



## FROM THE EDITOR'S DESK

*Hello and welcome to the July 2013 Immigration Newsletter!*

It's been quite a month! Just after the release of our June 2013 Immigration Newsletter, two historic immigration events occurred.

As we reported in our earlier [news item](#), the U.S. Senate passed the Comprehensive Immigration Reform Bill (CIR) - Border Security, Economic Opportunity, and Immigration Modernization Act, by a decisive vote of 68-32. Unfortunately, its passage through the House of Representatives still remains uncertain. Under the U.S. legislative process, the bill, or a version of it, must be approved by the House of Representatives. Once they have agreed upon a bill, the Senate and House of Representatives must "conference" if both of their versions differ to create a "compromise bill" that both houses of Congress can agree upon. Only then, can the bill be sent to the President of the U.S. to sign. While President Obama has made no secrets of his desire to see the current bill being enacted into law, it is unclear at the moment how the current version of bill will fare in the Republican dominated House, especially when House Representatives have yet to reach any compromise on their version of a comprehensive immigration reform bill, while others are working on piecemeal bills. We at VisaPro are closely monitoring the developments and will keep our readers informed of all significant developments in this matter.

The announcement that CIR had passed the Senate came on the heels of another historic moment - The Supreme Court of the United States (SCOTUS) essentially struck down the Defense of Marriage Act (DOMA). Specifically, SCOTUS declared that Section 3 of the Act, which prevented the federal government from recognizing same-sex marriages, was unconstitutional. By not allowing the

### IN THIS ISSUE

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

### FOLLOW US:



### DOWNLOAD

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

### SUBSCRIPTION

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

federal government to recognize same-sex marriages that were legal in the places they took place in, the government was also not allowed to afford these couples key federal benefits, including in the context of immigration benefits. As a consequence of this ruling, same-sex partners should now be able to avail immigration benefits on par with other married couples, including the ability to file immigrant petitions and seek status as immediate relatives and dependents of U.S. citizens. Welcoming the decision, the Secretary of Homeland Security, Janet Napolitano, announced that DHS will immediately begin to work with other federal departments including the Department of Justice to implement the decision so that all married couples will be treated equally and fairly in the administration of immigration laws.

In other immigration news, as predicted by the Department of State in the previous month, the [EB-2](#) priority date for India advanced significantly from 09/01/04 to 01/01/08 August 2013 Visa Bulletin. The EB-2 priority date remained at 08/08/08 in respect to mainland China. The [EB-3](#) category did not see any movement in priority dates, except for some marginal advancement in respect to the Philippines. Just as significant, was the fact that the F2A Family-based immigration category (the spouse and unmarried children under 21 of legal permanent residents) became "Current". It is important to note that the DOS has warned that these priority dates may be retrogressed again based on response. It is important that you [contact VisaPro](#) immediately if you need any assistance in filing for an Adjustment of Status application or for an Immigrant Visa in these categories.

USCIS has just released the revised Form I-129F, Petition for Alien Fiancé(e) for use, which applicants can begin using immediately. USCIS will continue to accept previous versions only until September 16, 2013. USCIS also announced that it has begun issuing *redesigned* certificates for citizenship and naturalization for individuals who request replacement certificates. Although the look and feel of the documents is new, the process of applying for and receiving them has not changed. Previously issued certificates will remain valid.

In consular news, the U.S. Consular Sections in India has recently adjusted the consular exchange rate from INR 58 to the dollar to INR 62 to the dollar. Applicants are advised to verify that the visa fee on their deposit slip matches the current consular exchange rate listed on the visa fee page before submitting the payment.

[Other Developments in Immigration Law:](#)

## YOUR OPINION

Do you think that [EB-2](#) Priority Dates for India will remain at January 2008 for a significant period of time without retrogressing?

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

[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 2013.

**I was refused a [B-1](#) visa 3 months back. I was issued a 214(b). Can I reapply now?**

[Submit Your Answer](#)

## [DHS Issues FAQs on Immigrant Visa Petitions for Same-Sex Couples](#)

The Secretary of Homeland Security has directed USCIS to begin accepting and reviewing immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse. DHS has also issued an initial FAQ and it is expected that more FAQ's and guidance will follow as more questions on how to handle cases involving same-sex couples arise

## [E-Verify: Enhancement to Allow Direct Notification to Employees](#)

USCIS has announced an enhancement to the E-Verify system that will allow direct notification to employees when a Tentative Nonconfirmation occurs. With this new enhancement, if an employee voluntarily provides his or her email address on the Form I-9, E-Verify will notify the employee of a Tentative Nonconfirmation (TNC) at the same time it notifies the employer. E-Verify will also send reminder emails to employees if no action to resolve the TNC has occurred within four days of a decision to contest and to notify them about the possible need to update a Social Security or Department of Homeland Security record. Please note that providing the email address is voluntary. Regardless of whether or not an email address is provided, the employer must notify each employee of a TNC. It is also important to remember that an employer cannot terminate an employee based solely on a Tentative Nonconfirmation.

