

FROM THE EDITOR'S DESK

The highlight of the last festive month was President Bush's comments on immigration reform. During his visit to Texas and Arizona on November 28, the President emphasized the need of better and tougher border enforcement and a "guest worker" program. In the last edition of the **Immigration Monitor** we discussed the various immigration reform measures pending before the legislators. It is expected that the negotiations in the Congress during the next few weeks will result in a compromise between 'enforcement only' measures and a 'guest worker program'. We are keeping a close watch on the developments and the outcome is expected to emerge during the legislative process early next year.

With plenty of Christmas shopping round the corner and holiday mood setting in, we at VisaPro wish to thank you for your valuable patronage. The past year has been special, not just because of the variety of immigration activity it has seen, but because we have found new, innovative ways to bring the latest from the immigration front delivered right into your email inbox. A small effort initiated just four months ago, your **Immigration Monitor** today has over 75,000 subscribers, the number still growing.

Technology and VisaPro, the union between the two has grown stronger this year. We have become one of the very few websites in the immigration world that offer [RSS](#) (Really Simple Syndication) feature. RSS is an innovative way of capturing just the information you want, when you want, right on your computer. You can use RSS to receive news updates from our website. You read these feeds in a program called an aggregator, which automatically collects news from various sections of our website and provides it to you in a simple form. Do check out this innovative feature.

Last time we had set-up a special survey inviting your comments to shape the future issues of your **Immigration Monitor**. Your valuable suggestions have kept pouring in until today, and you will soon see them being implemented in the future issues. Did you miss sending your feedback? Don't worry! [Click here](#) to send in your suggestions.

A lot of our friends have enquired about a forum for discussing immigration issues. I take this opportunity to refer you to [VisaPro Message Boards](#), one of the most popular sections of our website. It is a place for the Immigration Community to share thoughts, suggestions, ideas and concerns on a variety of topics related to US Immigration.

With the holiday season beginning soon, utilize your free time to explore what are the hot topics of discussion and share your thoughts. You can also [share your](#)

 **Happy Holidays!**
[CLICK HERE](#)

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YOUR OPINION

The US welcomed 86 million air passengers in 2005, which is the highest in the US history. Does this mean increased security threats?

- a. Yes
- b. No

[Cast Your Vote](#)
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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

[immigration experiences](#) for the benefit of other users of our website.

This month our **In Focus** article discusses the visa alternatives available to a foreign national to enter the U.S. for setting up a new business entity. As the article explains, nationals from countries with certain treaty with the U.S. have the choice of using E-1, E-2 or L-1 visas.

This month's **Immigration Article** is an extension of last month's article on bringing your fiancée or spouse to the U.S. The present article discusses the procedures involved after your fiancée or spouse enters the U.S.

Did you [submit your question](#) for us to answer them in **Ask Your Question** section of the newsletter? We are trying to cover answers to all your questions, either by directly answering them or by including the relevant information in the articles published in the **Immigration Monitor**. So keep your questions flowing.

You must have read the [news](#) on VisaPro.com regarding the computer firm that was ordered to pay \$2.65 million as back wages and penalty for various immigration violations. Our **Industry Perspective** article discusses these violations and how U.S. employers can avoid the penalties by ensuring compliance with law.

The **Immigration Quiz** in last month's issue attracted a record number of responses. I was impressed by certain well-researched responses. Our team had a tough time selecting the winner. Congratulations to **Hank Meyer** for winning a **FREE online consultation** with VisaPro Attorney. **Your Opinion** attracted votes from over 300 participants. Over 61% voted in favor of a program allowing illegal immigrants to legalize their stay in the U.S. Don't forget to [share your opinion](#) in this month's poll.

On behalf of the entire VisaPro team, **I wish you a very happy New Year**. Enjoy your holidays! Don't forget to [view a special greeting card](#), just for you from all of us at VisaPro. If you liked this month's newsletter design, thank the entire Graphics Design team at VisaPro for making it more **colorful** for the holidays.

