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Exclusive U.S. Immigration Events

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FROM THE EDITOR'S DESK

As the New Year arrives, we at VisaPro are striving hard to introduce exciting services to make your visa processing even more Fast, Easy and Economical! New Year for VisaPro will be as exciting as ever with new services in the form of [Immigration Training](#), furthering our commitment to educate and equip professionals to handle US immigration matters single-handedly and confidently. It has been your continued support and trust that has made this journey and every new service introduction a memorable moment. I wish you all a very Happy and Prosperous New Year!

While the New Year celebrations haven't yet subsided, the political front is heating up with the democratic primary contenders Obama and Clinton pulling out all stops to beat each other to the Oval Office. During this year's presidential campaign, immigration has been one of the hot-button issues catching everybody's imagination on all sides of the political spectrum. Some analysts contemplate that immigration policy and immigration reform may be the key differentiator in determining who will be elected.

Immigration Workshops and Training Seminars

VisaPro is busy preparing for our upcoming February workshops in India on U.S. Immigration Strategies. This year is going to be as exciting as ever with [Immigration Workshops in Hyderabad, Mumbai, Ahmedabad, and New Delhi](#). These workshops will focus on the [H-1B](#) visa and its alternatives and will cover the common issues for each relevant nonimmigrant visa category. The excitement does

not stop there, because the workshops will be followed by a first-of-its-kind [Immigration Training Program in Bangalore](#). Our training program will provide a nuts-and-bolts overview of the H-1B and [L-1](#) visa application process and is aimed at those who want to learn how to effectively file their own petitions or have a more detailed insight into the relevant procedures. [Click here](#) to read more details about these upcoming events and to view photographs and videos from our previous seminars.

Developments in Immigration Law

Save Small Business Bill

Now to the Immigration front. The [H-2B](#) saga continues as small businesses are still reeling under shock due to U.S. Congress' failure to pass the 2007 Save Small Business Bill prior to adjourning for the year. Amidst initial speculation and debate, the U.S. Citizenship and Immigration Services (USCIS) declared that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the second half of Fiscal Year 2008 (FY2008). USCIS notified the public that January 2, 2008 was the "final receipt date" for new H-2B worker petitions requesting employment start dates prior to October 1, 2008. Let us hope that the Members of Congress and Senators understand the gravity of the situation and pass the 2007 Save Small Business Bill.

Premium Processing for Religious Workers Still Not Available

Applicants for [R-1](#) Visa need to go through the regular filing process until July 8, 2008 as the U.S. Citizenship and Immigration Services (USCIS) has extended the suspension of premium processing services for religious worker (R-1) visa petitions. The good news is that in the future, if USCIS is able to properly process these cases within 15 calendar days of receipt, the Petition for a Nonimmigrant Worker ([Form I-129](#)) requesting R-1 nonimmigrant visa classification may once again be available for premium processing services. Additionally, USCIS may prescribe additional conditions of availability on the Premium Processing Service for religious worker petitions.

USCIS Seeks to Provide Better Customer Service

This New Year, USCIS has set a goal to provide good quality customer service and the first in its series of activities will be to expand and improve contact services for customers seeking assistance with the E-Verify program. E-Verify will expand the available hours for customers to accomplish program support by utilizing the USCIS National Customer Service Center (NCSC). In the near future, USCIS will offer additional access methods for E-Verify

YOUR OPINION

Do you think that USCIS will meet its goal of maintaining processing times of 6 months or less by the third quarter in FY 2010?

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

[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 January 2008.

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?

[Submit Your Answer](#)

customers. In addition to these services, USCIS will proactively call new E-Verify customers within 24-48 hours of registration to offer additional information and instructions.

