



## FROM THE EDITOR'S DESK

*Hello and welcome to the July immigration newsletter. While most of the country tries to survive the dog days of summer with temperatures in the 100s, July (which is also National Ice Cream month!) continues to see the H-1B cap count inch forward. As of July 15, 2011, USCIS has received only 20,500 regular cap eligible cases out of 65,000 and 12,800 master's cap cases out of 20,000. While the cap is not expected to be reached very soon, employers who intend to employ foreign workers should not assume anything. Make sure to contact VisaPro to discuss all options as soon as a position is offered.*

While the unemployment rate remains above 9%, which partly explains the decrease in H-1B demand, U.S. labor and immigration experts continue to report that some sectors in the U.S. job market are facing labor shortages. For example, since the enactment of the Georgia and Alabama "immigration enforcement" laws, farmers all over those states have reported that they do not have enough laborers to work the farms and pick fruits and vegetables. A recent report released by Fitch Ratings states that U.S. resources industries like mining, natural gas sectors and the tech industry are also facing shortages of skilled workers. Unfortunately, our current immigration system does not address these types of labor shortages, as clearly evident by the severe backlog in the employment-based third preference immigrant category and the fact that there is no satisfactory non-immigrant visa system in place for non-professional skilled labor. Many have suggested that adopting a "points-based" system as seen in Canada, Australia and Denmark is the clearest solution. Hopefully, Congress will eventually heed the call to reform our broken immigration system and begin the discussion on how to best protect American interests while at the same time creating an immigration system that works.

In other important news, USCIS posted an Interim Policy Memorandum regarding Requests for Evidence for review titled "Change in Standard Timeframes for Applicants or Petitioners to Respond to Requests for Evidence; Revisions to Adjudicator's Field Manual (AFM) Chapter 10.5(b), Chapter 25.2(e)(3), Chapter 38.1(e)(6), and Appendix 10-9; AFM Update AD11-36". While the comment period is open until July 27, 2011,

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### YOUR OPINION

Do you think H-1B visas have lost their charm?

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

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### IMMIGRATION QUIZ

**Win a FREE Online Consultation!**

the Memo has been effective as of July 13, 2011. The new policy memo standardizes the response time for Requests of Evidence (RFE) across most immigration petition types and also standardizes extra response times for applicants and petitioners who are abroad.

For most petitions, except I-539s, asylum and NACARA 203 applications, the response time has been set at 84 days (12 weeks) regardless of the type of Request for Evidence (initial evidence, additional evidence or for evidence from overseas). The response time for I-539s has been set to 30 days. The standard additional mailing time of 3 days, set by statute at 8 CFR 103.5a(b), has been confirmed while USCIS will now, as a matter of policy, allow a mailing time of 14 days for applications or petitioners who are abroad. Most importantly, officers will no longer have broad discretion to decrease (or increase) the response time for Requests for Evidence. The standard response time of 84 days + mailing response time can only be altered with supervisory concurrence on a case-by-case basis. Amendments have been made to the Adjudicators Field Manual (AFM) at Chapter 10.5(b), Chapter 25.2(e)(3), Chapter 38.1(e)(6), and Appendix 10-9 to reflect the new policy. The standardization of RFE response times is very welcome news and it is always good to see that USCIS continues to listen to stakeholder concerns.

### Other Developments in Immigration Law

#### [DOS Announces U.S.-Russian Agreement on Visa Issuance](#)

Secretary of State Hillary Rodham Clinton and Russian Foreign Minister Sergey Lavrov announced an agreement on the issuance of nonimmigrant business, tourist, private and humanitarian visas to the Russian Federation, and for business and tourist visas to the United States, as well as short-term official travel visas to both countries in keeping with the joint statement issued during the meeting of President Obama and President Medvedev in Deauville, France on May 26, 2011. The agreement also streamlines the visa issuance process by reducing the documentation required. These new visa validity periods will allow for expanded contacts and promote greater mutual understanding between our societies.

#### [DOL Solicits Nominations for 2012 ERISA Advisory Council](#)

DOL's Employee Benefits Security Administration is soliciting nominations to fill five three-year vacancies on the Advisory Council on Employee Welfare and Pension Benefit Plans, known as the ERISA Advisory Council. The deadline to submit nominations is Sept. 16. Nominations are being accepted for one vacancy each to represent the fields of employee organizations, employers, corporate trust, investment management and the general public.

### Immigration Articles and Other Fun Stuff

Check out our **In Focus** section for this month, titled **'Adjustment of Status for the K-1 Fiancé(e): What**

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 2011.

*I am here in the US in [O-1 Status](#) and just received a job offer from another employer. Can I work for more than one employer while in O-1 status? Also, can I invite my spouse to join me in the US as my dependent? Are there any travel restrictions for an O-1 visa holder who wants to go to his home country?*

[Submit Your Answer](#)



#### **Winner of the Immigration Quiz - May 2011:**

Stuti Dave

#### **The Question:**

*Mr. Partho is currently in the US on an L-1B visa. He is now receiving some interesting job offer from other companies in the US and would like to change his status from [L-1B](#) to [H-1B](#). Can someone who is in the US in L-1B status change his or her status to H-1B?*

#### **The Winning Response:**

*Yes, if Mr. Partho meets all the requirements for H-1B classification and his potential new employer is*

**You Need to Know?** tells you everything that you need to know about adjusting your status if you have entered on K-1 fiancé(e) visa.. Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **50.00%** of the respondents favor the changes proposed to the H-1B and L-1 visa categories by Rep. Zoe Lofgren in the Immigration Driving Entrepreneurship in America (IDEA) Act of 2011 introduced on June 15, 2011? 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 **Stuti Dave** 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 **Stuti Dave** 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*

**We are pleased to share that the VisaPro team was a part of the Presidential Executive Mission to India.**



Mr. Ramineni (standing on the extreme right, holding the President's hand) from our DC office is interacting with President Obama.

