

## FROM THE EDITOR'S DESK

VisaPro wishes all its readers Happy Holidays and a very prosperous new year.



Another year has passed! With 2009, we have completed one more year of our beautiful journey with you. Although the year 2009 has gone through many rough economic times, as it is said, "there is certainly a bright day after a dark night." We hope that the year **2010** brings pleasant things to all our lives.

Here is a short **New Year** message for you coming from the whole VisaPro team:

*May you enjoy the advent of a beautiful new year....may you feel the warmth of coming the year....may your new year begin with peace and harmony....may your smile stay on your face throughout 2010, and may your loved ones always be with you...*

We wish you all the best for the coming year...! Let us have a look at the interesting events that took place this month.

The biggest news is that Congress is taking up immigration reform again. On Tuesday, December 15, 2009, Representative Luis Gutierrez introduced the Comprehensive Immigration Reform for America's Security and Prosperity Act. **The bill has many provisions that we will want to watch, but some of the most important include a new legalization/amnesty provision, would change the preference system to treat spouses and children of permanent residents**

Happy Holidays!  
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**the same as spouses and children of U.S. citizens, would allow beneficiaries of employment-based permanent residence petitions to file for adjustment of status even if their priority date is not current, and will restore some of the judicial review provisions that were eliminated in 1996.** We will be keeping a close eye on this bill as it makes its way through the legislative process, and keeping you informed every step of the way.

The [H-1B](#) visa has been catching much of the limelight. After months of slow movement, H-1B visa usage finally picked up the pace. This is certainly the sign of an improving economy. While this news brought smiles many people were disheartened on the announcement by two Senators' to introduce a bill to restrict nonimmigrant hiring.

On November 19, 2009, Senators Bernard Sanders (I-VT) and Charles Grassley (R-IA) officially introduced the Employ America Act (EEA) in the U.S. Senate. This bill would further restrict the ability of employers to hire nonimmigrant workers if the employer conducts "mass layoffs" under the Worker Adjustment and Retraining Notification (WARN) Act.

Setting aside the gloomy news, there is one more bit of interesting news for you. In culmination of a program started in April President Obama launched the **SAVE Award** – a program that offers every federal employee the chance to submit their ideas for how government can save money and perform better, in September. We are now at the final step in the process. The person who submitted the idea with the most votes (voting took place December 7 – 10) will meet the President and their idea will be included in the FY2011 Budget. Isn't this an interesting way to improve government? **Ms. Nancy Fichtner** from Colorado became the first-ever winner of the President's SAVE Award.

#### **Her winning idea:**

*"Nancy Fichtner from Colorado thinks that veterans leaving VA hospitals should be able to take the medicine they've been using home with them instead of it being thrown away when they're discharged."*

#### **Other Developments in Immigration Law**

[DOL Published Proposed Rule to Increase Non-Immigrant Visa Application Fees](#)

DOS on December 15, 2009, published a proposed rule in the Federal Register to increase the nonimmigrant visa application processing fees. The proposed rule establishes a

#### **YOUR OPINION**

Did you like Ms. Nancy Fichtner's idea to allow the veterans leaving VA hospitals to take home the medicine they've been using instead of it being thrown away when they're discharged? (Nancy Fichtner is the first-ever winner of the President's SAVE Award.)

- a. Yes
- b. No
- c. Can't say

[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 December 2009.

*I am a national of Germany and was working Canada since 2006. In 2008 my employer in Canada transferred me from the Canadian payroll to the U.S. payroll. I came to the U.S. in January 2008 on an [L-1B](#) but my status changed to an [H-1B](#) in mid-2008 (although I was still working for the same company). The day-to-day responsibilities of my job did not change. In August 2009, I completed my MBA at a U.*

tiered structure with separate fees for different visa categories. Q & A follows.

### [CBP Launches H-2A and H-2B Temporary Worker Exit Pilot Program in Arizona](#)

CBP on December 8, 2009, launched an exit pilot program for [H-2A](#) and [H-2B](#) temporary workers at San Luis and Douglas land ports of entry in Arizona, which is expected to last approximately one year. To verify final departure from the United States, H-2A and H-2B non-immigrant temporary workers will be required to scan their visa and their fingerprints and return their I-94 at an exit kiosk located at the port of departure.

