



## 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

We are at it again! Another month has gone by and as usual we have seen more changes in the immigration laws and procedures.

It was just a few years ago that the filing fee for an H-1B petition was \$130. The most recent change in the filing fee, effective July 30th, 2007, has increased the H-1B filing fees to a whopping \$2320, making it a very costly affair for employers who need foreign workers. It is definitely a high price to pay to hire foreign specialty workers and keep them in the U.S. The USCIS's stated goal was to modernize its existing infrastructure and procedures through the fee increase. I don't think any of us can say the "better" service from the USCIS has kept pace with the increasing filing fees. Rep. Zoe Lofgren (D-San Jose) has opined that the USCIS has consistently failed to explain or justify the amounts and distributions of this new fee increase, and has introduced a bill to void the recent increases in immigration fees. The bill would void the new fee structure that took effect from July 30, 2007, and would reinstate the previous fee structure. The bill also notes that USCIS has consistently failed to reduce application backlogs and has suffered from a lack of transparency and effective management.

The USCIS reminded the public that all filings submitted on or after July 30, 2007 via the electronic filing system must be submitted with payment of the new fees. The exception to this rule, as previously announced, are all Forms [I-765](#) and [I-131](#) applications based on employment-based adjustment of status applications filed pursuant to Visa Bulletin No. 107, and that are submitted on or before August 17, 2007, are filed under the fee structure in place prior to July 30, 2007.

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### YOUR OPINION

Every individual applying for green card or citizenship is subjected to background checks. Do you think that this may be a valid reason for the inordinate delay in processing the applications?

Small and seasonal businesses all over the U.S are calling September 30th, 2007 [H-2B](#) disaster day. The long wait for the employers will be over as the suspense and uncertainty over whether Congress will extend the H-2B "returning worker" provisions will be cleared shortly. In the meanwhile, the USCIS is reminding employers that use the H-2B nonimmigrant visa program to fill their temporary workforce needs that the "returning worker" provisions enacted in the "Save Our Small and Seasonal Businesses Act of 2005" ("SOS Act") are set to expire on September 30, 2007. The "returning worker" provisions exempt from the annual H-2B fiscal year cap those aliens who were counted toward the H-2B numerical limit during any one of the 3 fiscal years preceding the fiscal year of the requested employment start date.

The U.S. Citizenship and Immigration Services (USCIS) announced on August 3rd that it has experienced great increase in the number of applications filed, which has resulted in a front log of cases awaiting data-entry. It said that it was making every effort to address the delay and will prioritize data entry for specific form-types. It has guaranteed that the delay in data entry and fee receipting will not affect Change of Status or Extension of Stay eligibility, assuming all other eligibility requirements are satisfied and Premium Processing Service will continue to be processed within 15 days, consistent with existing policies and procedures.

This next item looks like a plot stolen directly from a Steven Spielberg thriller. The positives drawn from years of research and development in the field of DNA matching is helping the USCIS curb the concerns over the unregulated adoption process in Guatemala. The USCIS announced that the U.S. Embassy in Guatemala will now require results of a second DNA test from the biological parent before they will issue an immigrant visa for the adopted child. The USCIS has taken this decision in an effort to support the highest standards of practice in inter-country adoption. The results must verify that the adopted child is the same child matched at the beginning of the adoption process with the biological parent. USCIS already requires one DNA match between a relinquishing parent and a prospective adoptive child as part of the adjudication of the Petition to Classify an Orphan as an Immediate Relative ([Form I-600](#)).

Reading through the various adoption stories of the journeys that people undertake to adopt foreign national children will bring a tear to every eye. The trials and tribulations on the road of international adoption has gotten easier with the USCIS's implementation of several changes benefiting prospective adoptive parents, many of whom have experienced long delays finalizing their adoptions. The USCIS is now allowing prospective adoptive parents to receive one, no-charge extension of the approved

- a. Yes
- b. No

[Cast Your Vote](#)

[View Results](#)

## IMMIGRATION QUIZ

### Win a FREE Online Consultation!

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 September 2007.

*I am a naturalized U.S. citizen. Will I be able to sponsor my step-brother for a green card?*

[Submit Your Answer](#)

**Immigration Issue?**

Consult Our Experienced Attorneys

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

Maria Mendoza

**The Question:**

Application for Advance Processing of Orphan Petition ([Form I-600A](#)) if they have not already submitted a petition to classify an orphan as an immediate relative ([Form I-600](#)).

Considering that many [H-1B](#) hopefuls are gearing up to attend their visa interviews, which is often a nerve wracking experience, this month's [In Focus](#) section provides valuable information on the common questions Consular Officers ask during an interview. The [Immigration Article](#) in this issue delves into the P-1, O-1 and other visa options available for Athletes and Athletic teams.

Again, we have brought an interesting question for our readers to cast their vote on and we appreciate that people are taking interest in giving their opinion. Keep it up! The opinion was equally divided for the last month's poll question. More than half of the participants believed that Congress will fail to pass the bill to increase the schedule of green cards for nurses, thus having an adverse effect. Others, however, were just neutral reacting to the issue. This month we have another interesting question for you to express [Your Opinion](#). So don't miss casting your vote.



**Maria Mendoza** deserves all the Congratulations for winning last month's **Immigration Quiz**. Answers to the quiz indicated that many of our readers were confused about applying for travel documents. However, the winner gave right answer and she won a free online consultation to discuss her Immigration issues. So be ready for this month's quiz. Your name might feature in the next newsletter. All 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 will not miss the latest immigration activity.

