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FROM THE EDITOR'S DESK

Here we are in July; half the year is already gone. Many think that this being the middle of the summer, and in the middle of an election cycle, for the US Presidential and control of the legislature, that this month was a period of tranquility in the world of immigration. Well if you too think so, then you need to think twice. There have been many new developments this month. One of the most controversial was the US Department of Labor's announcement that it is initiating measures to supervise the recruitment of Permanent Labor Certification Applications (LCA) filed by Immigration Law Firms. This brought a great outcry from many sectors. The DOL stated that the sole intention behind the decision was only to protect the employment activities for American Employees.

Indian and Chinese citizens and nationals have reason to celebrate this month. For individuals from those countries in the Employment-Based, Second Preference ([EB-2](#)) category, the U.S Department of State (DOS) Visa Bulletin has good news for you. This category has now moved forward to a cutoff date of June 1, 2006, meaning that those who have priority dates prior to June 1, 2006, will be eligible to obtain their immigrant visas, now may file their [I-485s](#) in August 2008.

This month the USCIS announced its plan to extend the validity period of certain [EADs](#), giving us an insight into what they may be thinking for the future. The USCIS stated that in order to provide better customer service to refugees, reducing the financial burden on them and eliminating the need for many refugees to apply for

IN THIS ISSUE

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- In Focus
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renewal of work documents before they are able to adjust status to permanent residency, they announced that they would extend the validity of initial work authorization documents for refugees to two years after arrival in the United States. In our view definitely a move in the right direction.

And as we do every month, we strive hard to bring you what you want to see and take the initiative to introduce exciting services to make your visa processing even more Fast, Easy and Economical. Your support and feedback paves the way for us to improve even more and bring our valuable services to you. And now as we promised last month, this month we continue our series on possible alternatives to the [H-1B](#) Visa. In this article we strive to bring you, in the most eloquent way, an introduction to another alternative to the H-1B visa. We hope that these articles will give you a way to explore how these alternatives to the H-1B may work for you and your employer.

Now, on to "Other Developments in Immigration Law"

H-2B Cap Count Updated

On The USCIS on June 26th, 2008 released the cap count annual numerical limitations set by Congress on H-1B and [H-2B](#) nonimmigrant visas. But again on July 1st, 2008, the USCIS updated the Cap Count for the H-2B Seasonal Workers which showed an increment in the number of approved beneficiaries for the fiscal year by 1, 396

USCIS Announces New Special Immigrant Visa for Certain Iraqis

The USCIS announced guidelines for a new special immigrant visa category for certain Iraqi nationals who worked for, or were contractors of, the United States government in Iraq for at least one year after March 20, 2003. Section 1244 of the Defense Authorization Act for Fiscal Year 2008 authorizes 5,000 special immigrant visas for Iraqi employees and contractors each year for fiscal years 2008 through 2012. This section also has provisions for the spouses and children of qualifying special immigrants. We will address this new category in more detail in a future issue of Immigration Monitor, but we can tell you that there are no filing or biometric fees associated with this petition. This new program is not the same as the Section 1059 special immigrant visa program for Afghan and Iraqi translators.

USCIS Biometric Changes for [Re-entry Permits](#) and [Refugee Travel Documents](#)

YOUR OPINION

Is a person who served the US honorably in the warfront eligible to apply for immediate US Citizenship?

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

[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 August 2008.

Can I come to the United States on a Visa Waiver Program, marry a US citizen and then apply for the Adjustment of status?

[Submit Your Answer](#)

USCIS has issued revised instructions for Form [I-131](#), Application for Travel Document. The instructions include changes that were effective March 5, 2008, that require all applicants for re-entry permits and refugee travel documents to provide biometrics (e.g., fingerprints and photographs) at a USCIS Application Support Center (ASC). These biometrics will be used for background and security checks, and to meet requirements for secure travel and entry documents containing biometric identifiers.

[USCIS Reverts to Prior Edition of Form I-9](#)

On July 8, 2008, USCIS announced that it has withdrawn the June 16, 2008 version of the Form [I-9](#), Employment Eligibility Verification, and has reinstated the use of the June 5, 2008 version. The USCIS is now directing employers to use the June 5, 2007 version, which has been updated with a new expiration date of June 30, 2009. Other than the revision date, there are no differences between the two versions.