A lot of things are in the pipe-line at VisaPro for 2006. We look forward to introducing a variety of user-friendly features to provide you with an amazing experience. One of them is an exclusive feature that will help you determine the visa options available to you based upon your education and professional background, allow you to check your eligibility for various visas... and much more! Keep enjoying your journey through VisaPro.com.

See you in 2006 with the latest activity on the immigration front.

Christine

LATEST NEWS

[Gear up to file H-2B petitions for second half of FY 2006](#)

With the H-2B numbers for the first half of FY 2006 going very fast, it is time for employers planning to employ foreign workers in the second half of the fiscal year to start preparing for the H-2B petition process.

[The United States welcomes highest number of travelers in history](#)

receive a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of January 2006.

I hold a 10-year multiple entry B-1/B-2 visa valid till 2008. I entered the U.S. on B-1 status and changed status to H-1B. I intend to quit the job and start my own company in China. Can I continue to use my existing B-1 visa for short visits to the U.S.?

[Submit Your Answer](#)



Winner of the Immigration Quiz - November 2005:

Hank Meyer

The Question:

I entered US on a six month H-2B visa to work for a hotel in Florida four months back. But I got a better job offer from another employer and started working for them without informing the immigration authorities. Someone told me that my stay is not valid. Is it so?

The Winning Response:

In the H2B category, there is not the same "portability" privilege as is accorded the H1B - if an H2B beneficiary is going to work for more than one employer, EACH employer must submit a petition on behalf of the beneficiary. The individual in question is violating status as his/her petition only allowed temporary, seasonal employment for the first hotel. The alien would need a new, approved petition, made by the new employer and an authorized change of status or depart from the US and reapply for the H2B with

U.S. Customs and Border Protection (CBP) Commissioner Robert C. Bonner recently announced that the CBP cleared 86 million arriving air passengers from abroad in the U.S. for FY 2005, which is the largest number of air passengers traveling to the U.S. in history, and also marks the first year that the number of air passengers surpassed pre-9/11 levels.

the new petition.

Hank Meyer receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of December 2006.

[House passes its version of Budget Reconciliation Bill](#)

The U.S. House of Representatives on Friday passed its version of the Budget Reconciliation Bill. This version does not include the provisions related to the recapture of unused H-1B and Immigrant visa numbers from the previous years passed by the Senate, but imposes a \$1500 fee increase on L visas.

[Revised procedures for Battered Spouse or Child self-petitions](#)

USCIS memorandum provides guidance on change in the self-petitioning eligibility requirements regarding the effect of an abuser's loss of immigration status prior to the filing of and following the approval of a self petition.

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IN FOCUS

[Setting up a new business: Choosing between L-1 or E visa](#)

Generally L-1 visas are used to set-up a new entity in the U.S. when it is a subsidiary, parent, branch, or affiliate of an overseas company. However, foreign nationals from countries with certain treaty with the U.S. have the choice of using E-1, E-2 or L-1 visa for establishing a new entity in the U.S.

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INDUSTRY PERSPECTIVE

[DOL penalizes computer firm for H-1B violations: How to develop an effective Compliance Strategy](#)

In a settlement reached with the Department of Labor recently, a Southfield, Mich. Firm has agreed to pay \$2,250,000 in back wages to 232 computer professionals and a \$400,000 fine to settle immigration law violations. The company is also prohibited from participation in the H-1B visa program for 18 months.

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IMMIGRATION ARTICLE

[Green Card through Marriage to U.S. Citizen: The Procedures](#)

Securing permanent residence through Marriage to a U.S. Citizen is a multi-step process. Some of these steps are required to be completed before your fiancé or spouse enters the US and some after entering the US. In the article [U.S. citizen marrying a foreign national: Issues involved](#) which was published in last month's Immigration Monitor, our monthly newsletter, we covered the requirements, benefits, and application process of the K-1, fiancé visa, and K-3, spouse visa. In this article we shall cover the steps involved in getting permanent residency after entering the U.S.

