

## FROM THE EDITOR'S DESK

*Hello and welcome to the January 2014 Immigration Newsletter!*

At the outset, we wish you all a very Happy and Prosperous New Year in 2014! As we enter into the New Year, we at VisaPro are delighted to have been able to stay connected to you over the past 11 years, and providing exceptional immigration legal services to you. Your continued support and trust has made this journey truly memorable. We wholeheartedly thank you for your continuous and consistent patronage and re-pledge our commitment to provide exciting services to make your visa processing 'Fast, Easy and Economical!'

January signals the beginning of what is one of the busiest periods in the U.S. immigration calendar—when employers and immigration practitioners alike start gearing up for the H-1B filing season. USCIS will begin accepting H-1B petitions subject to the Fiscal Year 2015 cap on April 1, 2014.

The FY 2015 H-1B cap is expected to be reached during the 1st week of April 2014, and we are most definitely looking at another H-1B lottery this year. With the economy continuing to improve over the past year, it is widely believed that the **demand for H-1B's this year is going to be much greater** than the one witnessed last year.

Employers who miss the chance to file an H-1B petition for any employees before the cap is reached **will NOT be able to bring in new employees under the H-1B program until October 1, 2015**. They will have to wait until next year to file or look for an alternate visa option, which may or may not exactly match the employer's needs. To eliminate uncertainty and ensure a successful filing, it is essential that employers begin planning their FY 2015 H-1B filings NOW!

### IN THIS ISSUE

[Latest News](#)  
[In Focus](#)  
[Processing Times](#)  
[Questions and Answers](#)  
[Success Stories](#)

### FOLLOW US:



### DOWNLOAD

[Download](#) this Newsletter in PDF Format.

### SUBSCRIPTION

[Subscribe](#)  
[Modify Subscription](#)

### YOUR OPINION

**With the FY 2015 H-1B Cap expected to be reached in the first week of April 2014, do you think this year's filing figures will far outnumber those from last year?**

Yes  
 No  
 Not Sure

**Download VisaPro's H-1B Visa 2015 Timeline Template**

6 Easy Steps: A Step-by-Step Advice For Successful H1B Filing

Now is the perfect time to put your H-1B Cap filing plans in motion.

See how you can increase the chances of H-1B Visa 2015 petition lottery selection and approvals.

Download VisaPro's FREE [H1B Visa 2015 Timeline Template](#), a proven successful plan designed to maximize your efforts and ensure timely and successful filing of your H-1B petitions.

In this complex world of immigration, it can be hard to know when or where to start the H-1B filing process. That's why we're also offering a **FREE 2015 H1B Cap Filing Plan Consultation**. In the planning discussion, we'll talk you through your priorities and recommend strategies for upcoming H-1B Cap filing season based on *our attorneys' near 100% success rates*. To see how VisaPro can increase your chances of H1B lottery selection and approvals, schedule your [FREE H1B Cap 2015 Filing Plan Consultation](#) now.

In other news, the New Year began on an interesting note. The California Supreme Court granted a law license to an illegal immigrant. The Mexican immigrant, who was living in the country illegally, had graduated from law school and passed the California bar exam. It is expected that the ruling, apart from allowing him to begin practicing law, *could also open the doors for other similarly placed foreign nationals to enter into other professions*.

January also saw some reports coming in about USCIS' Fraud Detection and National Security (FDNS) Directorate initiating L-1 site visits under its Administrative Site Visit and Verification Program (ASVVP). You may recall that last year, a report by Department of Homeland Security's Office of Inspector General (OIG) had recommended making site visits a requirement before extending 1 year new office petitions. L-1 employers need to take note of this development and be prepared in the event of any FDNS site inspections.

