



## FROM THE EDITOR'S DESK

July, the National Ice Cream month got a bit hotter this year with wide ranging discussions and apprehensions regarding the need for a comprehensive Immigration Reform. Well, it's not the sole reason; the accompanying cause for the rising heat in the immigration landscape is the [H-1B](#) visa. The H-1B like always have been in news for what-so-ever reason it may be. When the H-1B Cap is reached within a day or two, it makes news and when the cap is not reached it's again in news!

*Only 20,000 H-1Bs remaining now! So, if you wish to pursue an H-1B, have your employer [Contact VisaPro](#) they run out!*

The fact that the H-1B cap is not reached yet (it has been 3 months now), shows how bad the economy is right now and how outrageous it could be in the future. Well, apart from this melancholy, we have two good things to cheer for...!

The first good thing is about the American Recovery and Reinvestment Act of 2009. Yes...you got it right...the Recovery Act has made progress!

President Barack Obama in his weekly address touted the gains the Recovery Act has made in a little more than 100 days. While the recession is still far from over, the Recovery Act has helped end the economic free fall, ease the rate of monthly job losses from 700,000 a month, extend unemployment and health insurance to those who have lost their jobs, and deliver \$43 billion in tax relief to working families. As the Recovery Act ramps up throughout this summer and fall, it will be instrumental in laying a new foundation for America and American workers to compete and win in the 21st century. Wow! Now that's called an achievement, isn't it?

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And the second reason to applaud for is nothing other than the American Independence Day which is celebrated on July 4 of every year but this time it was a little more special. The American Independence Day brought smile to many peoples' faces as the US celebrated its 233rd year of independence with citizenship ceremonies. More than 50 [naturalization](#) ceremonies were held during the American Independence Day and approximately 6,000 US immigrants who have been living, working or studying in the US were granted citizenship at the ceremonies.

Michael Aytes, the acting deputy director of the USCIS, says naturalization ceremonies are an extremely important part of what the department does. He says, "There is no more important role we have as an agency than to welcome new citizens during naturalization ceremonies throughout the year...but on the Fourth of July, that role is even more profound as we proudly stand side-by-side with the newest Americans to celebrate our independence together as one family."

More than 500 service members won the right to live in the US indefinitely as US citizens at ceremonies held in Iraq and the US. Liberty Island in New York hosted a special ceremony, Walt Disney World in Florida, where 1,000 US visa holders were granted [citizenship](#) in a naturalization event which took place on 3rd July.

## Other Developments in Immigration Law

### Federal Minimum Wage Will Increase to \$7.25 on July 24

The U.S. Department of Labor (DOL) reminds employers and employees that the federal minimum wage will increase to \$7.25 on Friday, July 24. With this change, employees who are covered by the federal Fair Labor Standards Act (FLSA) will be entitled to pay no less than \$7.25 per hour.

### DOL's Notice of Injunction against Suspension of December 2008 H-2A Final Rule

DOL's Office of Foreign Labor Certification has published a notice of a preliminary injunction issued by the U.S. District Court for the Middle District of North Carolina against the DOL's suspension of the December 2008 [H-2A](#) Final Rule.

## Immigration Articles and Other Fun Stuff

Now for the regulars – this month's **Immigration Article** entitled '*H-1B Visa Interview: Questions you may be Asked*' is designed to save our readers the hassle of visiting

## YOUR OPINION

Do you think the American Recovery and Reinvestment Act 2009 continue to make progress?

- 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 July 2009.

*I am currently in the US on an [L-1A](#) visa. I wish to pursue [employment based green card](#), but my employer is not willing to sponsor green card for me. Can I apply for my green card by myself? If I find an employer who is ready to sponsor my Green Card, should I work for them right away? I have a two year contract with my current employer.*

[Submit Your Answer](#)

various forums to gather information on what to expect during the H-1B visa interview. The article also provides some common questions Consular Officers ask during an interview. Also check out our **In Focus** section for this month which unveils the inspection process at the US Ports of entry i.e. airport, land and sea. The article also informs you what you could be asked and how you can be prepared for your interview!

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **70.59%** of the respondents believe that immigration reforms will help recover the broken immigration system in the US. We appreciate that people take interest in the opinion question and cast their vote to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We congratulate **David Miller** for winning last month's **Immigration Quiz**. Again, we received a significant number of responses from our readers, who talked about various solutions to support their position, but **David Miller** gave the correct answer and won a

free online consultation to discuss the concerned Immigration issues. So 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.

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

*Christine*

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

More 

# Immigration Question?

## Consult Our Experienced Attorneys

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**Winner of the Immigration  
Quiz - June 2009:**

David Miller

**The Question:**

*John Trivia own and run an IT consulting business for the last couple of years in the United States. He has an [E-2](#) visa on the US business from 10 Sep 2007 which is valid till December 25, 2009. Can Mr. John convert his E-2 into a GC? He also owns a separate IT consulting business in his home country as a liaison office of the US business. He travels between US and his home country to take care of the two businesses. Is there a way to prove that he is a Multinational Manager and then process the GC through this priority category?*

**The Winning Response:**

### [Only 20,000 H-1Bs Are Remaining](#)

On July 3, 2009, USCIS updated the count of H-1B visa petitions received and counted towards the H-1B cap for the fiscal year 2010. USCIS has received only 45,000 H-1B cap subject petitions and 20,000 advanced degree cap exemption petitions till date. USCIS will continue to accept both cap subject petitions and advanced degree petitions until a sufficient number of H-1B petitions have been received to reach the statutory limits.

