



**VisaPro Launches  
Canada Immigration**  
<http://canada.visapro.com>

## FROM THE EDITOR'S DESK

We have just returned from an exciting tour of India after presenting another installment of our popular Immigration Workshops and for the first time offering a comprehensive Immigration Training Seminar to over 100 attendees in Bangalore. Our program spanned 5 major Indian cities and involved more than 475 attendees from companies representing a wide spectrum of industries and size. You can read more about the experience in one of our attending attorneys' diary entry for the Hyderabad and Bangalore events.

During our travels across India, things continued to develop on the political front in the U.S. presidential campaigns with Obama pulling ahead of Clinton in a series of state democratic primaries wins. On the Republican side, John McCain has galvanized his support and is now the leading frontrunner. From an immigration perspective the developments on the Republican side are quite positive as McCain is considered to have a pragmatic approach to immigration.

### Developments in Immigration Law

*Upcoming Regulations Prohibiting Multiple H-1B Filings on Behalf of a Single Foreign National*

The U.S. Citizenship and Immigration Services (USCIS) will soon issue an interim final regulation that will prohibit employers from filing more than one [H-1B](#) petition on behalf of a single foreign national. The regulation is now

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being reviewed by federal authorities and is expected to be made public in time for the start of the Fiscal Year 2009 filing season on April 1.

### *USCIS Announces Faster I-485 Background Checks*

An Interoffice Memorandum from USCIS Associate Director Yates outlines a new procedure for administering national security adjudications and reporting, allowing approval of [I-485](#) and other cases that have been pending for more than 180 days due to delays in the FBI Name Check. The memo reserves a revocation right for USCIS should the Name Check reveal any actionable information after the I-485 adjudication.

### *USCIS Revised Filing Instructions for the Petition for Alien Relative*

USCIS revised the filing instructions for the Petition for Alien Relative (Form [I-130](#)). Effective immediately, all petitioners filing stand-alone Form I-130s must file their petitions with the Chicago Lockbox instead of a USCIS Service Center.

### *DHS Proposed New Rules to Streamline H-2A Procedures*

The proposed rule is designed to remove unnecessary limitations on [H-2A](#) employers while preventing fraud and abuse, and protecting the rights of temporary workers. The proposed modifications are mostly aimed at making the H-2A category a more worker and employer friendly category.

## **Immigration Articles and Other Fun Stuff**

Now for the regulars -- this month's **Immigration Article** will compare the E and L visa categories and discuss which is more appropriate for setting up a new business in the U. S. Check out our **In Focus** section to read about our attorney's experiences on the road this month and find out how our events in Hyderabad and Bangalore turned out. Make sure to also participate in our monthly poll. Last month 60% of the respondents did not believe that USCIS would meet its goal of maintaining processing times of 6 months or less in all categories by 2010. This month's poll question deals with the ever elusive H-1Bs and the possible impact of proposed regulations on their filing in April. Cast your vote to express **Your Opinion**.



**Pallavi Vajranabhaiah** deserves Congratulations for winning last month's Immigration Quiz. Of the answers received her's was most accurate and as a result Ms. Vajranabhaiah won a free online

consultation to discuss her Immigration issues. So get ready for this month's quiz. Your name might be featured

## **YOUR OPINION**

Will the proposed interim final regulation prohibiting employers from filing more than one [H-1B](#) petition on behalf of a single foreign national have an effect on the number of petitions filed under the H-1B cap?

- 
- 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 January 2008.

*My wife is currently in [H-4](#) status, she also has a valid [EAD](#) based on our pending [I-485](#) case, now she wants to get a job working as a Marketing Director for a local company. Can she use her EAD and what impact would this have on her H-4 status?*

[Submit Your Answer](#)

in next month's newsletter. Good Luck!!!

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!

Christine

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## LATEST NEWS

### [USCIS Extends Validity of Expiring Medical Certifications I-693](#)

In a recent memorandum, USCIS has once again renewed their policy to extend the validity of the civil surgeon's endorsement on Form I-693 for cases that have been pending for longer than a year. Generally, the endorsement on Form I-693 is valid for one year and this form is concurrently filed with Adjustment of Status applications. However due to various backlog issues, some of these applications remain pending for longer than the one year period. If USCIS did not provide this extension then petitioners would be forced to undergo another examination and submit a new Form I-693 to USCIS after the already submitted medical examination form expires after one year.

