



## FROM THE EDITOR'S DESK

New Year... New Dreams... and a whole new way of processing your visas! We welcomed 2005 a year ago with a resolution to combine technology and visa processing, giving the ultimate user experience to our clients and the users of our website. And we did a lot more. When I look back at the year gone by, I feel proud to have added you to my list of friends across the world. **I wish you a very Happy and Prosperous New Year – 2006. Check this exclusive greeting card** made for you. The special greeting card that our team prepared to wish you Happy Holidays was well appreciated by everyone. Thank you all for your wishes and continued support.

Apart from the holiday greetings and New Year wishes that kept me busy during the past few weeks, I also received a lot of emails enquiring about the [RSS](#) feature. Those who subscribed to RSS to receive news updates from our website were very pleased with this unique feature. Subscribers to RSS receive alerts to updates as soon as they are posted on our website. RSS is more secured and convenient compared with email delivery. You can subscribe to the updates through RSS by clicking on the [XML](#) buttons at various sections in the newsletter.

The month of December saw some stunning developments on the immigration front. The U.S. House of Representatives passed the Sensenbrenner Bill at lightning speed. And then the House adopted a conference report on the budget reconciliation package, striking off the provisions relating to the recapture of H-1B and Immigrant visa numbers. This was a blow to pro-immigration lobbyists and the businesses waiting for a temporary relief from H-1B cap and Immigrant visa backlogs. We cover these recent developments in our **Industry Perspective** article.

Starting this month your **Immigration Monitor** will cover visa procedures at the consulate in your home country. We are visiting East Asia this month, discussing the K-1 Fiancée visa process at the U.S. consulates in China, Korea, Philippines, Thailand and Vietnam. Do check out the article in our **In Focus** section and [send your feedback](#) on our initiative to cover issues specific to your situation, and also if you would like us to write about any visa process at the consulate in your home country. If you have processed a family or work visa at a consulate, don't forget to [share your immigration experiences](#) for the benefit of the readers of **Immigration Monitor** and other users of VisaPro.com.

Did you miss receiving your **Immigration Monitor** last month? Is your **Immigration Monitor** being diverted to the junk/spam folder of your email? Just add our address [Immigration-Monitor@VisaPro.com](mailto:Immigration-Monitor@VisaPro.com) in the list of your contacts so that you receive it straight into your email Inbox. I am sure you wouldn't want to miss out

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### YOUR OPINION

Since its inception, the US-VISIT Program has intercepted over 970 persons with a criminal history. Does this mean that the U.S. has significantly increased security at its borders?

- 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**

on the latest you need to know from the immigration front.

Have you ever visited the U.S. and experienced the procedures at the border? Are you planning a visit to the U.S. and wondering what happens when you land at the airport? In 2004 the US-VISIT entry-exit system was implemented at all international airports throughout the U.S. to enhance the security of U.S. citizens and visitors, expedite legitimate travel, and safeguard personal privacy of visitors. This month's **Immigration Article** provides the tips and procedures to 'Avoid confusion at US Port of Entry'. VisaPro wishes you a happy and safe flight and a smooth passage through the immigration procedures at the border.

**Your Opinion** for the poll question last month was divided. Over 40% of participants believe that the fact that the US welcomed 86 million air passengers in 2005, the highest in the US history, means increased security threats. Recently the U.S. Government released the news that the US-VISIT Program has intercepted 970 people with criminal histories during the last two years. Do you think the programs like US-VISIT have secured the U.S. borders? Express your opinion in this month's poll.

Last month Hank Meyer had a tough competition to win the November **Immigration Quiz**. This time it seemed to be a cakewalk for **Sumir Duggal**. This time too we received almost the same number of responses, some well-researched and explained in detail, but Alas! Most of them were wrong. Congratulations to Sumir Duggal for winning a **FREE online consultation** with VisaPro Attorney. Would you like to see your name as the WINNER in the next issue of **Immigration Monitor**? Surf through VisaPro.com to find the correct answer to this month's question.

As part of our continued efforts to provide you with The Best, our team is currently working on various exciting projects for this year. How would you feel if you visit VisaPro.com and are able to view only the information specific to your country? VisaPro's country-specific websites will be a treasure-house of information, providing you with the information on procedures followed at the consular offices in your country, and news updates specific to your country. I am really excited to see the first one up and running, and then the rest will be history.

A lot of activity is expected in the next few months when the fate of the various legislations pending on the round-table will be decided. As always, we will keep you posted on all the news you need to know.

**All the Best in 2006!**

*Christine*

## LATEST NEWS

### [USCIS issues guidance on E-3 visa applications](#)

In particular, USCIS has provided specific information on the eligibility requirements and documentation needed for individuals wishing to either change their nonimmigrant status to that of an E-3 worker or to extend their E-3 status.

### [USCIS revises guidelines on filing of Affidavit of Support](#)

**Monitor** and the winner will receive a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of February 2006.

*After changing status from B-1 to H-1B visa I went to Canada for H-1B stamping, however, the officer rejected my application. Can I reapply in my home country for stamping on the same H-1B?*

[Submit Your Answer](#)

## Immigration Issue?

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### **Winner of the Immigration Quiz - December 2005:**

Sumir Duggal

#### **The Question:**

*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.?*

#### **The Winning Response:**

In this case, the applicant initially entered US on B-1/B-2 multiple entry visa valid till 2008 and then got it changed to H-1B. I think, he should be allowed to visit States on his B-1 visa till its valid date, and once he starts his business in China.