### [Immigration Articles and Other Fun Stuff:](#)

Now for the regulars – this month's **Immigration Article** will focus on how the Child Status Protection Act (CSPA) helps a child to become a legal permanent resident if the child turns 21, and ages-out during the processing of the Green Card application. Also check out our **In Focus** section for this month, where we talk in detailed about how Green Card holders of the U.S. should maintain their status.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **73.08%** of the respondents believe that President Obama has made a thoughtful decision by lifting the HIV ban. We appreciate that people take interest in the opinion question and cast their vote to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We congratulate **Priyadarshini** for winning last month's **Immigration Quiz**. Again, we received a significant number of responses from our readers, who talked about various solutions to support their position, but **Priyadarshini** gave the correct answer and

won free online consultation to discuss the concerned Immigration issues. So 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](mailto:Immigration-Monitor@VisaPro.com) to your address book or safe list.

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

*S. University. Now, considering that have two graduate degrees, will I qualify for [EB-1C](#), employment based green card if my current employer offers me a management position?*

[Submit Your Answer](#)

Immigration  
Question?

Consult Our  
Experienced  
Attorneys

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### **Winner of the Immigration Quiz - November 2009:**

Priyadarshini

### **The Question:**

*I'm currently in the U.S. on an [H-1B](#) visa with Company A. Company B is ready to transfer my H-1B visa. Now, my concern is, I was working as a Marketing Executive in Company A whereas Company B has offered me a job as a Marketing Manager. Will my H-1B transfer denied because of the change in the job duties.*

### **The Winning Response:**

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

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Generally in an H-1B change of employer case, the USCIS scrutinizes applicant's qualifications like any new filing. A petition will not be denied as the field of work is the same but the role is with higher responsibilities as a manager as compared to as an executive.

Priyadarshini receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of December 2009.

## LATEST NEWS XML

### [USCIS Receives 400 H-1B Petitions in One Day, H-1B Count Increases to 62, 900](#)

USCIS on December 11, 2009, has updated the count of H-1B visa petitions, received and counted towards the fiscal year 2010 cap. As of December 11, 2009, USCIS has received approximately 62,900 H-1B cap subject petitions.

### [USCIS Clarifies Requirements for Agents Filing as Petitioners for O and P Visa Classifications](#)

USCIS has published a new guidance memorandum clarifying the standards for adjudicating O and P visa petitions filed by the petitioner acting as a U.S. agent for a beneficiary or beneficiaries who will be working for more than one employer within the same time period. This guidance applies only to O and P visa petitions where the petitioner is filing on behalf of multiple employers.

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XML

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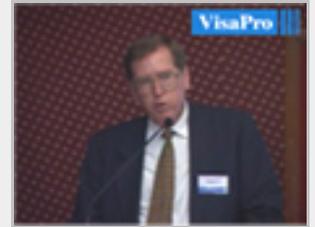
Are you unable to access your computer to check the latest immigration news or visa status or any other immigration needs? Do not worry. You can now access VisaPro from your mobile anywhere, anytime with [VisaPro Mobile](#).

## The Child Status Protection Act: How Does It Help An Aged-Out Child To Get A Green Card?

The U.S. immigration law can be harsh. We all know that the worst part of the immigration law comes up when it separates a child from his or her parents. A recent survey shows that one in 10 families whose family-based immigrant petition has been approved has a child who has aged-out. What do the parents do in such a situation? Do they go to the U.S. anyway, leaving their child back in their home country? Or do they let go of their dream of living in the U.S. to remain with their child? In this article, we will find out answers to these questions and also how the Child Status Protection Act (CSPA) helps a child to become a legal permanent resident if the child turns 21, and ages-out during the processing of the Green Card application.

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## IMMIGRATION ARTICLE XML

### Did You Know that You May Lose Your Green Card if You Do Not Maintain Your Status? Learn How to Maintain Your Status to Protect Your Green Card!