# Immigration Issue?

Consult Our Experienced Attorneys

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**Winner of the Immigration Quiz - January 2008:**

Pallavi Vajranabhaiah

**The Question:**

*My spouse is on an [L-2](#) visa. She has just completed her beautician course and wants to open a beauty saloon in the U.S. Can she start a business whilst in the L-2 status?*

**The Winning Response:**

Your wife can start a business whilst on L-2 as long as she does not work for it. She will have to apply for EAD and wait for it to get approved before she can work for the company and draw any salary from it.

Pallavi Vajranabhaiah receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of February 2008.

**NEW TO VisaPro?**

Submitted your case and now it has been pending for a long time? Check your case status online at [My Visa Status](#).

## [TSC Pilots New Adjustment Processing System](#)

In an effort to streamline the adjudications procedures, Texas Service Center (TSC) started the "PLUS Pilot" program for adjudicating concurrently-filed adjustment of status application packets. Until recently, each form in a typical AOS packet was separated and sent to a different officer for a preliminary name check and adjudication. This often caused confusion and led to lost documentation and delays in processing.

## [Announcement of Higher Fines for Immigration Violations](#)

On Friday, Attorney General Michael B. Mukasey announced higher civil fines against employers who violate federal immigration laws. The announcement was made in a joint briefing today with Secretary of Homeland Security Michael Chertoff about newly enacted border security reforms put in place by the Departments of Justice and Homeland Security. Under the new rule, which was approved by Attorney General Mukasey and Secretary Chertoff, civil fines will increase by as much as \$5,000. The new rule will take effect on March 27, 2008, and will be published in the Federal Register early this week.

[Read More News](#)

IN FOCUS

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## [A Rendezvous with India: Immigration Seminars and Training](#)

This month and next, Attorneys Thomas Joy and Jan Krasny will share some of the experiences related to their travels in India for the VisaPro workshops and training session. During these events, the VisaPro legal team traveled to five different cities in India to present substantive and comprehensive information on business immigration issues.

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IMMIGRATION ARTICLE  XML

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

Setting up a new business can be quite exciting. But there are also many challenges. In-depth market research and planning can minimize the risks. Foreign nationals setting up a business in the U.S. face another challenge - which visa do they use to be able to enter the U.S. to operate the business once it has been established? 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. Let us first understand the situations under which each of these visa options can be used.

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## PROCESSING TIMES

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[Expired H1B Petition](#)

By bvinodkumar\_

[Extension of stay after OPT expires](#)

By Guest

[Urgent, Please Help Me.](#)

By CeruleanSins89

[More Discussions](#)



**2008 H-1B Cap Strategies**  
How to beat the Cap?

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## QUESTIONS AND ANSWERS

- Please advise me on the visa requirements for my family. I am transferring to our U.S. office on an L-1A visa and would like to know for what kind of a visa my wife and son qualify and how I should apply for them so they can come with me. Will my wife be able to work?**

Your initial L-1A visa will be good for 3 years, and can be renewed twice for 2 years each time. Your employer will have to file an [L-1](#) petition with the USCIS for approval before you can apply for your visa in London. The standard processing is currently 60 to 120 days. If necessary your employer can use the premium processing procedure and have an answer in 15 days.

Your wife and son will enter the US on [L-2](#) visas as your dependents. No separate petition to the USCIS is required for them. They will be issued visas based on your L-1. The L-2

### 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.

visa is one of the few dependent visas that allow the holder to apply for work authorization, but this is only limited to your spouse.

[Ask Your Question](#)

Once your wife enters the US in L-2 status she will have to submit a Form [I-765](#) to get the [Employment Authorization Document](#). This will take about 90 days. She can look for work, but will not be able to get a social security number and start working until the EAD is issued.

## 2. **What are the procedures to recapture time spend abroad by an H-1B nonimmigrant worker?**

Any time spent outside the US while in [H-1B](#) status is recaptured through an extension of status application. You would file a regular H-1B application and supporting documents requesting an extension for any amount of time the beneficiary has remaining.

The application, with the normal H-1B filing fee, is sent to the "USCIS service center with jurisdiction over the place of your employment."

If you are recapturing time, you need to provide proof of the time the individual spent outside the U.S. This would usually include exit and entry stamps in the person's passport showing the dates they left the US and entered another country. If the person has traveled extensively while in H-1B status we recommend that a chart be submitted that summarizes all the travel.

[More Q&A](#)

## SUCCESS STORIES

"Visapro did an excellent job in processing our [EB-1] [I-140 and green card](#) petition, which got approved. When the chips are down, [VisaPro legal team] rose to the occasion and did a very good support work. The detailed analysis and legal advice from their [VisaPro legal team] was exemplary.

We have no hesitation in recommending Visapro for US immigration needs."

**Seshachary Kesavan**, President and Director  
[United Lighting Technology](#), United States

[More Success Stories](#)

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