[USCIS Continues Suspension of Premium Processing Service for Religious Workers](#)

The U.S. Citizenship and Immigration Services (USCIS) announced today that the suspension of premium processing service for religious worker ([R-1](#)) nonimmigrant visa petitions will continue at least until January 7, 2009. A previous six-month suspension was announced on January 4, 2008. As you may remember this move was initially made to combat widespread fraud that was found, or perceived to be, in the religious worker category. Because of the high incidence of fraud USCIS was investigating all R-1 petitions and removed them from the premium processing program.

Immigration Articles and Other Fun Stuff

Now for the regulars -- this month's **Immigration Article**, is the second in a series of articles that will explore alternatives to the H-1B visa. In last month's newsletter we published the first in a series of articles that will take a look at different visa categories that can be used instead of the H-1B, and we promised that we would continue to bring you the best possible alternatives to the H-1B. Holding true to our promise this month we introduce you to a non-immigrant visa which is often overlooked and underutilized, but is one of the most feasible alternatives to the H-1B visa: the [H-1B1](#). We continue this theme (alternatives to the H-1B) in our **In Focus** section. This month will help you to learn more about the [TN](#) Visa, focusing on the requirements for Mexican citizens. The TN is a non-immigrant visa category available only to citizens of the United States, Canada and Mexico. The primary aim of the immigration provisions of this Free Trade Agreement was

Immigration
Question?

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Winner of the Immigration Quiz - May 2008:

Joel Boshon

The Question:

I have been fired recently by my employer while on H-1B status. Can I still remain legally in the U.S. by changing status to another nonimmigrant visa category?

The Winning Response:

Yes, you may remain in the US legally by applying for the Change of Status to another nonimmigrant visa category for which you qualify. USCIS officers have been allowed to exercise their discretion to grant you another nonimmigrant status, if you apply for change of status within 10 days after you are fired. However it is noteworthy that if you are not planning to depart the U. S. the only way to maintain legal status is to file a new petition under a new employer or change status from H-1B to other nonimmigrant status, such as [B-1](#) or [B-2](#).

to facilitate the temporary transfer of professionals from the United States, Canada and Mexico, and to support the entry of Canadian and Mexican Citizens to the United States to engage in professional activities on a temporary basis.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that 73.91 % of the respondents believe that an H-1B visa holder does not have to remain outside the U.S. for a year to become eligible for another H-1B visa. We appreciate that people take interest to cast their vote and give us the feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



This month we congratulate **Joel Boshon** for winning last month's **Immigration Quiz**. Again, we have received a significant number of responses from our readers who talked about various solutions to the quiz, but Joel

gave the correct answer and won a free online consultation to discuss his Immigration issues. So it's time to get ready again 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 next month with a lot more noise from the Immigration World!

Christine

Joel Boshon receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of July 2008.

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VisaPro Attorney
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at Bangalore



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LATEST NEWS

[U.S. Department of Labor Initiates Supervised Recruitment of Permanent Labor Certification Applications filed by Immigration Law Firm](#)

The U.S. Department of Labor (DOL) today announced that it has begun placing pending permanent labor certification applications (LCA) filed by the Cohen & Grigsby law firm into department-supervised recruitment. Supervised recruitment requires the employer to receive advance approval from the DOL for all recruitment efforts to ensure that U.S. workers are fully considered for available positions. This move has led to speculation that DOL supervision may become more wide spread in the future.

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As you may remember this move was initially made to combat widespread fraud that was found, or perceived to be, in the religious worker category. Because of the high incidence of fraud USCIS was investigating all R-1 petitions and removed them from the premium processing program.

[USCIS Extends Validity Period of Employment Authorization Documents \(EAD\) for Refugees](#)

In an effort to provide better customer service to refugees, U.S. Citizenship and Immigration Services (USCIS) recently announced that it would extend the validity of initial Employment Authorization Documents (EAD) for refugees to two years after arrival in the United States. Previous policy required renewal of the Employment Authorization Document (EAD) after one year.

