

FROM THE EDITOR'S DESK

Welcome to the January 2012 edition of the VisaPro Newsletter!

We are delighted to be connected to you, and as we enter into the New Year, we look forward to continuing to provide you with fast, easy and economical immigration services on the web! And, hopefully, a lot more, too!!

2012 is set to be quite an eventful year. 2012 is not only a leap year, but the Summer Olympics will be taking place in London, U.K. this year and more importantly, the US Presidential Election will take place this year. Immigration Reform has been a hot topic during this election cycle. We hope that the election cycle will bring about positive changes and that 2012 will be an immigration-friendly year, bringing continuing success and prosperity to all our readers.

As another new year begins, prospective employers and employees begin their eager wait for the [H-1B](#) filing period to begin again. The Fiscal Year 2012 H-1B cap saw a moderate start in April followed by a slow-down over the summer. Finally, there was a sudden and dramatic acceleration during late October- early November, 2011, with the H1B cap numbers for FY 2012 reaching the statutory cap of 65,000 on November 22, 2011. The sudden acceleration was, arguably, a sign that the U.S. economy is improving and employers have started to hire foreign nationals again to meet their employment needs. As the economy continues to slowly improve, it is expected that employers will slowly increase their hiring again, leading many immigration experts to believe that H-1Bs for fiscal year 2013 will be gone within a very short time and will not remain available for long -- certainly not 8 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, 2012—to ensure that their petitions have the greatest chance to be included in the quota.

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.

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YOUR OPINION

Do you think 2012 will be an immigration friendly year, considering that it is also an election year?

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

[Cast Your Vote](#)

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| | |
|-------------|--|
| 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, 2012</u> . |

[Contact VisaPro](#) immediately to assist you with the H-1B filing using the fast, easy and economical online visa processing.

Because of the H-1B cap issues, employers need to 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 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](#).

Meanwhile, in other important immigration news, significant progression in the [EB-2](#) category for India and China continues. The EB-2 priority dates, as posted in the February 2012 Visa Bulletin, for India and China moved further by a full one year from January 01, 2009 to January 01, 2010! It is advisable that you [Contact VisaPro](#) immediately if you believe your priority date is now current and you need any assistance in filing for an [Adjustment of Status](#) application or for an Immigrant Visa, as retrogression in this category in the coming months cannot be ruled out considering the sudden acceleration witnessed over the past couple of months.

Other Developments in Immigration Law:

[USCIS Announces 58 Countries Whose Nationals are Eligible for H-2A and H-2B Participation](#)

The DHS has identified 58 countries whose nationals are eligible to participate in the H-2A and H-2B programs for the coming year. In addition to the 53 countries currently on the list, five countries, namely, Haiti, Iceland, Montenegro, Spain, and Switzerland, have been designated for the first time this year. Each country's designation is valid for one year from the date of publication. This new list does not immediately affect the status of beneficiaries who are currently in the United States in H-2A or H-2B status, unless they apply to change or extend their status.

[The U.S. Consulates in Chennai, Hyderabad and](#)

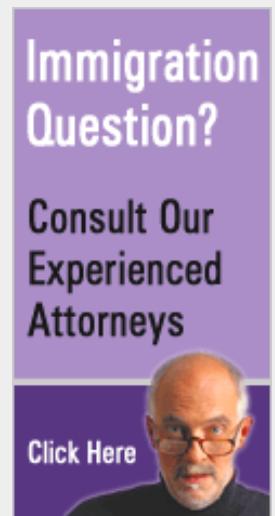
IMMIGRATION QUIZ

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 2012.

Hi, I am a US Citizen, and my fiancée is in Thailand. We have been engaged for some time now, but we can't get married because her divorce from a previous marriage has not finalized. However, it is nearing completion. We hope to have a final court order in a couple of months. I was told that it takes nearly 4-5 months for a K-1 petition to be approved. Can I apply for a [K-1](#) visa for her now, so that we could save some time on the waiting period?

[Submit Your Answer](#)



Winner of the Immigration Quiz - December 2011:

Rakesh Kumar

The Question:

[Calcutta not to process Immigrant Visa petitions](#)

As of January 1, 2012, all immigrant visas in India will be processed through the U.S. Embassy in New Delhi and U.S. Consulate in Mumbai.

Immigration Articles and Other Fun Stuff

Check out our 'Featured Video' of the month '[Can I Get Married On a Tourist Visa to a US Citizen?](#)', which showcases the very strict rules that USCIS has for those who come to the US on tourist visa with the sole intention of getting married, and explains all the do's and don'ts of getting married in the US on a tourist visa. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Also remember to check out our **In Focus** article for this month- '[Get a Head Start on Filing H-1B Visas With VisaPro's "H-1B Visa Timeline"](#)' which showcases effective tips to help employers plan ahead and prepare to file the nonimmigrant visa petition in a timely manner, ensuring successful filing of the H-1B petition.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that an overwhelming majority of our respondents (**83.33%**) indicated that they welcome the end to per-country quota for Employment Based Green Cards that is proposed by the 'Fairness for High-Skilled Workers Act'. We 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 congratulate **Rakesh Kumar** for winning last month's Immigration Quiz. We received a significant number of responses from our readers, but **Rakesh Kumar** 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 to your address book or safe list.

See you in February with a lot more noise from the Immigration World!