## **Immigration Articles and Other Fun Stuff:**

Our '**Featured Video**' for this month is "[Opening a New Office in the US using the L-1 Intra-Company Transfer Visa](#)" where we discuss how the "New Office" L-1 Visa offers a great way for companies looking to expand or start operations in the U.S. and move key personnel to the U.S. We will also demonstrate how the New Office [L-1](#) provides senior managers and executives a fast track to the US Green Card under the [EB-1](#) category. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Check out our '**In Focus**' article for this month titled "[Obtaining U.S. Immigrant Visa for Family Members: Filing the Form I-130 at USCIS](#)" to learn more about the [I-130](#) process that enables foreign national relatives of U.S. Citizens and Green Card holders to come to the U.S.

Immigration  
Question?

Consult Our  
Experienced  
Attorneys

Click Here



### **Winner of the Immigration Quiz - June 2013:**

Suman Kishore

#### **The Question:**

I am a Canadian Citizen and I will soon be working in the US on a [TN](#). Can I bring my fiancée along with me to the US on a [TD](#)?

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

No, you may not. Only the spouse and unmarried, minor children of a TN are allowed to come to the U.S. on a TD. Hence the TD will not be available to your fiancée.

Suman Kishore receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of August 2013.

to live permanently.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**43%**) are unsure whether the House of Representatives will manage to come up with their own version of the Comprehensive Immigration Reform Bill. 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 **Suman Kishore** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Suman** 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.

