

## FROM THE EDITOR'S DESK

*Hello and welcome to the February 2013 Immigration Newsletter!*

We are now in February, in the midst of what is annually considered one of the busiest periods in the U.S. immigration calendar—when employers and immigration practitioners alike are getting ready for the [H-1B](#) filing season. USCIS will begin accepting H-1B petitions subject to the Fiscal Year 2014 cap on April 1, 2013.

Last year, the FY 2013 H-1B cap was reached in just 10 weeks—almost five months sooner than the FY 2012 cap the year before. June 11, 2012 was the final receipt date for new H-1B petitions requesting an employment start date in FY 2013, while the Master's Cap was reached even earlier on June 7, 2012.

The relatively rapid use of the H-1B quota numbers last year, in combination with other indicators suggest that the economy is definitely on a path to recovery. As the economy continues to slowly improve, it is expected that employers have slowly begun to increase their hiring again, leading many immigration experts to believe that H-1Bs for fiscal year 2014 will be gone within a very short time and will not remain available for long -- not even 2 to 3 months like last year. Therefore, we urge employers and employees to prepare and file most or all of their H-1B petitions as early as possible- on or as close as possible to April 1, 2013—to ensure that their petitions have the greatest chance to be included in the quota.

Because of the [H-1B](#) cap issue, it is imperative employers plan for the next fiscal year in advance, devise a suitable strategy for hiring a foreign national and plan the filing accordingly. If an employer misses the chance to petition for an employee because the cap is reached, he or she will have to wait until next year to file or look for an

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alternate visa category, which may or may not exactly match his or her requirements. To learn more about how you can plan your H-1B filings before the H-1B filing period begins, read our informative article on the subject [here](#).

Here is the VisaPro suggested timeline for H-1B petitions. It has been designed to maximize your efforts and ensure timely and successful filing of your H-1B petition.

|             |  |
|-------------|--|
| ASAP        | Identify your H-1B needs, discuss the strategy with your VisaPro immigration attorney and finalize the applicants list; Develop detailed job descriptions; Obtain prevailing wage determination. |
| Early Feb   | File LCA with DOL; Begin gathering supporting documentation  |
| Early March | Prepare all H-1B forms, support letter and other required supporting documentation   |
| Mid March   | Obtain Educational Evaluation if your applicants have foreign degrees  |
| March 31    | Mail the petition to USCIS for delivery on <u>April 1, 2013</u> .  |

If you are an employer considering petitioning for an H-1B employee in April 2013, [Contact VisaPro](#) immediately to assist you with the H-1B filing as it is always suggested to get started as early as possible.

### Other Developments in Immigration Law:

In some other developments in the immigration field, February saw USCIS announce that on February 28, 2013, it will disable the alternative legacy e-filing channel for Form I-539 and offer customers the option to either file online with USCIS ELIS or file a paper application by mail. USCIS has also published a revised Form N-470, Application to Preserve Residence for Naturalization Purposes. USCIS will accept older editions for 60 days, and beginning April 12, 2013, USCIS will only accept the new edition. Also, there is now a single filing address for this form and customers filing Form N-470 must now mail the application to the Dallas Lockbox facility.

This month, a part of the draft of the White House's immigration bill proposal (White House Immigration Reform Bill, 2013) was released. The White House's proposal covers, among other things, legalization of certain undocumented individuals and providing a path for certain

### YOUR OPINION

**Do you think the FY 2014 H-1B quota will be open till mid-June like last year?**

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

[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 receive a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of March 2013.

*I do not have a Master's Degree, but I can show that my work experience is equivalent to the knowledge and background of a Master's Degree holder. Do I qualify for the [H-1B](#) 'advanced degree' exemption?*

[Submit Your Answer](#)

undocumented individuals to become legal residents. The White House's proposal creates a much clearer path to legalization than the proposal by the "Gang of Eight" in the Senate proposed earlier this year. It, however, remains to be seen how much of this will actually be enacted and become law. It has also been reported that President Obama placed calls to key Senators to commend them for the progress made on immigration reform, and reiterated that he remains supportive of the effort underway in Congress. We can only hope that all this activity may bring forth some much called for reforms in the Immigration field.

*Meanwhile, we are happy to share with you that our Senior Immigration Attorney, Mr. Thomas Joy, gave Workshop Presentations at the 'Doing Business In The US' workshops organized in six major Indian cities between January 28 to February 8, 2013. His presentation, "U.S. Immigration Strategies: How to Avoid Costly Mistakes and Receive More Approvals," was received by 750 paid attendees from 600 companies. Mr. Joy presented on various key topics related to B-1, H-1B, L-1, Blanket L, and Green Cards, and provided practical tips and suggestions to the attendees. He also conducted Mock Interview sessions with candidates for B-1 visas.*

You may view a few [photographs](#) and [videos](#) of the Attorney Presentation and the Workshop. We look forward to interacting with you all in similar forums in the future. You may also [contact us](#) if you would like us to arrange a presentation to a group.



### Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Do You Qualify for Filing H1B Visa?](#)" in which we explain how to prepare

Immigration  
Question?

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### Winner of the Immigration Quiz - December 2013:

Amanda

#### The Question:

*I am a Canadian Citizen currently working in the US on a [TN](#). My wife is coming over to the US to join me as a dependent on TD status. Can she take up employment in the US?*

#### The Winning Response:

No. Spouse on derivative [TD](#) status cannot take up employment in the U.S. If she wants to work in the U.S., she has to obtain some other valid work visa to be able to do so.