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

*Christine*

*I am a permanent resident of the U.S. and will be going back to my home country for a period of nine months. Is it true that I would have to apply for my travel document to re-enter the U.S.?*

**The Winning Response:**

No, you do not need to apply for travel documents. As a permanent resident you can travel anytime, anywhere. But you can not be out of the country for more than a year.

**Maria Mendoza** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of August 2007.

**JOBS @ VisaPro**

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- ▶ [Immigration Attorney](#)
- ▶ [Immigration Paralegal](#)

 **RECENT IMMIGRATION EVENTS**



VisaPro Attorney  
Mr. Thomas Joy  
with Delhi Attendees



Consular Interview  
Mock Session



Seminar Attendees  
at Bangalore

[More](#) ▶

## LATEST NEWS

### [Update on Service Center and Lockbox Receipting](#)

The U.S. Citizenship and Immigration Services (USCIS) stated that it has experienced a tremendous increase in the number of applications filed, which has resulted in a front log of cases awaiting data-entry. USCIS is putting in every effort to deal with the delay.

### [USCIS Proposes Rule to Replace Green Cards without Expiration Date](#)

The U.S. Citizenship and Immigration Services (USCIS) have announced a proposal to require nearly 750,000 lawful permanent residents carrying “green cards” without an expiration date to replace their current cards. The change would allow USCIS to issue more secure permanent resident cards, update cardholder information, conduct background checks, and electronically store applicants’ fingerprint and photographic information.

### [Reminder for H-2B Employers Seeking Returning Workers](#)

The U.S. Citizenship and Immigration Services (USCIS) today reminded employers who use the H-2B nonimmigrant visa program to fill their temporary labor workforce needs that the “returning worker” provisions initially enacted in the “Save Our Small and Seasonal Businesses Act of 2005” (“SOS Act”) expire on September 30, 2007. The “returning worker” provisions exempt from the annual H-2B fiscal year cap those aliens who were counted toward the H-2B numerical limit during any one of the three fiscal years preceding the fiscal year of the requested employment start date.

### [Read More News](#)

## IN FOCUS



### **H-1B Visa Interview: Questions you may be Asked**

A nonimmigrant visa interview at a Consulate is often a nerve-wracking experience especially for first-timers like Rex. As most cases are decided after a brief interview and a quick review of documents by the Consular Officer, being prepared for the interview is absolutely essential.

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## IMMIGRATION ARTICLE

### **An Athlete’s Rendezvous with the Land of Dreams: B, H, O, and P visa categories**

Money, fame and autograph hunters go hand in hand with top **athletes** who have graced their respective games and sports all over the world. But when it comes to their

understanding of and determining which immigration options available to them to enter the U.S. is best, they seem, like any other foreign national, more than a trifle puzzled and mystified by the myriad of choices.

All good things in the world are not served on a silver platter and neither is the American dream of success, fame and wealth that can be earned through athletic skill and hard work. The key to bliss in the U.S. for athletes lies in working out the best possible solution among the various possible visa options. These options include the B, H, O, and P categories.

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## PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[legally separated and want to file n-400](#)

By great\_timing

[German getting married to U.S. Citizen \(K-1 or B2?\)](#)

By danny\_ch

[I-130 Approved - Options??](#)

By iKiddo

[More Discussions](#)



## QUESTIONS AND ANSWERS

1. I am in the US on [J-1](#) status. I want to extend my status to finish my program, but the program sponsor told me that they were unable to help me do so. Is it possible to change my status from J-1 to [B-2 visa](#)? What would be the procedure?

The sponsoring agencies handle J-1 Visas and they have to extend the visa if you cannot finish the program. J-1 allows you to stay for the duration specified in the corresponding form DS-2019.

If you are not subject to 2 year home residency requirement, then it is possible to change your status to another category. B-2 visa is a tourist visa and is usually issued for a period 4-6 months. To obtain this visa, you must show the purpose of stay, financial ability to self-maintain, and the intent to return to your home country at the conclusion of the authorized period of stay. It is becoming increasingly difficult to obtain a change of status to B-2 though it is still possible. You could stay in the U.S while the application for the change of status is pending with the USCIS.

### 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](#)

2. I am on an [H2B](#) work visa in the U.S. I am looking for a new job as my employment term with the current employer will be completed in September, 2007, and my visa will expire in October. In the meanwhile, I am planning to marry a citizen of the U.S. Should we marry and apply for my permanent residence? Please suggest on how to go about the procedure?

You can apply for change of status from H-2B to any other category. It is important that you apply for a change of status before your current status expires. Until you obtain an H-2B extension or qualify for other visa categories such as [H-1B](#), you can stay in the U.S. by applying for a visitor visa (B-2 visa). If your visitor visa application is approved, you can stay for a period of 6 to 12 months, and if the application is not approved, then you must make arrangements to leave the country to avoid accruing "unlawful presence".

However, if you intend to marry a US citizen and in fact do so, your fiancé can file a green card petition for you and you can have your status adjusted to permanent resident (even if you go out of status by then).

[More Q&A](#)

## SUCCESS STORIES

"As you know, I have now achieved [Permanent Residency](#) status and would like to thank [VisaPro legal team] and the other members of your team for your invaluable assistance. Our initial telephone consultation with [VisaPro legal team] clarified which application forms we needed to complete, your standard procedures enabled us to get the forms right first time, and your expertise was also critical in resolving subsequent issues.

Please pass on our acknowledgement and appreciation to [VisaPro legal team] and the other members of your team."

With best regards,

**Lesley Hamilton and John Beran,**  
United States

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