



**VisaPro Launches Visa Assessment**  
Find out in **3 simple steps** if you qualify for a US visa!  
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### FROM THE EDITOR'S DESK

April Fools!!! Last year April Fool's Day joke took a serious turn when a reputed website issued a press release that the USCIS reached the H-1B cap for FY 2007 on the first day of filing. The prank turned out to be true this year, and we at VisaPro had envisaged this scenario well in advance.

USCIS announced on April 2nd and April 3rd that it had received enough H-1B petitions to meet the congressionally mandated cap for fiscal year 2008 (FY 2008). Additionally, on April 18, 2007, USCIS announced that it had received approximately 18,000 H-1B petitions for aliens with advanced degrees. What is the H-1B and H-2B Cap, and how does it affect you? you ask. See our [In Focus](#) article this month. It provides complete information about the annual cap count for certain nonimmigrant visas for the FY 2008. It also has some brief notes on various bills that have been introduced in Congress to reform U.S. visa programs for highly skilled foreign workers and/or provide temporary relief from the H-1B cap.

Both government and industry experts were surprised to see the H-1B visa usage grew this big. However, it should not come as that much of a surprise given that the cap has been reached earlier and earlier each year. Because the cap was reached on the first day, and USCIS received more than twice the number of petitions for the number of visas available, they had to once again conduct a computer-generated random selection of cap-subject petitions to determine which cases they would accept for processing. The IT industry has been pushing hard to increase the number of visas available, with Bill Gates being their knight in shining armor, making several appearances before the U.S. Congress. We will keep you abreast of the developments on this front in our future issues of **Immigration Monitor**.

It is always a great feeling helping clients through their difficult and, very often, tiring immigration process. We share one such [Success Story](#) "Avoiding the H-1B trap" about developing alternative options (L-1, L Blanket, H-3 and B-1 visas) for personnel

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### YOUR OPINION

Do you have an alternative visa classification for which you qualify if your H-1B petition is not selected under random selection process?

- a. Yes
- b. No
- c. May be

[Cast Your Vote](#)

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### IMMIGRATION QUIZ

**Win a FREE Online Consultation!**

coming to the US, without relying on the H-1B visas.

This month we are also focusing on the [R-1 religious worker](#) program. As long as 8 years ago the Government Accountability Office reported that there is fraud in the religious worker program. In more recent times USCIS has noted there is a growing misuse of the category because of the opportunity for fraud in the program. On April 25, 2007, USCIS published proposed "Revisions for Religious Worker Visa Classifications" in the Federal Register. We have summarized the proposal for you in our April [Industry Perspective](#).

USCIS has also made some policy changes which allow petitioners more time to bring foreign workers with extraordinary abilities to the United States. It has clarified that petitioners can now file "O" and "P" nonimmigrant petitions up to one year before a scheduled event under normal processing procedures, making planning and scheduling much easier. So if you want to know more about [O](#) and [P visa](#) options [contact us](#). To check your eligibility for O and P visas [click here](#).



Adding further to our endeavors in bringing one-stop global immigration service to all our readers, this month VisaPro has added immigration services to two more European countries. I invite our readers to visit our new [Italy](#) and [France](#) websites for information and queries related to immigration needs for these countries.



Once again last month's poll question generated mixed reactions from our readers. The opinion was fairly equally divided. About half of those taking part in the poll believe the new USCIS regulations for

US citizens filing an [I-130 for an alien relative](#) while outside the US would cause distress, hence having an adverse effect. The balance of you felt the new regulations would not have an adverse affect those US citizens outside the US when filing an I-130. This month we have another interesting question for you in our **Your Opinion** section. Don't miss the chance to make your opinion heard.



Congratulations to **Janet Hopkins** for winning last month's **Immigration Quiz** and earning a FREE online consultation! A significant number of participants seemed to be confused about what would happen

if a person is late in filing a petition to [Remove Conditions](#) while in the U.S. Check out the correct answer and see how close you were. We have another interesting quiz for you this month so put your thinking caps on and get out the research books. Give it a try; your name might be featured in the next **Immigration Monitor** newsletter as the winner. All

Submit your answer to the query below. The best response will be published in the next **Immigration Monitor** and the winner will receive a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of May 2007.

*I am currently on J-1 visa and I am supposed to go back to my country for two years (Two years rule does apply). Is there a way of applying for another visa category like Green Card or work visa so that I do not need to go my home country for two years?*

[Submit Your Answer](#)

A vertical rectangular advertisement. At the top, the text 'Immigration Issue?' is written in a large, bold, orange font. Below it, 'Consult Our Experienced Attorneys' is written in a smaller, grey font. At the bottom, there is a small portrait of a woman with dark hair and glasses, looking directly at the camera. To the left of her portrait, the text 'Click Here' is written in a red font.