PROCESSING TIMES

- ▶ [Visa Bulletin](#)
- ▶ [USCIS Processing Times](#)
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IMMIGRATION GLOSSARY

Fiscal Year

Currently, the twelve-month period beginning October 1 and ending September 30. Historically, until 1831 and from 1843-49, the twelve-month period ending September 30 of the respective year; from 1832-42 and 1850-67, ending December 31 of the respective year; from 1868-1976, ending June 30 of the respective year. The transition quarter (TQ) for 1976 covers the three-month period, July-September 1976.

Removal

The expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

[More Terms](#)

DISCUSSION CORNER

[VWP immigration advice needed FAST!!!](#)

By Rafaelite

[married and living outside US -want to immigrate](#)

By eeyore

[Change employers after I-485 approval](#)

By Bored@work

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QUESTIONS AND ANSWERS

1. **Can an expired H-4 (30 days) be renewed without leaving the country?**

Generally, a person has to be in legal status in order to be able to file and obtain an extension of status from the USCIS. But the regulations allow the USCIS to approve a request for an extension if the person was out of status through no fault of their own and they have not otherwise violated their status. If the USCIS does not extend the I-94, the [H-4](#) dependant has to return to their home country and reapply for a valid visa. We at VisaPro have successfully helped numerous clients in a similar situation and have received extension approvals from 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

2. If an F-1 nonimmigrant marries a US permanent resident, what happens to his/her status?

[consult](#) an immigration attorney before acting upon any responses provided.

[Ask Your Question](#)

Marriage to a US permanent resident does not automatically terminate your student status and your OPT. It only affects your ability to travel outside the US and return. Once your permanent resident fiancée becomes a citizen, and you marry, you will be an immediate relative and will be able to file for adjustment of status. This also allows you to get work authorization and travel authorization ([Advance Parole](#)).

If you marry before your fiancée becomes a citizen you would be a family-based second preference (spouse of a permanent resident) which has a 4-5 year backlog. Your fiancée can file the relative petition ([Form I-130](#)) for you but can't file for the green card until your priority date is current. Meanwhile, you need to maintain valid student or other nonimmigrant status while the green card petition is pending.

3. What do I need to do to marry in the Philippines to a non-US citizen?

There are basically 2 options available to bring your foreign national spouse into the US after you get married in the Philippines. Once you are married your spouse qualifies as an immediate relative. This means that there is a visa "immediately" available. However, that does not mean that your spouse will be able to travel back with you as soon as you get married. You will have to file an immediate relative petition and wait for the processing.

Option 1 is to file the I-130 at the US Consulate in Philippines and have them complete the processing.

Option 2 is to file for a [K-3](#) visa for your spouse after you have filed the I-130. The K-3 visa will allow your spouse to come to the US and stay and work while the USCIS is working on the I-130. K-3 processing is generally quicker than waiting for the I-130 to be approved and completing the immigrant visa processing at the consulate (again this will depend on whether the consulate with jurisdiction over your spouse's residence in Philippines will process the I-130 there).

You may also want to consider the [K-1](#) fiancée visa option where your fiancée enters the US and you get married within 90 days. This is often the quickest option for foreign nationals wanting to get married to US citizens. Also, read the article [U.S. citizen marrying a foreign national: Issues involved](#) to learn more about the various options.

[More Q&A](#)

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SUCCESS STORIES

"VisaPro recently processed L-1 visas for me and my family. I'm quite impressed with the knowledge, efficiency, speed, and professionalism of your service. VisaPro provides a more open and transparent service. At each step I was directed in such a manner that the entire process became easier for me. Each member who handled my case knew precisely the background. Even when I enquired any information over the telephone, I was provided with the required information very quickly. It was a cakewalk, to have processed L-1 visa through VisaPro.

Our company has expanding businesses in USA and we shall need your courteous and economical services in the future too. I will be sure to recommend your services to my colleagues when they need future visa services for USA.

Please convey my hearty thanks to all the team at VisaPro."

Many Thanks and Best Wishes,

Prashant Deshpande, President & CEO
[Expert NetCAD Inc.](#)

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