[Read Full Article in Los Angeles Times](#)

*ready to file an H-1B petition for him, then Mr. Partho should be eligible to file a change of status petition to H-1B. When changing from L-1B to H-1B, however, Mr. Partho cannot begin employment with the new employer until the petition is approved and the H-1B petition must be counted towards the cap. This may affect the timing of the filing of the petition to change status.*

**Stuti Dave** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of July 2011.

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### **JOBS @ VisaPro**

- **Full-Time**
- **Part-Time**
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**Job Type:** W-2 or 1099

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

- ▶ [Immigration Attorney](#)
- ▶ [Immigration Paralegal](#)

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### **NEW TO VisaPro?**

Do you have questions regarding [H-1](#), [L-1](#), [E-1](#), work visas or green cards? VisaPro has answers to commonly asked immigration questions. [Click here](#) to know more.

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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.



[More Videos...](#)

## LATEST NEWS

### [US-China Cooperation in the Asia-Pacific Region](#)

Secretary of State Hillary Rodham Clinton and Republic of China Foreign Minister Yang Jiechi reviewed the wide range of common interests between the United States and China and discussed ways to advance our shared goal of maintaining peace, stability, and prosperity in the Asia-Pacific region.

### [21,600 H1B Cap-subject Petitions Received](#)

USCIS has updated the count of H1B visa petitions received and counted towards the H1B cap for the fiscal year 2012 employment. As of July 22, 2011, USCIS has received approximately 21,600 H1B cap-subject petitions and 13,300 petitions for foreign nationals with advanced degrees.

[Read More News](#)

## IN FOCUS



## **Adjustment of Status for the K-1 Fiancé(e): What You Need to Know?**

In our previous article, we learnt how we helped Xia Chang successfully pass her K-1 fiancé(e) visa interview, we are delighted to help Xia and Jacob again, with Xia's adjustment of status process. This article explains all that Xia and many other foreign nationals like her NEED to know before filing the application for adjustment of status. Filing incorrect forms and mailing insufficient documents could do more harm than just denial. Therefore, read out what you need to know about adjusting your status if you have entered on K-1 fiancé(e) visa.

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

## DISCUSSION CORNER

[What is the best way to get a work visa for the US?](#)

By TravellingMan

[Change employers after 6yrs H-1B and no I-485](#)

By Banjo3

[Urgent. Please advise me- chances to get a tourist visa for me and my son](#)

By baddict

[More Discussions](#)



## QUESTIONS AND ANSWERS

**Q1. I am staying in US for the past nine years on P-3 visa and now it is going to be expired in couple of months. I have maintained my legal status in US. Now I'm getting married to a US citizen this year and I want to stay in US without going back adjust my status to permanent residency on my own. What do you suggest to become a Green Card holder and what is the procedure?**

**Ans.** If you marry a US citizen you will be able to file for [permanent residence](#) as soon as you are married. Since you will be marrying a US citizen you will be considered an "immediate relative" and do not have to wait for a visa to become available. Your spouse would file a Form [I-130](#), Petition for Alien Relative, on your behalf, and you would file the adjustment of status package concurrently. As part of the adjustment package you would file for work authorization using Form [I-765](#) (once you have filed the [adjustment of status](#) application you can no longer work on the [P-3](#) visa). If you need to travel outside the US while you are waiting for your green card you would file for [advance parole](#) on Form [I-131](#) (again, once you have filed for adjustment of status you cannot leave the US until the green card is granted unless you have advance parole).

**Q2. I have an English fiancé who is considering moving to America. He is filing bankruptcy in England. Does this affect our ability to get him a green card for him to immigrate to America? If so, what are our other options? I would think that marriage would "override" other scenarios, but I'd like to clear this up for him.**

**Ans.** Your fiancé filing for bankruptcy in the UK will not affect his ability to get a green

### 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](#)

your fiancée filing for bankruptcy in the UK will not affect his ability to get a green card through you for the US. The USCIS will be looking only at whether you as the US citizen sponsor have the ability to meet 125% of the poverty level for the affidavit of support -- they do not look at the foreign national's income. As long as your income (and assets if necessary) meets the poverty guidelines this will not be an issue. In fact, unless it is a crime in the UK (there are some countries where bankruptcy is considered a crime) it does not even have to be disclosed to the USCIS.

[More Q&A](#)

## SUCCESS STORIES

*"I'd like to express sincere and heartfelt thanks to both of you and the Visa Pro team for successfully preparing the case that led to my wife getting the greenlight on her [K-3 visa] to the USA. This is the best news I have received this year, and without a doubt the most positive news I have received since I got married to Irina last year.*

*Thank you so much for helping me and Irina to navigate through the maelstrom of legal paperwork required for processing an immigration visa. I am certain that your help was critical to the success of our case and we are so happy that we followed your advice.*

*May God bless you all mightily for the outstanding work you do to bring lives together. I will happily refer you to anyone that comes into my path requiring immigration visa services."*

*Yours most thankfully and respectfully,*

**Steve & Irina Latham,**  
United States

[More Success Stories](#)

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