

FROM THE EDITOR'S DESK

Hello and welcome to the August 2013 Immigration Newsletter!

August began with an ominous start - an announcement from the U.S. Department of State (DOS) that it was temporarily closing 19 U.S. Embassies and Consulates across Asia and Africa due to a potential threat of terrorist attacks. The DOS issued the Worldwide Travel Alert indicating that certain terrorist organizations may focus efforts to conduct attacks during August and temporarily closed 19 Consular posts and Embassies from Monday, August 5 through Saturday, August 10. Subsequently, on August 11, the DOS reopened 18 of the 19 embassies and consulates that were closed. The US Embassy in Sana, Yemen was reopened with limited services subsequently. As we near the end of August, we are very relieved and happy to report that nothing untoward happened during the period.

It's just over a year since USCIS announced that it has begun accepting requests for consideration of Deferred Action for Childhood Arrivals (DACA). As our readers may recall, the provisions of DACA allowed for individuals whose case is deferred under DACA not to be placed into removal proceedings or removed from the United States for a period of two years, unless it was otherwise terminated. USCIS has reported that in the period from August 15 2012 to June 30, 2013, it received more than 550,000 applications - at a rate of over 2400 applications a day! Out of them, over 530,000 applications have reportedly been accepted and 400,562 applications approved. These figures are notable, and in some sense, should be considered a reflection of the significance of the program.

August 2013 also saw the official implementation of the process to expand eligibility for participation in Global Entry to citizens from the Republic of Korea, Germany, Qatar,

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and the United Kingdom. The Global Entry program allows pre-approved, low-risk travelers the ability to bypass traditional CBP screening and use an automated kiosk to complete their entry into the U.S. upon arrival. Citizens of these countries must satisfy current program and application requirements in order to qualify. To become a member of Global Entry, interested individuals must fill out an online application, pay the \$100 application fee, undergo a background investigation and complete an interview with a CBP officer at a Trusted Traveler enrollment center which includes submission of fingerprints. Upon approval, membership will be valid for five years.

In other exciting immigrant visa news, the [EB-2](#) priority date for India advanced again from 01/01/08 to 06/15/08 in the September 2013 Visa Bulletin. Furthermore, the F2A Family-based immigration category (the spouse and unmarried children under 21 of legal permanent residents) remained "Current." It is important to note that the DOS has warned that these priority dates may be retrogressed again based on response in October. [Contact VisaPro](#) immediately if you need any assistance in filing for an Adjustment of Status application or for an Immigrant Visa in these categories, if your priority date has become current, or if you would like to file an I-130 and AOS application concurrently in the F2A category.

In USCIS news, many individuals may have noticed a slow-down in USCIS processing of many types of applications, including the [I-130](#). USCIS has announced that it has begun transferring some cases between the service centers to balance workload processing capacity. The affected cases include:

- **I-129F, Petition for Alien Fiancé(e)** – Transfer of workload from Vermont Service Center (VSC) to Texas Service Center (TSC)
- **I-130, Petition for Alien Relative (F2A category for spouses and children of permanent residents)** – Transfer of workload from VSC to Nebraska Service Center (NSC)
- **I-821D, Consideration of Deferred Action for Childhood Arrivals (with accompanying Form I-765, Application for Employment Authorization)** – Transfer of workload from VSC to NSC
- **I-751, Petition to Remove the Conditions on Residence** – Transfer of workload from VSC to California Service Center (CSC)

These transfers are in addition to the I-130's that continue

YOUR OPINION

Do you think that USCIS receiving nearly 550,000 applications under DACA in the period from August 15, 2012 to June 30, 2013, is an indicator of the success of the program?

- a. Yes
- b. No
- c. Not Sure

[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 2013.

What is the minimum educational requirement for an [L-1](#) visa? Can a Manager with a 3-year Bachelor's degree in the Arts be eligible for an L-1 visa?

[Submit Your Answer](#)

to be transferred from the National Benefits Center to the Field Offices for adjudication.

In the case of transferred cases, USCIS customarily sends a notice listing the transfer date and where the case will be processed. The original receipt number will not change and petitioners should reference the original receipt number and indicate that the case was transferred to a new location when making any case status inquiries. If you have filed one of the affected form types and you receive a request for evidence or any other type of communication from USCIS, please read the notice carefully to ensure that you respond to the same service center that sent you the RFE notice.