[Cast Your Vote](#)

[View Results](#)

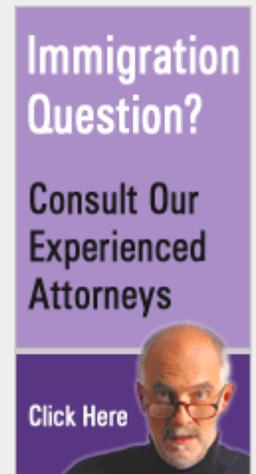
**IMMIGRATION QUIZ**

**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 February 2014.

**While the preparations for the upcoming FY 2015 H-1B Cap filing season have begun, do you know what the H1B annual cap numbers really are?**

[Submit Your Answer](#)



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

Sushmita

**The Question:**

**I am currently working in the US on an L-1B. Can I transfer my L-1 visa to another company?**

**The Winning Response:**

Meanwhile, January also saw USCIS announcing that *more than 500,000 companies now use E-Verify* - a significant milestone for the free online service that allows U.S. employers to confirm their new employees' eligibility to work. Administered by the U.S. Department of Homeland Security (DHS), E-Verify compares information from an employee's Form I-9 to data from DHS and Social Security Administration records to confirm employment eligibility. Employers are already required by law to complete a Form I-9 for each newly hired employee and maintain I-9 records for all current and certain past employees. E-Verify allows employers to instantly verify if newly hired employees are legally authorized to work in the United States.

### Other Developments in Immigration Law:

#### [February 2014 Visa Bulletin: EB-2, EB-3 Priority Dates Advance For All Countries Except India](#)

In the recently published U.S. Department of State Visa Bulletin for February 2014, the [EB-2](#) priority dates remained current in respect to all countries other than India and mainland China. The EB-2 priority date remained at 11/15/04 for India and advanced from 12/08/08 to 01/08/09 in respect to mainland China. [EB-3](#) priority dates advanced for all countries except India, which remained at 09/01/03.

#### [USCIS Announces 63 Countries Whose Nationals are Eligible for H-2A and H-2B Participation](#)

USCIS has announced the list of 63 countries whose nationals are eligible to participate in the [H-2A](#) and [H-2B](#) H-2B Visa programs for the coming year. Each country's designation is valid for one year from January 18, 2014. The notification, however, does not 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.

### Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Foreign Degree Credential Evaluation for H1B Visa: Who needs it?](#)", in which we discuss when it is mandatory to present foreign degree education evaluation to USCIS and ways of seeking Credential Evaluation for the [H-1B](#) visa. Please check out and subscribe to our YouTube channel to take advantage of another great

No, you cannot transfer your [H-2A](#) L-1B to another company that is not related to your current company. *(Ed. Note. Unlike H-1Bs, you cannot freely transfer L-1B's to any new employer. The new company that is seeking to employ you must have a qualifying relationship with a foreign employer for whom you worked for at least one year in the three years prior to coming to the US on L-1B. You must consult an attorney in such situations to see what could be the best course of action.)*

Sushmita receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of February 2014.

### JOBS @ 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](#) or other work visas or Green Cards? VisaPro has answers to many of the most commonly asked immigration questions. [Click here](#) to find out more.

service provided to you by VisaPro.

Check out our 'In Focus' article for this month titled "[H-1B Cap 2015 Filing Secrets: Why You Should Plan Now?](#)" to learn all about the [H-1B](#) cap filing secrets and when is the perfect time to put your H-1B cap filing plans in motion.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that only half of the respondents (50%) think that 2014 will see an Immigration Reform Bill of some sort being passed by the Congress and signed into law by the President. 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 [Sushmita](#) for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, [Sushmita](#) 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.

*Christine*

## FEATURED VIDEO

### Foreign Degree Credential Evaluation for H1B Visa: Who needs it?



Credential evaluation for H1B visa is the procedure that converts the records of foreign education and/or work experience into U.S. equivalent. Find out when it is mandatory to present foreign degree education evaluation to USCIS.

[More Videos...](#)

## LATEST NEWS

[XML](#)

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

USCIS has updated the count of [H-2B](#) visa petitions received and counted towards the H-2B cap for the fiscal year 2014 employment. As of January 17, 2014, USCIS has approved approximately 17,590 beneficiaries for the 1st half of FY2014.

### [Immigration-Related Discrimination: DOJ Reaches Agreement with Massachusetts Staffing Agency](#)

The Justice Department (DOJ) has announced that it has reached an agreement with a Massachusetts Staffing Agency, resolving claims that the company engaged in citizenship status discrimination in violation of the Immigration and Nationality Act (INA). During DOJ's

investigation, it was found that the company requested unnecessary documents to work-authorized non-U.S. citizens, but not to similarly-situated U.S. citizens. Under the settlement agreement, the company will now identify and provide back-pay to individuals who suffered lost wages between September 2011 and January 2014 as a result of the company's alleged discriminatory documentary practices.