**Winner of the Immigration Quiz - March 2007:**

Janet Hopkins

**The Question:**

*I have been married to the US citizen for less than 2 years; I was given a Conditional Green Card. What is Removal of Conditions on Permanent Residence I was told I would need to apply for the same? What would happen if I am late in filing my Removal of Conditions petition?*

**The Winning Response:**

Your lawful permanent resident status will be conditional, which is given the privilege of living and working in the U.S. permanently. If it is based

the Best!

Don't forget to add our address [Immigration-Monitor@VisaPro.com](mailto:Immigration-Monitor@VisaPro.com) to the list of your contacts so that you see the **Immigration Monitor** in your email Inbox every month and you can keep up to date on immigration issues and you will not miss the latest immigration activity.

**See you next month with a lot more noise from the Immigration World! Till then CIAO!!**

*Christine*

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
with Delhi Attendees



Consular Interview  
Mock Session



Seminar Attendees  
at Bangalore

[More](#)

## LATEST NEWS [XML](#)

### [USCIS reaches H-1B Exemption CAP for FY 2008](#)

U.S. Citizenship and Immigration Services (USCIS) announced today that it has received enough H-1B petitions requesting exemptions from the FY 2008 H-1B cap for "foreign workers who have earned a master's degree or higher from a U.S. institution of higher education" to meet the congressionally mandated exemption limit of 20,000. USCIS has determined that the "final receipt date" for these exempt H-1B petitions is April 30, 2007. USCIS will be rejecting petitions requesting a FY 2008 cap exemption for "workers with a master's or higher degree earned from a U.S. institution of higher education" that are received on or after May 1, 2007 unless the petition is otherwise eligible for a separate cap exemption.

### [USCIS Proposes Revisions for Religious Worker Visa Classifications](#)

U.S. Citizenship and Immigration Services (USCIS) propose to amend existing regulations pertaining to special immigrant and nonimmigrant religious worker visa classifications. The proposed rule focuses on how the integrity of the religious worker program by eliminating opportunities for fraud in the program while, at the same time, streamlining the process for lawful petitioners.

### [USCIS introduces the Citizen's Almanac](#)

U.S. Citizenship and Immigration Services (USCIS) have released The Citizen's Almanac, a publication particularly developed for new citizens. The Citizen's Almanac is a collection of America's most esteemed symbols of freedom and right. The Almanac links our newest citizens with the rich civic history we all share as Americans. To enhance the naturalization process for the more than 700,000 new citizens the United States welcomes each year, The Citizen's Almanac will be distributed by USCIS at all naturalization ceremonies starting this

on a marriage that is less than two years old on the day you are given permanent residence. You are given conditional resident status on the day you are lawfully admitted to the U.S. on an immigrant visa or receive Adjustment of Status. You will need to apply for the Removal of Conditions. Your conditional resident status will automatically be terminated and the Service will order removal proceedings against you if you fail to file Form I-751 within the 90 day period before your second anniversary as a conditional resident. If filed after the 90 day period if you can prove in writing to the director of the Regional Service Center that there was good cause for failing to file the petition on time.

[Janet Hopkins](#) receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of April 2007.

## **JOBS @ VisaPro**

- **Full-Time**
- **Part-Time**
- **Semi-Retired**

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**Location:** Work from anywhere in the U.S. No need to relocate.

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- ▶ [Immigration Paralegal](#)

month.

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IN FOCUS

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## What is the H-1B and H-2B Cap, and how does it affect you?

U.S. businesses utilize the H-1B program to employ foreign workers in specialty occupations that require a body of theoretical knowledge and/or technical expertise in specialized fields, such as scientists, engineers, or computer programmers. Congress has limited the number of new individuals that can enter the US in the H-1B category to 65,000 per year.

[Read Full Article](#) | [Read More Articles](#)

INDUSTRY PERSPECTIVE

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## Embark on a religious journey to U.S. through R-1 visa

It may soon become harder to get an R visa as a religious worker. Over the past few years the Government Accountability Office (GAO), the US Consulates overseas, and the USCIS has determined that the R visa category is susceptible to fraud. The first report on the potential for fraud in the program was issued by the GAO in March 1999, over 8 years ago. USCIS, through the Fraud Detection and National Security (FDNS) Office, continued to review the program to look for weaknesses. In fact FDNS has found that as many as one-third of the cases filed under the R visa category are fraudulent.

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IMMIGRATION ARTICLE

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## US citizen marrying a foreign national: Issues involved

Each year, thousands of U.S. citizens marry foreign-born persons and file for their permanent residence process in the United States. The immigration process for green card through marriage depends upon whether you intend to marry the foreign national in the U.S. or outside the U.S. Each situation has its own distinct requirements and procedures and thus, requires different planning.