### [Department of State Released Visa Bulletin for August 2009](#)

Department of State (DOS) on July 10, 2009, released the Visa Bulletin for August 2009. As per the August 2009 Visa Bulletin, the waiting period for the second employment-based permanent residence (EB-2) category will advance for China and India next month. The Department of State will impose a cut-off date of October 1, 2003 for EB-2 China and India. The third employment-based preference category (EB-3) remains unavailable for all countries and waiting periods for all other employment-based categories will remain same.

### [DOJ Provides Dos and Don'ts for Employers On E-Verify](#)

The Department of Justice (DOJ) has published a pamphlet containing "Dos and Don'ts" in order to provide guidance to employers regarding E-Verify. There are other aspects that are illustrated in the pamphlets, readers and employers are advised to go through the same thoroughly to stay informed. The pamphlet clearly says that employers should use E-Verify to verify employment eligibility of new hires and not for current employees.

[Read More News](#)

Basically to get an employment based Green Card, your employer has to file a petition by going through a process called the [labor certification](#). The only other way to get a Green Card would be filing for Green Card under [EB-1](#) category for the multi-national executives and managers.

In order to qualify EB-1, you have prove that you have been a manager or an executive in Sri Lanka for at least one year before you came to the US on E-2 Visa. Since the Sri Lanka operation was not established until after you arrived in the US on an E-2 visa, that approach is not available to you. The only way that approach might become available to you is that you go back to Sri Lanka and work there for one year in an executive or managerial position and then have your employer file your EB-1, employment based green card.

**David Miller** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of July 2009.

### **JOBS @ VisaPro**

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**Location:** Work from anywhere in the U.S. No need to relocate.

► [Immigration Attorney](#)

## Inspection Process at US Ports of Entry - Things You Must Know!

If you are traveling to the United States for the first time you are likely to have questions about what happens when I arrive at the Port of Entry? Passing through a Port of Entry generally means that you are seeking permission from an Immigration Inspector, an official of the US Customs and Border Protection (CBP) to enter the US, for a specific reason, purpose and duration, which are generally always predefined. You may have to go through four different inspections which are discussed in detail in this article. To be true, these inspections would be very devastating. All you have to do is to be prepared for that. This article unveils you the things that happen at the US Ports of entry, what is the inspection process like, what you could be asked, how you can be prepared etc. The article describes you in detail the inspection process followed at all the three ports of entry i.e. airport, land and sea.

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

### NEW TO VisaPro?

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Wanted to take part in our immigration events, but missed your chance? Check out the informative library of immigration law videos from past conferences.



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## H-1B Visa Interview: Questions you may be Asked

A nonimmigrant visa interview at a Consulate is often a nervewracking experience especially for first-timers like Rex. As most cases are decided after a brief interview and a quick review of documents by the Consular Officer, being prepared for the interview is absolutely essential. This article is designed to save our readers the hassle of visiting various forums to gather information on what to expect during the H-1B visa interview. The article has some common questions Consular Officers ask during an interview.

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## PROCESSING TIMES [XML](#)

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[H1B Status When Family based GC is filed](#)

By SuperMario64

[K-3 and CR1 processes going at the same speed. Which way would finish quickest?](#)

By Krieger71

[Filing I485](#)

By Prisanpires

[More Discussions](#)

### 2009 H-1B Cap Strategies

How to beat the Cap?

Contact

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## QUESTIONS AND ANSWERS

1. **I am a US citizen and my fiancée who is an Indian national is currently in the US on an [H-1B](#) work visa. We want to get married and settle down in the US. Can we get married while she in the US on an H-1B? Will her employer cancel her visa (is there any possibility)? If in case her employer cancels her visa, does she have to return to her home country? What is the best approach?**

If you and your fiancée get married she will be considered an "[immediate relative](#)" and can apply for her permanent residence without having to wait. If you are in the US when you marry you can submit the Petition for Alien Relative ([I-130](#)) and she can file for [Adjustment of Status](#).

Since she is legally in the US and she is married to a US citizen she would NOT have to leave the US to get her green card. Once she has filed for Adjustment of Status she is considered to be maintaining a legal status in the US until the USCIS makes a decision on her application.

### 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](#)

Therefore, she will be in status even if she is no longer working for the US employer who petitioned for her. Moreover, as part of the adjustment package she can apply for [Employment Authorization Document](#) (EAD) that would allow her to work for any employer she wishes, i.e., she would no longer be tied to her current employer.

2. **I am an Australian citizen, currently working with an organization in US on [L-1](#) visa which expires April 2010. Now I would like to change my status from L-1 to an [E-3](#) visa. What efforts are required to do so if it is possible?**

The E-3 visa is available to citizens of Australia who wish to enter the US to work in a "specialty occupation." E-3 in most of the ways is like an H-1B. In fact it is used in lieu of H-1B, if the H-1B cap is reached for the particular year. E-3 visa is issued for an initial validity period of 3-5 years but can be renewed indefinitely and the spouse of an E-3 visa holder can be authorized to work.

Since, you now hold L-1 status; you can apply to change to E-3 status. To do so, you'll need an offer of employment and the employer must file a petition with USCIS. This petition must be accompanied with a certified [Labor Condition Application](#) (LCA) from the Department of Labor. The employer must also show ability to pay and attest to certain conditions found in the LCA. As for you, you'll need documentation to prove your nationality, as well as credentials to show you are in possession of at least a US bachelor's degree or its equivalent.

[More Q&A](#)

## SUCCESS STORIES

*"I would like to thank you for your patience with us in this 'journey' of sorts. Your patience and professionalism along the way helped us get comfortable with processing papers without meeting the people we entrust our future to.*

*I sincerely hope that we are able to work together on more projects. I would hope that our [E2 application](#) for [Beneficiary] is successful ... regardless, i know that you put forth your best efforts into the process and that counts a lot !!!"*

Thank You!

**Annie Barrientos**, Secretary  
BARZ Corporation

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