Other Developments in Immigration Law:

[September 2013 Visa Bulletin: EB-2 Priority Dates Further Advance for India](#)

In the recently published U.S. Department of State Visa Bulletin for September 2013, the [EB-2](#) priority dates remained current in respect of all countries other than India and mainland China. The EB-2 priority date advanced from 01/01/08 to 06/15/08 in respect of India, but remained at 08/08/08 for mainland China. While, [EB-1](#), [EB-4](#), and [EB-5](#) numbers continue to remain current for all countries, [EB-3](#) priority dates also advanced in respect of all countries.

[U.S. Immigration Benefits for Same-Sex Couples: How to Apply?](#)

A U.S. Citizen or LPR who is in a same-sex marriage to a foreign national can now sponsor his or her spouse for a family-based immigrant visa by filing a Form [I-130](#) and any applicable accompanying application(s). A U.S. Citizen who is engaged to be married to a foreign national of the same sex can also file a fiancé(e) petition ([K-1](#) visa petition) on behalf of the foreign national. Learn more about the immigration options that are now available to same-sex couples and their family members and how to apply for immigration benefits based on a same-sex marriage.

Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Adjustment of Status vs. Consular Processing](#)". Green Cards are conferred either through issuance of an immigrant visa at an American Consulate abroad or through approval of an

Immigration
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Winner of the Immigration Quiz - July 2013:

Alen

The Question:

I was refused a [B-1](#) visa 3 months back. I was issued a 214(b). Can I reapply now?

The Winning Response:

Yes, you can reapply. You must however be able to show changed circumstances or present additional proof to establish how you can overcome the presumption of 214(b).

Alen receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2013.

'[Adjustment of Status](#)' application by the USCIS in the U.S. For those present in the U.S., both alternatives may be available. In this video, we discuss the relative advantages of either option to help permanent residence applicants make an informed judgment. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Check out our '**In Focus**' article for this month titled "[Obtaining U.S. Immigrant Visa for Family Members: Filing the Form I-130 From Outside the U.S.](#)" to learn more about how U.S. Citizens and Lawful Permanent Residents may initiate the [I-130](#) process by filing the Form I-130 outside the U.S., to enable qualifying foreign national relatives to come to and live permanently in the U.S.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**54%**) thought that the [EB-2](#) priority dates for India will not remain at January 2008 for a significant period of time without retrogressing again. Interestingly, in the recent September 2013 Visa Bulletin the EB-2 priority dates for India did advance from January 2008 to June 2008 with a warning, however, that it may retrogress in coming months based on demand. We continue to appreciate that people take interest in the opinion question and cast their votes to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We also congratulate **Alex** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Alex** gave the best answer and won a free online consultation to discuss the concerned Immigration issues. It's time to get ready for this month's quiz. If you know the correct answer your name might be featured in next month's newsletter. All the Best!!!

To ensure you receive your Immigration Newsletter, please add Immigration-Monitor@VisaPro.com to your address book or safe list.

See you next month with a lot more noise from the Immigration World!

Christine

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NEW TO VisaPro?

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#) or other work visas or Green Cards? VisaPro has answers to many of the most commonly asked immigration questions. [Click here](#) to find out more.

RECENT IMMIGRATION EVENTS



More ▶

FEATURED VIDEO

Adjustment of Status vs. Consular Processing



Green Cards are conferred either through issuance of an immigrant visa at an American Consulate abroad or through approval of an 'Adjustment of Status' application by the USCIS in the U.S. For those present in the U.S., both alternatives may be available. The relative advantages of either option explained here should help permanent residence applicants make an informed judgment.

[More Videos...](#)

LATEST NEWS

[H2B Cap Count Update](#)

USCIS has updated the count of [H2B](#) visa petitions received and counted towards the H2B cap for the 2nd half of fiscal year 2013 employment. As of August 16, 2013, USCIS has approved approximately 27,474 beneficiaries for the 2nd half of FY 2013.