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

a solid well-documented case and increase the success of H-1B petitions. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Also check out our 'In Focus' article for this month titled "[Travelogue: 'Doing Business in US' workshops in India](#)" in which Senior Advisor Dr. James R Ziegler shares his experiences during the recent, successful six-city workshops in India, his interactions with the attendees, and his travel experiences during his visit to India.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**68.97%**) think that with President Obama remaining in the White House, 2013 will be an immigration friendly year. 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 **Amanda** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Amanda** 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](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*

## **JOB @ VisaPro**

- **Full-Time**
- **Part-Time**
- **Semi-Retired**

**Job Type:** W-2 or 1099

**Location:** Work from anywhere in the U.S. No need to relocate.

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

## **NEW TO VisaPro?**

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

## RECENT IMMIGRATION EVENTS



More ▶

## FEATURED VIDEO

### Do You Qualify for Filing H1B Visa?

**TODAY'S TOPIC :**  
*Staffing or Consulting Companies:  
Do You Qualify for Filing H1B Visa?*

Are the same documents required for both a new petition and a petition to extend H-1B employment without change?

**VisaPro**  
Tel: 202-397-1944  
Karen@VisaPro.com  
www.VisaPro.com

0:00 / 12:15

YouTube

With the additional scrutiny H1B petitions are receiving, consulting and staffing companies must be very careful in the preparation of H-1B petitions. Learn how to prepare a solid well documented case and increase the success of H1B petitions.

[More Videos...](#)

### [March 2013 Visa Bulletin: EB-2 priority date for India remains at 09/01/04](#)

In the recently published U.S. Department of State Visa Bulletin for March 2013, the [EB-2](#) priority dates remained current in respect of all countries other than India and mainland China. The EB-2 priority date for India remained at 09/01/04, even as it advanced from 01/15/08 to 02/15/08 in respect to mainland China. Meanwhile, the [EB-1](#), [EB-4](#) and [EB-5](#) numbers continue to remain current for all countries, even as marginal advancement was seen in [EB-3](#) priority dates.

### [H2B Cap Count Update](#)

USCIS has updated the count of [H2B](#) visa petitions received and counted towards the H2B cap for the fiscal year 2013 employment. As of February 22, 2013, USCIS has approved approximately 38,064 and 7,696 H2B beneficiaries for the 1st half and 2nd half of FY 2013, respectively.

### [Travelogue: 'Doing Business in US' workshops in India](#)

This is the first of the series of articles on our recent six-city workshops in India. This article contains excerpts from the diaries of our U.S business expert regarding the workshops, his interactions with the attendees, and his travel experiences during his visit to India.

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# H-1B VISA (Persons in Speciality Occupation)

Quick, Easy, Economical. [Online Processing.](#)



**Apply Now!**

## QUESTIONS AND ANSWERS

**Q1. We currently have an employee working with us on OPT. His OPT will be expiring in June. How can we hire him on [H-1B](#)?**

**Ans.** First of all you have to determine if he qualifies for the job and basic requirements of an H-1B. It is not simply a matter of filing an application - the employee has to qualify for the H-1B first. An H-1B visa offered to individuals in a "Specialty Occupation." A specialty occupation, under the regulations, is described as an occupation that requires a level of knowledge that can only be attained from the completion of a bachelor's degree in a related subject. You have to first ascertain if he, and the job that is being offered to him, qualify for an [H-1B](#). Secondly, H-1Bs are subject to an annual quota. There are 65,000 regular H-1Bs available each government fiscal year which runs from October 1 every year. The filing period against the October 1 2013 quota starts April 1 2013. The H-1B petition must be filed as early as possible to ensure that the application is received before H-1Bs run out.

Furthermore, as long as his H-1B petition is received by USCIS before H-1Bs run out and before his OPT expires in June, then he should be permitted to stay in the US and continue working until the H-1B is adjudicated. If approved, he will be authorized to remain and continue working until October 1 when the H-1B would take effect. Please consult an Immigration Attorney to analyze your situation and review if an H-1B is suitable in your situation, and what steps you can take in your situation.

**Q2. I and my wife own a company in Italy 50-50%. We own the company in Italy for the past 10 years. We have recently opened an LLC in the USA. We want to be able to come to the US to work in the US company. What visa might be suitable for us?**

### 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.** If the company in Italy and the LLC incorporated in the USA are affiliated companies, then a New Office [L-1](#) visa may be suitable in your case. For a New Office L-1 visa, you or your wife must have worked for the Italian company for at least 1 year during the past 3 years, as executive or manager. You must also have a substantial number of employees in your Italian company. On a New Office L-1, you would get one year to come to the US and build up the US company. If you generate revenue and hire employees in the US during that first year, then they will extend your L-1 for another 2 years. If you are Italian nationals, another option may be the [E-2](#) Investor Visa. Please consult an Immigration Attorney to review your situation and determine if you satisfy the eligibility requirements for a New Office L-1 or an E-2 visa and what steps you can take to apply for either.

[More Q&A](#)

## SUCCESS STORIES

*"I am thrilled at the level of service I received from VisaPro!*

*Their attention to detail, their quick responses to questions, and the personal attention they gave each one of our [\[H-1B\]](#) visa applicants was overwhelming.*

*VisaPro help take the confusion and frustration out of the visa application process. They explained each step and what was required. They helped us with documentation and made sure that it was consistent with our application. They took the time to make sure everything was right, yet was able to make the deadlines and time restrictions the INS imposed upon us.*

*I cannot say enough about the friendly staff and lawyers who never hesitated to be there for us. They basically held our hand through the whole process.*

*We had tried to do visa applications ourselves. The value of VisaPro and the time they saved us was well worth the cost.*

*We will be using VisaPro for all our staffing needs when obtaining a visa is required."*

**Susan Reichard,**  
HR Manager, Monona Catering

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Do you have any interesting immigration-related news to report? We will give a **FREE Online Consultation** to whoever provides us with the best news story of the month. [Send](#) your story.

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