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

*Christine*

## **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.

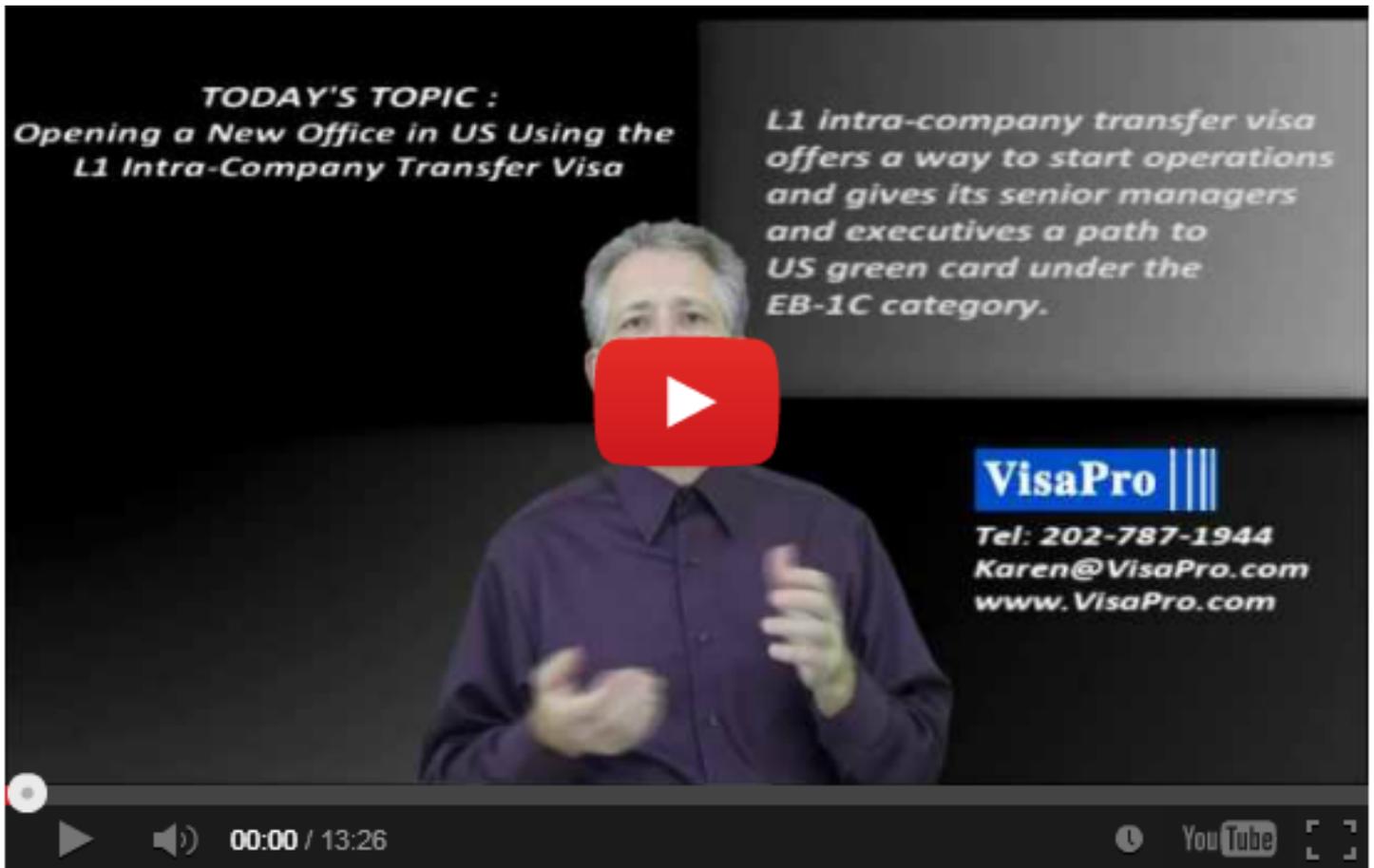
## RECENT IMMIGRATION EVENTS



[More](#) ▶

## FEATURED VIDEO

### Opening a New Office in the US using the L-1 Intra-Company Transfer Visa



For companies looking to expand to the U.S. or start operations and move key personnel to the U.S., the 'New Office' L-1 Visa is a method commonly used. L-1 Visa offers a great way to start operations and also gives its senior managers and executives a fast track to the US Green Card under the EB-1 category.

[More Videos...](#)

## LATEST NEWS

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

USCIS has updated the count of [H2B](#) visa petitions received and counted towards the H2B cap for the 2nd half of fiscal year 2013 employment. As of July 19, 2013, USCIS has approved approximately 26,059 beneficiaries for the 2nd half of FY 2013.

### [USCIS Reminder on 7/29/2013 Deadline for El Salvador TPS Re-registration](#)

USCIS has reminded eligible nationals of El Salvador and persons without nationality who last regularly resided in El Salvador and who currently have Temporary Protected Status ([TPS](#)) to re-register for TPS by **July 29, 2013**. Failure to re-register by this deadline may result in the loss

of TPS status and work authorization. To re-register, current TPS beneficiaries must submit Form I-821, Application for Temporary Protected Status. All TPS re-registrants must also submit Form I-765, Application for Employment Authorization whether they are requesting employment authorization or not.

IN FOCUS

XML

## Obtaining U.S. Immigrant Visa for Family Members: Filing the Form I-130 at USCIS

The Family Based Immigrant Visa process is initiated by filing the Form I-130 within the U.S., or in some cases, outside the U.S. While U.S. Citizens can sponsor their spouse, parents, children and brothers or sisters for a U.S. Green Card by filing the Form I-130, Green Card holders can file Form I-130 to sponsor only their spouse and children. Learn more about how a U.S. Citizen or Green Card holder can sponsor a U.S. Green Card for his family members by filing the Form I-130 inside the United States at USCIS, and the foreign national relatives applying for an immigrant visa at a U.S. Consulate abroad.

[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 a naturalized US Citizen. My current fiancé is from Greece and I have known him for more than 6 years now. I last met him in 2009 during my trip to Greece and since then we have been chatting online and speaking over phone. I plan to file a [K-1](#) petition on his behalf, but I am not clear on what this meeting in person requirement is. Can you please explain?**

**Ans.** One of the key requirements for the K-1 visa is being able to prove that you have met your fiancé(e) in person within the 2-year period right before you file the fiancé petition. Since you last saw each other in person in 2009, which is beyond the 2 year period, you are not eligible to file the K-1 fiancé visa application unless you qualify for an exception (strict cultural norms prevented you from meeting again or meeting would have resulted in extreme hardship) or until after you meet your fiancé in person one more time. Please consult an immigration attorney to understand more on the subject and what your options could be in your given situation.

### 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](#)

**Q2. I am in the U.S. on an [H-1B](#) status. My status is expiring on August 5, 2013. My employer has filed an extension petition with USCIS in the first week of July under Regular Processing. What will be my status beyond August 5 if we do not get an approval by that time?**

**Ans.** According to USCIS regulations, as long as a non-frivolous application to extend your H-1B status is filed before your current status ends, you are considered to be in "authorized stay" until the extension application is approved. Furthermore, you can continue to work for your H-1B employer for up to 240 days beyond your H-1B expiration while the extension petition is pending.

[More Q&A](#)

## SUCCESS STORIES

*"Thank you for all your efforts in helping us acquire our [permanent resident](#) status in easy and quick manner. We appreciate [VisaPro] attorney's consultation that made such a huge difference in our case. We want to thank attorney who handled our case very successfully.*

*We appreciate VisaPro's efficient and effective services in helping us acquire our [Green Card](#). Despite being citizens of India, through the attorney's expertise we were able to get our permanent status in less than three months using cross changeability. I would recommend them to anybody for their excellent and expert knowledgeable staff and services."*

**Murtuza Kothawala,**  
United States

[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.