



HOW TO BECOME SUCCESSFUL ONLINE

Tips from VisaPro.com



FROM THE EDITOR'S DESK

The big news for the month – Comprehensive immigration reform appears to be dead! The plan to overhaul current immigration law collapsed again in the U.S. Senate on June 28, 2007, crushing the hopes of millions of foreign nationals seeking legal status. Bi-partisan efforts in the US congress has been working for quite a long time on a comprehensive immigration bill. Its passage was held up by opponents of the bill who were crying foul, that it was just an amnesty bill that would give illegal immigrants lifetime passes to settle down in the United States. The failure marks the second time the bill was pulled from the Senate floor, and lawmakers in both parties said further action was unlikely this year.

The USCIS is concerned about the growing number of persons, organizations or businesses that are fraudulently claiming to be able to assist individuals in applying for benefits under the immigration reform legislation. It issued a notice to inform the public that although the U.S. Senate is debating and considering immigration legislation, the bill has not been passed into law. It has also underscored the fact that the Legislation must be passed by both the House of Representatives and the U.S. Senate, and signed by the President, before it becomes law.

It is good to see that the U.S. Government is taking substantial initiatives to help immigrants embrace core U.S. values such as freedom, equality before the law and tolerance, to learn English and to become integrated into American life. On 12th June, the [Task Force on New Americans](#) (an inter-agency effort) introduced four new initiatives to help immigrants assimilate. The Task Force announced three major projects to help legal immigrants embrace the common core of American civic culture, learn English, and fully become American. In addition to launching [WelcometoUSA.gov](#), the federal government's official website for new immigrants, it has also launched the New Americans Project which seeks to encourage volunteerism among both U.S. citizens and new immigrants. Another initiative is a zip-code based search engine listing volunteer opportunities to work with. The Task Force is also providing public libraries, adult educators, volunteers, and others who work with immigrants with better training and increased resources.

To get more information on a topic that is always of interest we invite you to have a look at our [Immigration Article](#), which this month focuses on the procedures for obtaining a Green Card through Marriage to a U.S. Citizen.

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YOUR OPINION

In your opinion has the USCIS been reasonable in fine tuning the final fee structure for the processing of Immigration Benefit Applications and Petitions?

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

[Cast Your Vote](#)
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IMMIGRATION QUIZ

Win a FREE Online Consultation!

Submit your answer to the query below. The best response will be published

As we reported last month, over the past few years the Government Accountability Office (GAO), US Consulates overseas, and the USCIS have determined that the [R visa](#) category is susceptible to fraud. It is well known that on November 28, 2006, USCIS temporarily suspended Premium Processing Service for Aliens in a Religious Occupation, which is filed on [Form I-129](#), along with the [Q-1](#) and R-1 Classifications Supplement. On June 18 2007, USCIS announced that it would continue the Temporary Suspension of Premium Processing Service for Religious Workers (R-1) Nonimmigrant Visa Classification. This action was taken because USCIS needs additional time to assess whether it is possible to provide premium processing services for Religious Worker petitions. USCIS is therefore extending the suspension for another 6 months, with an expiration date of December 18, 2007.



VisaPro announces the launch of its First Asian Immigration Service. Our readers can now take advantage of VisaPro's fast, easy, and convenient immigration services for Singapore. For more information and queries related to Singapore immigration, including Work Permits, Employment Pass, EntrePass and Social

Visit Pass, you may now visit the new [Singapore Immigration](#) section of VisaPro.

Since our VisaPro.com website was launched, we have received various requests seeking guidance on site development, online marketing, web success strategies, etc. Our incredible marketing team has taken the initiative to share and educate other entrepreneurs looking for successful strategies in developing their business models. As part of one such initiative, VisaPro is presenting at an [upcoming seminar](#) along with other panelists from Yahoo, Cisco and National Public Radio. Attend the event and learn "[How to become successful online - Tips from VisaPro.com](#)".