Immigration Articles and Other Fun Stuff

Now for the regulars -- this month's **Immigration Article** will provide an introduction to the Labor Condition Application. Check out our **In Focus** section which will address the H-1B cap issues faced by employers who plan to file their H-1Bs this April. We have again brought an interesting question for our opinion poll. We ask all our readers to cast their vote and we appreciate that people are taking interest in giving their opinion. Keep it up! Last month's poll results indicate that 60% of the respondents do not believe that recovering the costs of security and other enhancements is a valid reason for increasing the application fee for U.S non-immigrant visas. Cast your vote to express **Your Opinion**.



Hank Meyer deserves Congratulations for winning last month's Immigration Quiz. Answers to the quiz indicated that many of our readers were unsure as to whether or not an L-1 transfer is possible. However,

Mr. Meyer gave the right answer and won a free [online consultation](#) to discuss his Immigration issues. So get ready for this month's quiz. 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 to your address book or safe list.

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

Christine

Immigration Issue?

Consult Our Experienced Attorneys

Click Here



Winner of the Immigration Quiz - December 2007:

Hank Meyer

The Question:

I am working with company A in US and my status is L-1, which will expire in 3 months. I have another offer from Company B and they are willing to file a petition for me. Is it possible to transfer my L-1 to another company?

The Winning Response:

If Company B is a subsidiary or parent company of company A, then yes, a transfer is possible, but this transfer is not as fluid as a transfer would be if you were working in an H1B status (unless you are working with an L1 blanket) (ed. note: Blanket L rules require that a new Certificate of Eligibility ([L-129S](#)) is filed where a beneficiary is reassigned to an organization listed in the approved petition and will be performing different job duties. A new certificate is not required for transfers to any organization listed on a

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LATEST NEWS

[USCIS Announces Centralized Filing Location for Certain H-1B Cap Exempt Petitioners](#)

U.S. Citizenship and Immigration Services (USCIS) announced today a new customer service initiative to streamline the adjudication of H-1B petitions. Effective today, USCIS will employ a special unit dedicated to processing these types of H-1B cap exempt petitions at the USCIS California Service Center (CSC). Aliens employed by certain types of educational, nonprofit or governmental organizations, as defined below (normally referred to as "cap exempt," aliens employed by such entities are not subject to the H-1B numerical limitations). See section 214(g)(5)(a) and (b) of the Immigration and Nationality Act (INA); and 8 CFR 214.2 (h)(8)(A).

[Important Change in International Land and Sea Travel Document Procedures](#)

Effective January 31, 2008, U.S. and Canadian citizens ages 19 and older should no longer expect that they will be able to prove identity and citizenship by relying on an oral declaration alone. Instead, travelers will be asked to present documents from one of the options below when entering the United States at land or sea ports of entry. Travelers who do not present one of the documents listed below may be delayed as U.S. Customs and Border Protection officers attempt to verify their identity and citizenship.

[H-2B TRACKER: H-2B Cap Reached For Second Half of FY 2008](#)

The U.S. Citizenship and Immigration Services (USCIS) declared that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the second half of Fiscal Year 2008 (FY2008). USCIS is hereby notifying the public that January 2, 2008 is the "final

blanket petition if the job duties are virtually the same.)...you would have to continue working at Company A until the new petition and COS was approved by USCIS -- there is no portability clause at this time for L visa holders. If company B is not a subsidiary nor parent company of company A, then you could not qualify to work in L-1 status for company B since you would lack the requisite 1 year of continuous work (in the 3 years preceding your application for the new L-1 and/or admission to the US) and would instead need an H-1B from company B.

Hank Meyer receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of January 2008.

NEW TO VisaPro?

Lost in the world of immigration law jargon? Visit the most comprehensive [immigration law dictionary](#) on the internet and discover the meaning behind the technical terminology...

receipt date" for new H-2B worker petitions requesting employment start dates prior to October 1, 2008. The "final receipt date" is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the second half of FY2008.

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IN FOCUS

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Don't Lose Your Opportunity to File an H-1B Visa - Start Now!

