Wald** is a Senior Attorney with Squire, Sanders & Dempsey's San Francisco and Miami offices. His practice includes representing multinational and Fortune 500 companies and individual clients in all aspects of immigration law before the Department of Homeland Security, the US Department of Labor, the US Department of Justice Executive Office for Immigration Review and federal courts. From 1997 to 2000, Mr. Wald was an assistant district counsel for the US Immigration and Naturalization Service (INS) in the Miami and San Francisco districts. In this role, he advised the INS on multiple aspects of immigration, naturalization, criminal and civil law. As a member of the Employer Sanctions Team, he provided analysis and consultation to special agents on the legal sufficiency of Notices of Intent to Fine regarding Form I-9 audits, compliance and worksite enforcement operations. Mr. Wald is an executive member of the board of the Northern California Chapter of the American Immigration Lawyers Association. In 2009 he was nominated as one of California's leading practitioners in the field of corporate immigration and listed in *Who's Who Legal: California*. He is AV rated by Martindale-Hubbell, the highest rating for ability and ethics.

**Matthew J. Warren** is an associate in the Washington, D.C. office of Sidley Austin LLP. His practice principally focuses on trial and appellate litigation, and includes the representation of individuals and corporations accused of knowingly employing undocumented workers. Mr. Warren has experience defending civil and criminal immigration cases in federal district court, the federal courts of appeal, and the United States Supreme Court. Before joining the firm, he served as a clerk to the Honorable Stephen Glickman of the District of Columbia Court of Appeals.

**Michael J. Wildes** is a partner at Wildes & Weinberg P.C., a firm with offices located in New York city (Midtown) and New Jersey (Englewood). The firm specializes in U.S. immigration and nationality law. He is a former Federal Prosecutor with the United States Attorney's Office in Brooklyn (1989-1993) and is renowned in the employer sanction arena and for his representation of employers who require assistance with their I-9 compliance audits and advice to assure compliance with government mandated information and recordkeeping requirements. Mr. Wildes is frequently a legal commentator/analyst for network television, with regard to U.S. immigration law and policy and is also the Mayor of Englewood, New Jersey-where he resides.

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