IN FOCUS

XML

## H-1B Cap 2015 Filing Secrets: Why You Should Plan Now?

On April 1, 2014, USCIS will begin accepting H1B petitions subject to the Fiscal Year 2015 cap. Once USCIS receives a sufficient number of H1B petitions to reach the H1B cap numbers, it will not accept further H1B petitions. With the H1B cap expected to be reached during the 1st week of April 2014 itself, unless employers start planning for their FY 2015 H1B filings now, they may end up missing the bus. Learn all about H1B cap 2015 filing secrets and when is the perfect time to put your H-1B cap filing plans in motion.

[Read Full Article](#) | [Read More Articles](#)

PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)



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

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

VisaPro

[Apply Now!](#)

QUESTIONS AND ANSWERS

**Q1. I am currently in India and my husband is in the US on an [H-1B](#). I have an [H-4](#) stamped in my passport, but I have never travelled to the US on it. I have now got a job offer from a US employer who is willing to sponsor an H-1B for me. Should I be physically present in the US on April 1 for the employer to file the H-1B petition on my behalf?**

**Ans.** You are not required to be physically present in the US on April 1 for your prospective employer to file an H-1B on your behalf. If you were to be present in the US when the prospective employer files the H-1B petition, and you are authorized to remain in the US until at least September 30, your employer may consider filing the H-1B petition with a change of status request from H-4 to H-1B. If, however, you are not authorized to remain in the U.S. or are not planning to be present in the US until at least September 30, your employer may file the H-1B petition seeking consular processing. In such a case, you would have to apply for an H-1B visa after the H-1B petition is approved and travel to the US on the H-1B visa to be eligible to work in the US for that employer. As your exact plans are not clear from the information provided by you, you may speak to an immigration attorney to have your situation reviewed and get proper advice on what you can and cannot do in your situation.

**Q2. I am currently in the US on F-1, studying to get an Associate Degree in Computer Science. I have over 10 years of experience in the field. I am reading about the [H1-B](#) visa requirement of a Bachelor degree or equivalent. If I get my Associate Degree, will it be possible for me seek an H-1B?**

**Ans.** The regulations require that an individual seeking H-1B have a minimum of a U.S. bachelor's degree or its equivalent. The regulations allow individuals to combine progressive work experience in the field with university study, to meet the bachelor's degree equivalency requirement for H-1B. For this purpose, 3 years of progressive work experience in the field will be considered the equivalent of 1 year of U.S. university study. Hence, if you get an associate degree in computer science, and if you can demonstrate progressive work experience of over 6 years in the related field, your degree plus experience may be considered equivalent to a U.S. bachelor's degree, qualifying you for an H-1B. You would have to obtain a Credential Evaluation from an qualified and reputable degree evaluation company to show that you possess the equivalent to a U.S. bachelor's degree through a combination of education and experience.

#### **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](#)

[More Q&A](#)

## SUCCESS STORIES

*"I have had the pleasure of working with the staff at VisaPro. Their knowledge, professionalism and overall pleasantness made my job much easier. They assisted me every step of the way in applying for an [H1B Visa](#), I could not imagine getting through this process without them. I would highly recommend VisaPro to anyone applying for a Visa. I would most definitely use VisaPro again"*

Thank you VisaPro.

**Beverly Brawer,**  
United States Luggage Company LLC

[More Success Stories](#)

### [Send Your Feedback](#)

Send in your suggestions on topics that you want us to cover and Tell us what you think about us.

### [Email to a Friend](#)

Share this Newsletter with your Friends.

### [Report Immigration News](#)

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.

---

You are receiving this newsletter at [email] as part of your membership with VisaPro.

To SUBSCRIBE to this FREE Newsletter, visit: <http://www.VisaPro.com/Immigration-News/Select-Immigration-Alerts.asp>

To MODIFY your subscription, visit: <http://www.visapro.com/Immigration-News/Modify-Immigration-Alerts.asp>

VisaPro respects your privacy. To learn more, read our [Privacy Policy](#).

"Immigration Monitor" is published monthly for users and clients of VisaPro.com. Our goal is to help keep you informed of the trends and events related to US Immigration.

Copyright © 2013 VisaPro.com - All rights reserved.