The clock is ticking and every day that important date in immigration - April 1, 2008 comes closer. As many of you already know, April 1 marks the first day that USCIS accepts H-1B petitions for the federal government's fiscal year beginning on October 1. Per regulations, employers can file H-1B petitions no earlier than six months in advance of the anticipated start date, which makes April 1 beginning of the race for obtaining an H-1B visa before the cap is reached.

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Labor Condition Application: An Overview

The Labor Condition Application, or LCA, is a prerequisite to H-1B approval. The LCA, Form-9035, contains basic information about the proposed H-1B employment such as rate of pay, period of employment, and work location. It also contains four standard attestations or promises that the employer must make. The employer must document compliance with the LCA requirements in a public access file.

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DISCUSSION CORNER

[H1 - H4 - H1 again](#)

By Sat45_

[_ Extension of stay after OPT expires](#)

By Guest

[just married need help!!!!](#)

By starfire

[More Discussions](#)



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

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QUESTIONS AND ANSWERS

1. **My US citizen fiancée and I are planning to marry in the US in August or September. My US fiancée is currently residing in the US. After marriage, we plan to settle in the US and I will require a work authorization subsequent to our marriage.**

1) Which visa is appropriate for my situation?

2) When should I begin the application process to ensure that I obtain the necessary visa in time?

3) How long do I have between the approval of my application and entering the US?

4) I want to visit my fiancée in the US soon -- will I have to delay my application until after that trip? Or will it be possible to enter and leave the US while my visa application is pending?

1) The appropriate visa is the [K-1](#) fiancé visa. Your 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](#)

citizen fiancé will petition to the appropriate USCIS service center. Upon approval, the petition will be forwarded to the US consul in Canada where you will apply for your K-1 visa. The K-1 visa will be valid for a single entry into the US. That single entry can be made at any time during the 6 month validity of the K-1 visa. Upon entry into the US on the K-1 visa, you must marry your US citizen fiancé within 90 days of your entry into the US and file your application for permanent resident status. Included in that application package will be an application for a work permit and a travel document to allow you to work and travel while your application for permanent resident status is pending.

2) If you want to enter the US on the K-1 visa for the purpose of marrying your fiancé in August/September, it is strongly advised that you start the process now. There are significant processing time delays at the USCIS service center and the US consulate. Processing times fluctuate and can not be predicted.

3) As stated above, the K-1 visa will be issued for a single entry which you may use any time during the 6 month validity of the K-1 visa. With the built-in flexibility, you should be able to time your entry to meet your marriage target date.

4) The filing and processing of a K-1 fiancé visa indicates your immigrant intent. However, if the issue arises at your entry for a visit, then your response should be that you are not immigrating on this trip but will be on a later trip with your K-1 visa. Driving across the border may reduce the risk of the issue arising. Having your fiancé visit you in Canada rather than you visiting her in the US will remove the risk entirely.

2. **My wife is an [H-4](#) visa holder and she plans to give a performance at a concert hall. The concert hall will collect admission fee from the audience, but she will not get paid. I know that the H-4 visa holder is not allowed to work. Would it be possible for her to perform if she will not receive any payments?**

Yes, if it is strictly a volunteer activity. No, if it is unauthorized employment. Employment is defined as rendering services in exchange for compensation. Since she will not be paid, it would appear that this is strictly a volunteer activity. As such, she may perform as long as she is not paid.

[More Q&A](#)

SUCCESS STORIES

"I hope that you guys had a great New Year !

I wanted to inform you that I am in US now and doing great. I wanted to thank everybody involved in this case, specially [VisaPro legal team] and rest of the Visapro team. You did a wonderful job, all the documents were very well planned and we got the visa without any hassle."

I appreciate your professional and responsive manner. Your service is excellent. I am sure we will be in contact again in the near future. However, I would like to recommend your outstanding services to my friends in other company too.

Thanks again.

Warm regards,

Kavit Tyagi, Associate Director
[Matrix Laboratories Inc](#)

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