Foreign national members and certain veterans of the U.S. Armed Forces certainly deserve U.S. citizenship, and the USCIS has continued to work in that direction: to make them eligible to apply for United States citizenship under special provisions of the Immigration and Nationality Act (INA). In addition, USCIS has streamlined the application and [Naturalization process for military personnel](#) serving on active-duty status or were recently discharged. Generally, qualifying service is in one of the following branches: Army, Navy, Air Force, Marine Corps, Coast Guard, certain reserve components of the National Guard and the Selected Reserve of the Ready Reserve.

In keeping with tradition, we again include an **IN FOCUS** section. This month we will discuss the Department of Labor's final rule to improve integrity in the permanent labor certification (PERM) program. You will also find out about the Premium Process Services for Form-140. There were repercussions to the DOL's final rule as the [USCIS immediately announced that beginning on May 18, 2007, it would terminate Premium Processing Service for Form I-140 petitions that request labor certification substitution; and between July 2, 2007 and August 1, 2007 it would suspend Premium Processing Service for all Form I-140 petitions.](#)

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 2007.

I have been a permanent resident of the U.S. for the past three and half years. I have gone back to my home country three times but have never stayed beyond 6 months. Can I apply for my citizenship?

[Submit Your Answer](#)



Winner of the Immigration Quiz - May 2007:

Herbert Noel

The Question:

My Husband is in US on H1B and I have received a valid H4 but I never been to US on H-4. I have filed my H1B and I got the receipt notice. I would like to know what will happen if I enter into US on H4 after my H1B gets approved - Will my H1B get canceled or will it be valid, if so how will I apply for a change of status?

The Winning Response:

H1B will not be cancelled. You can apply for change of status from H4 to H1B while in US by applying to USCIS and when you do a change of status to H-1B, you are required to go on the payroll of the employer within 60 days after the approval from October 1, 2007. You must start on the payroll for the H-1B employer some time between October 1, 2007 and November 30, 2007. Whenever you are going back to your home country, you need to get the H1B visa stamped. Your H4 will

In last month's poll question, we asked our readers if they think that the U.S. companies are using the H-1B and L-1 visas to displace qualified American workers. As always, the question evoked mixed responses from our readers with more than half of the participants opining that the US companies are indeed displacing qualified American professional. Others were of the view that it was just a figment of imagination, while the remainder felt there was no effect at all. This month we have another interesting question for you to express **Your Opinion**. So don't miss casting your vote!



Herbert Noel deserves congratulations for winning last month's **Immigration Quiz**. A significant number of participants were confused on whether an H-1B petition would be cancelled on account of having a valid H-4 entry. Gear up and research well for this month's question.

Give it a try; your name might be featured in the next newsletter. All the Best!

Don't forget to add our address Immigration-Monitor@VisaPro.com to the list of your contacts so that you see the Immigration Monitor in your email Inbox every month and you will not miss out on the news on the latest immigration activity.

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

Christine

be cancelled at the Consulate where you are getting the H1B visa stamped as any individual can hold only one category of non-immigrant visa in their passports.

Editor's comment: The last statement is not quite correct. The H-4 would not necessarily be cancelled by the consulate (however, they could cancel it). A person can have more than one nonimmigrant visa in their passport, but can only be in the US in one nonimmigrant status at a time. If a person has more than one nonimmigrant visa in their passport the immigration inspector at the time of entry will admit the person in the status that corresponds to the stated purpose of the visit.

Herbert Noel receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of June 2007.

RECENT IMMIGRATION EVENTS



VisaPro Attorney
Mr. Thomas Joy
with Delhi Attendees



Consular Interview
Mock Session



Seminar Attendees
at Bangalore

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

LATEST NEWS [XML](#)

[Update on July Visa Availability](#)

Effective Monday July 2, 2007 there will be no further authorizations in response to requests for Employment-based preference cases. All numbers available to these categories under the FY-2007 annual numerical limitation have been made available.