[Immigration-Related Discrimination: DOJ Settles Claim against Employment Group](#)

DOJ has recently announced that it has reached an agreement with a Salt Lake City-based company, resolving claims that the company violated the anti-discrimination provision of the Immigration and Nationality Act. Under the terms of the settlement agreement, the company has agreed to pay over \$9,000 in back pay to the victim and \$1,200 in civil penalties to the United States. The DOJ's investigation arose following allegations made by a work-authorized individual that the company had rejected his valid driver's license and unrestricted Social Security card and required him to produce an EAD, both at the time of initial hire and when subsequently re-verifying his employment authorization.

IN FOCUS



[Obtaining U.S. Immigrant Visa for Family Members: Filing the Form I-130 From Outside the U.S.](#)

The Family Based Immigrant Visa Process is initiated by filing the Form I-130 within the U.S., or in some cases, outside the U.S. Citizens and legal permanent residents who are living abroad may be able to file the I-130 for their relatives directly at a USCIS Field Office located abroad instead of a Lockbox in the U.S. Learn more about how a U.S. Citizen or Green Card holder residing outside the U.S. can sponsor a U.S. Green Card for his family members by filing the Form I-130 outside the United States at a USCIS Field Office or directly with a U.S. Embassy or Consulate.

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PROCESSING TIMES

▶ [Visa Bulletin](#)

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QUESTIONS AND ANSWERS

Q1. My sister filed an F4 Green Card for me in 2006 September. How many more years it will take normally for me to move U.S.?

Ans. To apply for an immigrant visa under the F-4 Green Card category, you must be sponsored by a U.S. citizen sibling and be the beneficiary of an approved I-130 petition. There are annual numerical limits (quotas) on the number of immigrant visas that can be granted under the F-4 category. The limit is based on place of birth, not current citizenship. Because of these numerical limits and the fact that more people apply than there are available visas each year, there is a waiting time before the immigrant visa can be granted. Your immigrant visa case can be processed only when your case becomes current, or in other words, when your priority date is earlier than the cut-off date established by the Department of State and listed on the monthly [Visa Bulletin](#). You cannot apply for an immigrant visa until your priority date is reached. The F-4 category is typically a heavily oversubscribed category and there may be a waiting period of several years before a priority date is reached. As per the recent September 2013 Visa Bulletin, the F-4 Green Card Category for brothers and sisters of adult U.S. Citizens is backed up to 2/15/90 for beneficiaries born in the Philippines, 10/08/96 for beneficiaries born in Mexico and 7/22/01 for beneficiaries born in all other countries. Since it is not clear from the information provided by you as to which country you are chargeable against, it is impossible to accurately predict when your priority date could become current. You can continue to watch the movement of F-4 priority dates against the country you were born in the Visa Bulletin every month.

Q2. I am in the US on an [H1B](#) for the past 2 years. Before coming to the U.S., I was working with a related company in Korea as a Manager with 8 people reporting to me. Will I qualify for the EB-1.3 Green Card category?

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](#)

Ans. In order to qualify for an EB-1.3 Green Card as a Multinational Executive/Manager, you must have been a Manager or Executive in Korea **and** you must be hired for a Managerial or Executive position in the U.S. by a related company. You must be able to demonstrate that you were employed for at least one year in a Managerial or Executive role before coming to the U.S. Further, if you don't actually manage anyone or don't have an executive role currently, the proposed role must be one that sees you in a managerial or executive role. The information provided by you here is not sufficient to form an opinion on whether or not you would qualify for an EB-1.3. It is advisable that you consult an immigration attorney and have your entire situation reviewed. The Attorney will need to assess the nature of the role performed by you in Korea and the proposed role to be performed by you here in the U.S. in order to fully understand whether or not you would qualify under EB-1.3 and what steps you need to take in your situation.

[More Q&A](#)

SUCCESS STORIES

"I am a British TV director and producer. I needed an [O1](#) visa to work in the US when required by the American production company who wished to employ me on a big Discovery Channel show.

The [O-1](#) is a tough nut to crack and there is no denying it took hard work all round to get but, thanks to the patience, diligence and guidance given at every step by the team at Visapro , I am now legal and able to join my colleagues in the United States."

[Mark Westcott](#)

United States

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