Christine

Hi, I came to the US on a [B-1](#) visa on behalf of my Indian company to meet our US based clients. Our original plan was to finish all meetings in 3 weeks, and accordingly we asked for and were granted time for 3 weeks on B-1. After arriving in the U.S., however, we have realized that additional meetings will be required and that I may need a couple of more weeks to complete them. What can I do? Is it permissible to seek an extension of the B-1?

The Winning Response:

Yes, you can apply for an extension. It is permissible to seek extension of stay while on B-1. You have to file Form I-539, with USCIS, along with all supporting documents for that purpose, and you have to satisfactorily explain why you need an extension and prove that you satisfy the requirements prescribed for a B-1 visa.

Rakesh Kumar receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of January 2012.

JOBS @ VisaPro

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Job Type: W-2 or 1099

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- ▶ [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 know more.

FEATURED VIDEO

Can I Get Married On a Tourist Visa to a US Citizen?



Though, there is nowhere written in the US immigration laws that you cannot get married to a US Citizen on a tourist visa, USCIS has very strict rules for those who come to the US on tourist visa with the sole intention of getting married. Learn all the do's and don'ts of getting married in the US on a tourist visa.

[More Videos...](#)

LATEST NEWS [XML](#)

[H2B Cap Count Update](#)

USCIS has updated the count of H2B visa petitions received and counted towards the H2B cap for the fiscal year 2012 employment. As of January 20, 2012, USCIS has received filings on behalf of approximately 25,993 beneficiaries, and approved approximately, 18,220 H2B beneficiaries against the cap amount of 33,000 for the 1st half of FY 2012.

[TPS Extended for Salvadorans](#)

DHS has announced extension of Temporary Protected Status (TPS) for eligible nationals of El Salvador for an additional 18 months, beginning March 10, 2012, and ending Sept. 9, 2013. Current Salvadoran TPS beneficiaries seeking to extend their TPS status must re-register during the 60-day re-registration period that runs through March 12, 2012. The 18-month extension also allows TPS re-registrants to apply for a new Employment Authorization Document (EAD). To re-register, current TPS beneficiaries must submit a Form I-821, Application for Temporary Protected Status and a Form I-765, Application for Employment Authorization, regardless of whether they are applying for an EAD.

Get a Head Start on Filing H-1B Visas With VisaPro's "H-1B Visa Timeline"

While it is not expected that the H-1B visa cap for the next fiscal year 2013 will be met in one or two days as in the past, the cap is also not expected to remain open for 7 or 8 months either as the U.S. economy continues on its path to recovery. It is well worth your time to be prepared to submit the H-1B petition as soon as possible as the final receipt date for the USCIS H-1B cap count is so unpredictable. By following our suggested H-1B timeline, you will have maximized your efforts to ensure timely and successful filing of your H-1B petition.

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PROCESSING TIMES XML

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QUESTIONS AND ANSWERS

Q1. I am currently in the US on an [H-1B](#) and my application for [EB-2](#) is pending. My wife recently came over to visit me on a Visa Waiver and her 90 day stay limit is coming to an end soon. Can we apply for any appropriate visa for her so that she can continue to stay here and not leave?

Ans. The appropriate visa for her is an [H-4](#) dependent visa. H-4 is a temporary visa that would allow her to live with you in the US, while you are waiting on your H-1B for your Green Card. However, the visa waiver that she came in on does not allow her to change her status to something else while she is in the US. Hence, to obtain an H-4 visa, she has to leave the US and return to her home country before her visa waiver period expires, and apply for an H-4 visa in an US Embassy or Consulate in her home country. She needs to undergo a personal interview at the Embassy or Consulate, and once she gets the H-4 visa stamp on her passport, she can return to the US on her H-4 visa. She will be given permission to stay in the US until the same day that your H-1B expires. She, however, cannot work in the US while on an H-4.

Q2. I am a US Citizen living in Texas. We are in the process of filing for a Green Card for my wife who is a Brazilian national. We are stuck a bit as my income and assets are found to be insufficient for the Affidavit of Support purposes. My brother is willing to be a joint sponsor and he has sufficient income. However, he is living in New York. Can he become a joint sponsor in our application even if we don't live with him? Also, if he can be a joint sponsor, must I still file the Affidavit of Support?

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. As part of the Green Card process, you are going to have to submit a Form I-864, Affidavit of Support. You are the petitioner, and you have to file an Affidavit of Support, which will contractually bind you to the US government to support her. This “contract” means that the government can recover from you whatever welfare payments they may pay her in the next 10 years or until she becomes a US Citizen. You have to show that you meet the minimum financial requirements to guarantee her support. If however, you are short on income or assets, then can you use a joint-sponsor. A joint-sponsor can be anybody who is a US citizen or a Green Card holder; has the financial ability to support your family and his family @125% of the US poverty guideline; and is domiciled in the US. There is no requirement that you have to live with or live in the vicinity of the joint-sponsor. And, as you are the petitioner in the Green Card case of your wife, you must file the Affidavit of Support without fail, regardless of whether or not you meet the income requirements.

[More Q&A](#)

SUCCESS STORIES

"Knowledgeable, fast, courteous, efficient are all words that describe the services I received from VisaPro. They were very helpful in all phases of the H-1B visa process and they got it right the first time. The online Visa ordering system kept me posted every step of the way allowing me more time to focus on our company. I have tried other Visa services, but VisaPro is the best by far. VisaPro is the only way to go!"

Raymond Meyers

President

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