

# BRAUWERMAN LAW FIRM, P.A.

Immigration & Nationality Law

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## Featured Article

# The Immigration Connection

March 1, 2012 Edition

Welcome to the **Brauerman Law Firm** newsletter. You are being sent this newsletter because of your interest in immigration and nationality matters. Should you wish to unsubscribe you may do so below.

## Florida Supreme Court to Tackle Retroactivity Issue in Padilla v. Kentucky.

The Florida Supreme Court has accepted jurisdiction to hear the *Padilla*-related cases *Hernandez* and *Castano* on an expedited briefing schedule, with the first principal brief having been due Feb. 8th. These cases will decide 1) whether *Padilla* is retroactive; and 2) whether judicial warnings about the possibility of deportation cure prejudice from ineffective defense counsel.

## J-1 Visa Sponsor Suspended. It Was Not Sweet at the Chocolate Factory.

Cetusa, a sponsor of a State Department work/travel program for the J-1 visa category, was reviewed and banned in an effort to protect the foreign students after 400 participants staged a walkout at a Hershey (Chocolate) packing plant.



**Jeffrey N. Brauerman**, formerly a United States Immigration Judge, has served as Regional Counsel for the Southern Region of the U.S. Immigration and Naturalization Service and Chief Legal Officer for its Miami District office.

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## **New Rules for Guest Workers (H-2B) are Issued by the Department of Labor.**

H-2B visas are used for temporary or seasonal workers. Under the new rules, a national electronic registry is created where all employers must post all jobs they are seeking to fill with H-2B workers. The recruitment period is expanded, requiring employers to hire any qualified local worker who applies up to three weeks before the start of an H-2B contract. Also ended is the labor certification process that allowed employers to simply assert that they had searched for American authorized workers. Now employers will have to consult with State Workforce Agencies to demonstrate that they could not find American authorized workers for the jobs.

## **The Board of Immigration Appeals Holds That an Unauthenticated Document Cannot Be Used as Evidence of Criminal Conviction.**

In *Matter of Velasquez*, 25 I&N Dec, 680 (BIA Jan. 24, 2012) the Board of Immigration Appeals held that an electronically submitted copy of a "disposition notice" (abstract of judgment) proffered by ICE attorneys as proof of a 2009 Virginia conviction was not admissible into evidence because it was not authenticated.

## **Department of HHS Issues 2012 Poverty Guidelines.**

The Poverty Guidelines are used to determine whether an alien is inadmissible under the public charge provisions of the Immigration and Nationality Act. For immigration purposes, 125% of the HHS guidelines are used.

### **Call Us Today For A Professional Consultation**

Jeffrey N. Brauerman, of [Brauerman Law Firm, P.A.](#), is available for consultations in either of our two offices and is also available for telephonic consultations.

We look forward to meeting with you and ultimately providing you with representation. Please note that a consultation does not constitute an attorney-client relationship although information disclosed during the consultation to any member of the firm will be strictly confidential.

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