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

A recent memorandum notifies that a person completing an Affidavit of Support (Form I-864) on behalf of an adjustment of status applicant is only required to file one Federal income tax return, for the tax year that is most recent as of the date the Form I-864 was signed.

### [H-2B Cap for first half of FY 2006 reached](#)

U.S. Citizenship and Immigration Services (USCIS) announced that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the first six months of Fiscal Year 2006 (FY 2006).

### [DOL revises PERM FAQ; Clarifies position on multiple filing of LCAs](#)

U.S. Department of Labor (DOL) has posted its revised response addressing the issue whether it is permissible for an employer to have more than one labor certification application (LCA) actively in process for the same alien for the same job opportunity at any given time.

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## IN FOCUS

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### [Fiancée visa processing in East Asian countries](#)

In this article we attempt to cover K-1 visa processing procedures followed by Consular Posts in East Asian countries like China, Korea, Philippines, Thailand and Vietnam. The information will help foreign national fiancés from these countries be better prepared for the K-1 visa interview.

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## INDUSTRY PERSPECTIVE

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### [A cold December for pro-immigration measures](#)

The "immigration shocks" started with the passing of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Bill in the House of Representatives. A mere three days later, the House passed a conference report on the budget reconciliation package that omitted the provisions that would have recaptured unused H-1B and employment-based visa numbers.

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## IMMIGRATION ARTICLE

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### [Avoid confusion at US Port of Entry](#)

Approximately 28 million nonimmigrants enter or leave the U.S. annually to conduct business, study, visit family, or tour the country. Legitimate visitors are always welcome and the U.S. government is committed to facilitating their travel. However, a critical need for tighter security requires strict entry and exit procedures at the Port of Entry.

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- [▶ Visa Bulletin](#)   [▶ USCIS Processing Times](#)   [▶ Local USCIS Offices](#)

## DISCUSSION CORNER XML

[Will 245i the Family Life Act Ever Return? After Elections???](#)

By Mark

[Problems, problems, problems,](#)

By Racek

[US' new budget bill does not include more H1B visas](#)

By akaabc

[More Discussions](#)

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## QUESTIONS AND ANSWERS

1. **I need some information on how to obtain an R-1 visa. I am a native missionary in India and the last time I entered the US, I was advised by the INS to obtain an R-1 for my next visit to the States.**

To qualify for the Religious Worker ([R-1](#)) visa you have to have been a member of the denomination that is sponsoring you for 2 years immediately preceding the filing of the petition, and you must be entering the US to provide services to a church or non-profit para-church organization, as a minister (licensed or ordained), or as a religious professional, or in a religious occupation or vocation. Additionally, you must be entering the US to work solely for the sponsoring organization. The R-1 visa is good for up to 5 years, 3 years on the initial application and can be renewed for an additional 2 years. To obtain the R-1 visa, you should apply at the U.S. Embassy or Consulate in India with jurisdiction over your place of residence. Since you do not need prior USCIS approval, you may submit Forms DS-156 & DS-157 with the supporting documents to obtain the R-1 visa.

[Click here](#) to learn more about the R-1 visa application process and required documents and [contact us](#) for assistance with the application process.

2. **One of our employee's wife who is on H-4 status wants to know when he can file an H-1 petition for his wife. Can he go for Premium Processing and when will he get an approval. Can he file now and get an approval with in 3 weeks. Please reply.**

Your employee's wife will have to wait till April 06, before she can apply for an H-1B visa, and then she cannot begin working on the H-1B until October 1, 2006. The biggest drawback to the H-1B visa is that they are limited to 65,000 per year, and unfortunately the cap for the fiscal year 2006 (10/01/2006 - 09/30/2006) was reached in early August 2005. Even though she may apply under Premium Processing starting April 1, 2006, and the petition can be approved within 15 days, she would not be able to start working in the US until October 1, 2006. However, if your employee's wife has an advanced degree from a US institution of higher education she could apply for an H-1B visa under a special rule.

Please [contact us](#) if you need further help.

[More Q&A](#)

### 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](#)

## SUCCESS STORIES

"I want to thank you, Pam, and the others at VisaPro who were involved, for the wonderful way you handled our R visa case over the past week. You were all so patient and helpful coaching me to get my documents together. As a church member with no immigration experience, I was trying to help our Hispanic pastor and his family stay legal. You even called me on Sunday afternoon to be sure I would get things to you in time. You knew you were dealing with a rank amateur on immigration matters, and you all pitched in on my perceived problem. When I finally got the documents to you, you realized there wasn't a crisis. At that point, although you could not have been blamed for shooting me on sight if I had walked through the door, you were most polite and efficient in shutting the case down, charging me only for a consultation.

You can be sure that, if ever again I am involved in an immigration matter, I will call VisaPro as my first step. Thanks again for your efficient and friendly help."

Best regards,

**Rod Rawlins**, Member  
[Christ Center Wesleyan Church](#)

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