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PROCESSING TIMES

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▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

**DISCUSSION CORNER**

[please help filling out ds-230](#)

By angel007

[H1B stamped, Not traveled to US for work and need to transfer H1B](#)

By virendrarao

[K1 Fiancee Visa with a K2 son over 18yr.](#)

By ChrisP

[More Discussions](#)



VisaPro Launches  
**Visa Assessment**  
Find out in 3 simple steps  
if you qualify for a US visa!  
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VisaPro

## QUESTIONS AND ANSWERS

1. **Can it be possible to transfer the [H1B](#), I left the petitioner, joined the new company in India. I never traveled on H-1B and currently working in India.**

Yes, H-1B transfer is possible if you have the approval notice from your previous employer; your new employer has to file the petition for H-1B transfer with USCIS. You are not required to come under the Cap and you can start working as soon as your H-1B gets transferred.

2. **My husband has an [L1-A](#) visa and I am on a [J1](#) visa. My visa expires in June 2007. What is the benefit of changing my visa from J-1 to [L-2](#)? I am traveling to my home country in May 2007 and will be back at the end of May. My current visa expires in June 2007. Is it possible to obtain an L-2 visa after I come back in May 2007? What will happen if my husband changes his employment and will no longer have an L1-A?**

If your J-1 is subject to the 2 year foreign residence requirement, you must either satisfy the requirement or obtain a waiver of the requirement before you can either obtain an L visa or change your status to L, a L-2 can obtain employment authorization that is not restricted to a particular employer or job. If you are otherwise qualified and not restricted as discussed above, you may be able to obtain an L-2 after you return to the US on your J visa in May. Your L-2 is dependent on your husband being in L-1 status. Your L-2 will no longer be valid if your husband is no longer an L-1.

[More Q&A](#)

### GOT A QUESTION?

If you have a short, simple query on immigration to the U.S., send your questions to us. We will select and answer a few of the queries in every issue.

**Note:** Responses posted in this section provide only general information. Since immigration law is a complex matter, please [consult](#) an immigration attorney before acting upon any responses provided.

[Ask Your Question](#)

## SUCCESS STORIES

### Avoiding the H-1B trap: Strategies for managing your immigration issues without relying on the H-1B

Company D first contacted VisaPro in late 2004 about how to bring their employees to the US for training and work. The company has its headquarters in the US, and a development office overseas. For the past couple of years the company had been a member of the BEP program and had been sending their personnel to the US using [B-1](#) (business visitor) visas. In the fall of 2004 the company was notified by the US

consulate where they did most of their visa processing that the consulate was going to audit their use of the BEP program and B-1 visas to be sure that they were making proper use of it.

Being just a bit worried about what an audit would mean, Company D came to VisaPro for advice. After reviewing their company structure, immigration needs, and their current practices, it was our opinion that Company D was making proper use of the B-1 visa program. At their request we sent a letter to the consulate which laid out our findings and conclusions. The consulate's audit agreed with our conclusions and Company D's BEP standing was not affected. However, that is just the beginning of our involvement with Company D.

As part of our review of their current practices the Human Resources Director asked us to provide them with additional strategies for moving personnel between the overseas development office and US headquarters. Based on the parent-subsidiary structure of the companies, and the proposed use of foreign personnel in the US, especially in light of the limited number of [H-1B visas](#) available, we advised Company D that they should consider using the [L-1 visa](#) for intra-company transferees.

After reviewing the qualifications of the personnel that Company D wanted to bring to the US in the spring of 2005 we selected the best four, prepared and submitted L-1 petitions for them. All four were approved in short order, and the consulate issued the visas. Throughout 2005 we submitted several more L-1 petitions (both for executives/managers and specialized knowledge personnel), all of which were approved.

Once the first 10 L-1 petitions had been approved for Company D we prepared and submitted an [L-1 Blanket petition](#) on their behalf. The Blanket petition was approved and Company D began filing manager and specialized knowledge professional L-1 petitions directly with the consulate. This cut the processing times considerably for those employees that qualified for blanket treatment.

Company D does much of their in-house training on proprietary products at their headquarters in the US so our *next step was to establish a formal training program for them* with USCIS. This allows them to bring individuals for their various training programs, usually lasting 9-12 months each, using the [H-3](#) training visa. By putting the H-3 program in place Company D no longer had to rely on the B-1 business visitor visa, and the potential that a consular officer would think the proposed stay in the US was for too long of a period, for those employees being sent to the US for the longer training periods.

Company D now has three clear options for personnel coming to the US, without having to worry about the availability of H-1B visas:

- a. L-1 intra-company transferee visa for executives, managers, and specialized knowledge personnel (available for up to 5 or 7 years);
- b. H-3 training visa (good for up to 24 months in the training program); and
- c. B-1 business visitor for short term assignments (usually lasting less than 6 months).

It takes time to understand the business and develop successful immigration strategies, but the added effort produces solid results. Company D received approvals for every one of the 50 personnel whose application was filed by VisaPro under L-1, L Blanket and H-3 visas during the 2 year period – **what more could any Company ask from their immigration attorney?**

Our attorneys have the experience to review and analyze different scenarios and formulate strategies for success. [Contact VisaPro](#) to review your situation and discuss your options.

[More Success Stories](#)

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