[Senators Scrutinize the Usage of L-1 Visa Program](#)

Closely following on the heels of asking top foreign based companies to disclose details about their workforce and their use of the H-1B visa program, Senators Chuck Grassley and Richard Durbin have now expressed fresh concerns over the use of L-1 visa by companies who also use large numbers of H-1B visas.

[Temporary Suspension of Premium Processing Service for Form I-140, Immigrant Petition for Alien Worker](#)

From July 2nd, 2007, the USCIS is temporarily suspending Premium Processing Service for Form I-140 (Immigrant Petition for Alien Worker) in accordance with 8 CFR103.2 (f) (2). USCIS anticipates a substantial increase in the number of petitioning employers that will file Form I-140 petitions requesting Premium Processing Service as of July 2, 2007. This is due to pent up demand for preference visa categories for which visas will become available

according to the Department of State July 2007 Visa Bulletin. The volume of Form I-140 petitions filed that request Premium Process Service is projected to exceed USCIS' capacity to provide the Premium Process Service according to the Premium Process Service program guidelines.

[USCIS continues Temporary Suspension of Premium Processing Service for Religious Workers \(R-1\) Nonimmigrant Visa Classification](#)

It is a well known fact that on November 28, 2006, USCIS temporarily suspended Premium Processing Service for Aliens in a Religious Occupation which is filed on Form I-129, along with the Q-1 and R-1 Classifications Supplement. The USCIS announced that additional time is needed to assess whether it is possible to provide premium processing services for Religious Worker petitions. USCIS is therefore extending the suspension for another 6 months, with an expiration date of December 18, 2007. This is being done because USCIS' first and foremost mission is to ensure integrity in the adjudications process.

[USCIS advises Public regarding Immigration Fraud and Proposed Immigration Reform Legislation](#)

The USCIS has issued a notice to inform the public that although the U.S. Senate is debating and considering immigration legislation (S.1348), that bill has not passed into law. Legislation must be passed by both the House of Representatives and the U.S. Senate, and signed by the President, before it becomes law.

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IN FOCUS

XML

PERM Labor Certification: How the DOL's new rule will affect the process

Speculations are rife about the current employment certification procedure for non-U.S. citizens seeking permanent residence in the United States being susceptible to fraud and abuse. The U.S. Department of Labor (DOL) and others have alleged that a lot of employers take advantage of the gaps in the existing system, thus proving detrimental to the very purpose of the process. DOL has assessed the program and identified all the grey areas which are vulnerable and, based on that assessment has published a final rule that will improve the program's integrity and close those opportunities for fraud.

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IMMIGRATION ARTICLE

XML

Green Card through Marriage to U.S. Citizen: The Procedures

Securing permanent residence through Marriage to a U.S. Citizen is a multi-step process. Some of these steps are required to be completed before your fiancé or spouse enters the US and some after entering the US. In the article U.S. citizen marrying a foreign national: Issues involved which was published in November 2005 issue of Immigration Monitor, our monthly newsletter, we covered the requirements, benefits, and application process of the K-1, fiancé visa, and K-3, spouse visa. In this article we shall cover the steps involved in getting permanent residency after entering the U.S.

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PROCESSING TIMES

XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

DISCUSSION CORNER

[Chance of getting H1B with marige status](#)

By Sveta

[I have a question concerning Fiance Visas](#)

By crysstoltz

[H1B Marrying US Citizen](#)

By pargov

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HOW TO BECOME SUCCESSFUL ONLINE

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QUESTIONS AND ANSWERS

- 1. I will graduate in June 2007 and simultaneously going to get married. So I'll be on my OPT. Can my fiancé come on her B-2 visa and then change her status to F2 while she's here? What's the risk involved? And what's the chance of her application getting approved? And how long can she stay on her B2?**

She can enter the US as a B-2 tourist visa only if her intention at the time of entry is to engage in tourist activities, e.g., visit, travel, etc. If her situation and intention change after she enters as a tourist, then she can apply for a change of nonimmigrant status, e.g., marriage to an F-1 as the basis for an application for change of status to F-2. The risk is that the USCIS may contend that she had a preconceived intent to be an F-2 when she entered the US claiming to be a B-2 tourist and use that as the basis for denying the change of status.