If you are Permanent Resident of the U.S., it is very important for you to maintain your status in the U.S. If you do not want to lose your Green Card and especially with a view toward seeking U.S. citizenship in the future. If you are already a Permanent Resident of U.S. then it is mandatory for you to maintain your status otherwise you run the risk of no longer being considered a permanent resident of U.S. It should also be noted that being a permanent resident is a "privilege" and not a "right." The US government can take away your permanent resident status under certain conditions. This article will discuss how you can maintain your permanent resident status, and why it is so important to do so.

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## PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[When to file out Applicant Documents \(DSL forms\)](#)

By Nova1

[Processing times at NVC - Sister of US Citizen](#)

By Nakhan1

[EB2/EB3 Italian Skilled worker processing times](#)

By MattyPondy

[More Discussions](#)



**2009 H-1B Cap Strategies**  
How to beat the Cap?

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## QUESTIONS AND ANSWERS

1. **I was an international student with [F1](#) visa from China since 8/2007. On August 2009, I got married to a U.S. citizen. We have been delaying the green card application for some reasons. Now, we decided to get start on application. There are couple problems we try to solve now:**

- a. **I am holding OPT, but it is going to expire on 2/2010. I hope to get the employment card for immigration before my OPT is expired.**
- b. **We are going back to China for our wedding ceremony this Christmas, and plan to come back on 1/2010. I need the reentry permit for this trip.**
- c. **Is it too late to file application by the end of this month for these two major problems I have?**
- d. **Can I file the employment and travel document before I file other forms? What can I do?**

- a. What you'll need to do is to concurrently file the following applications in one package all at once: (1) [I-130](#) petition (2) [I-485](#) application (3) Form [G325A](#) and (4) Form [I-765](#). Once you do this, you should receive your work authorization card ([EAD](#)) within 90 days. Given your OPT expires in February, you should therefore timely file your petition so that the 90 day period does not go over your OPT expiration date.
- b. You should include in your package Form [I-131](#) application for travel document. This form takes 60-90 days to process so you should apply immediately, otherwise, you may have to apply for one which requires an emergency reason to obtain one.
- c. No, its not late but hurry up as time is running short.
- d. All these forms must be filed together.

### 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. **Me, my wife and my daughter are Green Card holders of the U.S. from April 4, 2007. After receiving Green Card, we applied for re-entry permit and went back to China (your nationality) on 16 May 2007 (just a month later of obtaining permanent residency in the U.S.). Our re-entry permit was issued in March 4, 2008 and expires in March 4, 2010 and we are still in China. My daughter is studying Medicine in China and she wants to settle in the U.S after studying medicine. We are planning to go to the U.S in January 2010 and we will come back after staying 15 days. Will we face any problem while we come to the U.S, in January 2010? What should we do to keep our residency status alive?**

We understand that you went to the U.S. in April 2007, went back to China in May 2007, just after a month of stay in the U.S. and now after 2 and half years, you want to travel to the U. S. in January 2010. We would like to inform you that a [re-entry permit](#) does not guarantee entry into the U.S. You have to maintain strong ties with the U.S. to be allowed entry into the U.S.

We foresee the risk of you being denied entry into the U.S. on the grounds of staying outside the U.S. for very long time. When you come back to the U.S. in January 2010, the immigration officers will ask you the reason behind your long stay outside the U.S.

To return to the U.S. without any problems, you must submit strong evidence stating the reasons for your stay outside the U.S. for so long. And to protect your permanent residence in the U.S., you must:

1. apply for a new re-entry permit
2. maintain strong ties with the U.S. - file tax returns, open bank account etc.
3. prove that your trip outside the U.S. was and would be temporary

[More Q&A](#)

## SUCCESS STORIES

*"I want to personally thank you and your team for your great effort in working our [\[L-1\]](#) case even under very strict time constraint.*

*Your professionalism, patient and attention to detail are outstanding and greatly appreciated.*

*Thanks again."*

**Chong Koh**, Strategic Planning Manager  
[KCK Business Solution, LLC](#)

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