[Read More News](#)

IN FOCUS

XML

TN (Trade NAFTA) for Mexicans: A Visa Option For Our Friends From South of the Border

This article is part of our continuing series on alternatives to the H-1B visa for foreign national professionals. So far we have explored the E-3 visa for citizens of Australia, and the H-1B1 for citizens of Singapore and Chile. We turn our attention now to the TN visa, concentrating in this article on the visa category as it applies to citizens of Mexico.

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

IMMIGRATION ARTICLE XML

H-1B1, a feasible alternative to H-1B for Chileans and Singaporeans

This is the second in a series of articles addressing alternatives to the H-1B visa category. With the limitations on the H-1B visa category, particularly the 65,000 cap on new H-1B visas each fiscal year, it has become increasingly important to look at all alternatives and options for US employers seeking skilled labor from outside the US and for foreign individuals seeking to enter the US for work. In this article we will explore the H-1B1 visa, a visa category available to citizens of Singapore and Chile.

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PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

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DISCUSSION CORNER

[What should a green card holder do when her US citizen husband has to move from US?](#)

By Cazy

[How can I keep my status, F1->H1b or F2-> H1b?](#)

By Christy

[Shall I file I-130 & I-129F petition together?](#)

By Muz

[More Discussions](#)

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QUESTIONS AND ANSWERS

1. **I am a citizen of Canada and currently I am in US on TN visa which was filed by Company A and it is valid for next six more months. Now I have another job offer from Company 'B'. Can I change my employer without applying for a new TN visa? Or does my new employer need to file a new TN Visa? If possible can my new Company 'B' file my H-1B visa at the time of hiring or do we have to wait till April?**

The [TN](#) visa is employer specific so you cannot change employers until you have a new TN for your new employer. You can either process the new TN at the border or you can file for a change of status with the USCIS service center. If you process at the border you will get the approval at the time of filing. If you file for a change of employer with the service center it will take 15-75 days for a response.

Since you do not currently have an [H-1B](#) visa you will have to wait until you can file for the 2010 fiscal year (10/01/2009-09/30/2010). This filing process will start on April 1, 2009

2. **I am a British Citizen and two years back, I was transferred on [L-1](#) visa from a Foreign Company to a US Company. I was issued L-1 visa for 3 years and it is still valid for one year. I have a friend who is moving to another city in US and I am also planning to shift along with him. Am I able to use my L-1 visa for another company if I get any job offer there? If not what are the options available for me to stay back in US? I have master's degree and total seven years of 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](#)

The L-1B visa is company specific; it is not transferable to another US company. However, based on your experience and education, you would qualify for other visas. The most commonly used would be the H-1B visa, but as you probably know, there are no H-1B visas available until October 1, 2009.

If you find a qualifying position you may be able to use a [J-1](#) visa as a stop gap allowing you to work for the new employer until you can get the H-1B. The J-1 visa can be used in the right circumstances for up to 18 months.

Other options that may also work for you include the [E-2](#) (if you go to work for a British owned company in the US), or an [H-2B](#) (for temporary - seasonal or one-time occurrence - positions).

3. **I am an actor and have extensive experience in performing guest star role, theatre role, and short films. Currently I am in the US on a tourist visa and have an offer from one organization who will offer me to perform guest roles so I am planning to get my status changed to an artist visa. I would like to know what options are available for me?**

There are only 2 categories that actors or entertainers fall into, the [O](#) and [P](#). The O visa is for those that have extraordinary ability, those that have risen to the very top of their field (i.e., those who have won an Oscar or Tony award).

The P visa has 3 subcategories: members of internationally acclaimed entertainment groups, individuals coming under a reciprocal exchange agreement, and someone who is coming for a culturally unique program. Your qualifications to date do not place at the top of your field, and you are not seeking to enter the US as part of an internationally recognized group, so the only classification that you can take advantage of would be a reciprocal exchange program.

There are several organizations, mostly unions that have exchange agreements in place. You would most likely have to become a member of one of these organizations to be able to use their exchange program.

[More Q&A](#)

SUCCESS STORIES

"Our applicant did indeed pass her [[J-1](#)] visa interview. She will be arriving in America later this month.

DisplayCraft appreciates everything that you and Visa Pro have done for us. We are extremely satisfied with your efforts and I am confident that DisplayCraft will come back to Visa Pro in the future should we need to obtain a visa for another foreign employee."

Sincerely,

Brent Wingfield,
[DisplayCraft, Inc.](#)

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