However, if all of the events that could possibly show a preconceived intent occur more than 60 days after her entry as a B-2, then the issue of preconceived intent generally is removed. Generally, a person entering the US on a B-2 visa is given 6 months permission to stay in the US. Unfortunately, due to many different factors over which we have no control, it is impossible to predict the chances of approval. Alternatively, after the marriage she can return to Home Country and apply for an F-2 visa and then return to the US. This approach would remove the issues discussed above.

- 2. I had a B1 Visa when I was working in my previous company and have traveled to the USA on it. After that I got an H1B visa from a company, but I did not join that company nor did I travel to US on that H1B. I want to know if the original B1 Visa is still valid. Can I travel to the US on B1 visa (now that I have changed employment)? I have to travel to the USA to visit my new employer. What are the additional documents required.**

The B-2 visa is still valid; it is not canceled just because you were approved for H-1B status. The B-1, unlike the H-1B, is not specific to the employer and can be used as long as it is valid. You are allowed to have more than one type of visa in your passport (B-1 and H-1B) and can enter the US using the visa that is most appropriate for that trip.

When you come to the US on business using your existing B-1 visa you should carry a letter from your current employer explaining the nature of your employment, the reason for your trip, and explaining how long you will be in the US and who is paying your expenses.

[More Q&A](#)

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](#)

SUCCESS STORIES

Failure to file a change of status for your spouse is not necessarily fatal to your case

We received a frantic call from Dr. Wang. It seems that his wife has been out of status now for over a year (close to a year and a half). When Dr. Wang joined his current employer, they filed for his change of status from [F-1](#) to [H-1B](#), but failed to file a change of status for his wife, even though they knew he was married and that she was in the US with him. Once Dr. Wang's H-1B status was approved his wife no longer qualified as an F-2 and technically fell out of status. This error was only discovered when Dr. Wang accepted a position with a new employer and they were preparing his new H-1B petition.

Because she had been out of status for so long it became critical to find a way to get Mrs. Wang back into status in the US. If she were to leave the US to get a new visa it was possible that a consular officer could have determined that she was out of status for over a year and thereby subject to the 10 year bar.

Some quick research confirmed that we could still seek a change of status for Mrs. Wang under 8 C.F.R. § 248.2 if we could show that the error in not filing was "through no fault of her own." We gathered as much information as possible to show that the attorneys that filed Dr. Wang's change of status to H-1B was aware that he was married and that his wife was in the US with him. We were able to show that Dr. Wang had provided the attorney with his wife's information but that he failed to prepare the change of status for her. We also got a statement from Dr. Wang that the attorney did not advise him to file a change of status for his wife, and that the Wang's relied on the attorney's expertise and assumed that everything that was required had been completed and filed.

To our great delight Mrs. Wang's [change of status](#) application was approved after about 6 months (because of the length of time that Mrs. Wang had been out of status the USCIS asked for additional evidence about what Mrs. Wang had been doing in the US since her husband had changed status, which was quickly provided to the service center) and her status was extended to match that of Dr. Wang.

The regulations require that a change of status application must be received by the service center with jurisdiction over the place of residence of the applicant before the applicant's current status expires. If the application is not timely filed, USCIS has the discretion to excuse the late filing if the applicant can show that:

- a. the late filing was due to extraordinary circumstance beyond the control of the applicant, and that the delay was commensurate with the circumstances;
- b. the applicant has not otherwise violated their status (e.g., has not engaged in unauthorized employment);
- c. the applicant remains a bona fide nonimmigrant; and
- d. the applicant is not in removal proceedings.

The outcome is clearly dependent on handling the facts of the case, and as demonstrated here, can be successful even when the applicant has been out of status for a lengthy period of time.

Our attorneys have the experience to review and analyze difficult cases and formulate strategies for success. We would be happy to review your case and discuss your options.

[More Success Stories](#)

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