



## FROM THE EDITOR'S DESK

June marks the end of the third quarter of fiscal year 2010. It has been over 75 days and USCIS continues to receive and accept H-1B cap subject petitions and advance degree cap exempt petitions as we have not seen any considerable increase in [H-1B](#) demand. The reduced H-1B usage is certainly an indication that the economy still continues to struggle. For the past several years (with the exception of last year) all the available H-1B visas were used up in the first few days of filing and the USCIS was forced to use a lottery system. Although no one can predict with any certainty whether that will happen again in the future, given the current H-1B usage and the current state of the U.S. economy, it is anticipated the H-1B filing window will remain open for the foreseeable future.

That makes this year another opportunity for employers to file H-1B, who, in the past, may have opted not to file H-1B petitions for otherwise eligible workers because of the potential for wasted efforts and resources should the petitions not be selected in the random lottery utilized in prior years. [Contact VisaPro](#) to assist you with H-1B filing using the fast, easy and economical online visa processing.

In May USCIS announced that it has redesigned the Permanent Resident Card, commonly known as the "Green Card." "Redesigning the Green Card is a major achievement for USCIS," said Director Alejandro Mayorkas. "The new security technology makes a critical contribution to the integrity of the immigration system." The new design incorporates several major new security features. State-of-the-art technology prevents counterfeiting, obstructs tampering, and facilitates quick and accurate authentication of the card. USCIS has started issuing the new, more secure format May 26.

The enhanced features will better serve law enforcement, employers, and immigrants, all of whom look to the Green Card as definitive proof of authorization to live and work in the United States.

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Let us hope USCIS makes continuous step to improve the nation's security and efficiency.

The other big news from the USCIS this month is their proposed fee increase. On June 11 USCIS Director Alejandro Mayorkas announced that the USCIS has proposed a new rule that would increase the filing fees of most petitions by an average of 10%. This fee increase is needed to cover the shortfall that USCIS has experienced since 2008. Director Mayorkas noted that the agency has a projected shortfall of approximately \$200 million dollars at this time. While the fees for most forms will go up, some forms, including the fiancée petition and the application to extend or change status, will actually see a decrease. This USCIS did note that it is keeping the fee for naturalization the same, even though the costs for processing the application have increased. This is being done in an effort to encourage permanent residents to become U.S. citizens. A sampling of the changes are listed below.

Form	Current Fee	Proposed Fee
I-129	\$320	\$325
I-129F	\$455	\$340
I-140	\$475	\$580
I-485	\$930	\$985
I-539	\$300	\$290
I-751	\$465	\$505
I-765	\$340	\$380
N-400	\$595	\$595
Biometrics	\$80	\$85

## Other Developments in Immigration Law

### [DOS Releases Visa Bulletin for July: Substantial Advancement for EB-2 India](#)

The Department of State (DOS) has recently released the Visa Bulletin for July 2010. The July 2010 Visa Bulletin shows substantial advancement in priority date cut-offs for [EB-2](#) for India.

### [Nonimmigrant Visa Application Fees to Increase from June 4](#)

The Department of State published an interim final rule in the Federal Register on May 20, 2010 to increase nonimmigrant visa application processing fees, also called the Machine-Readable Visa (MRV) fee, and Border Crossing Card (BCC) fees. The interim final rule also establishes a tiered structure

Immigration  
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### Winner of the Immigration Quiz - May 2010:

Peter Thompson

#### The Question:

*I am a commercial helicopter pilot in Canada and I have been offered a job in the U.S. as a helicopter pilot primarily fighting forest fires. Will I be eligible for an [H-1B](#) visa as helicopter pilot?*

#### The Winning Response:

Unfortunately no, you will not be eligible for an H-1B visa. The H-1B generally will not work for pilots because a bachelor's degree is not required to become a pilot, and a bachelor's degree is the minimum entry requirement for the H-1B.

Peter Thompson receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of June 2010.

with separate fees for different nonimmigrant visa categories. The new fees are scheduled to go into effect on June 4, 2010.

## Immigration Articles and Other Fun Stuff

Now for the regulars – this month's **Immigration Article** *Visa Denied Under Section 241(b)? What Does That Mean and Can You Over Come It?* explains about the section 214(b) under which many foreign nationals are denied a visa to the U.S. Also check out our **In Focus**, which talks about the *Inspection Process at US Ports of Entry – Things You Must Know!* This is an enlightening article that describes the inspection process followed at all the three U.S. ports of entry i.e. airport, land and sea and also tells you how to be prepared for the border inspection.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **87.50%** of the respondents believe that H-1B cap will be not be reached within a month. 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 **Peter Thompson** 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 **Peter Thompson** 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*

## JOBS @ VisaPro

- Full-Time
- Part-Time
- Semi-Retired

**Job Type:** W-2 or 1099

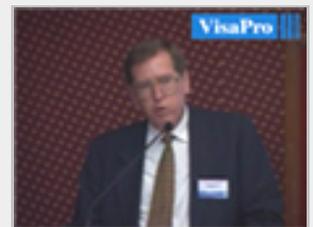
**Location:** Work from anywhere in the U.S. No need to relocate.

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

## NEW TO VisaPro?

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

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...](#)

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

More 

## LATEST NEWS

### [H-1B Cap Count as of June 11, 2010](#)

As of June 11, 2010, USCIS has received approximately 22,200 H-1B cap subject petitions and approximately 9,400 petitions qualifying for the advanced degree cap exemption. 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.

### [USCIS Issues Revised Employment Authorization Document \(EAD\)](#)

U.S. Citizenship and Immigration Services (USCIS) has announced that it has revised the Employment Authorization Document (EAD), or Form I-766, to incorporate the addition of a machine-readable zone on the back of the card.

[Read More News](#)

## IN FOCUS



## 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? A foreign national traveling to the United States will arrive initially at a US "Port of Entry" (POE). The POE can be an airport, a land border crossing, or a seaport. Passing through a Port of Entry generally means that you are seeking permission from an Immigration Inspector, an official of the U.S. Customs and Border Protection (CBP) to enter the U.S., for a specific reason, purpose and duration, which are generally always predefined. All foreign nationals arriving at a U.S. POE are inspected by officials of the U.S. Government. They 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 U.S. Ports of entry, what is the inspection process like, what you could be asked, how you can be prepared etc.

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## IMMIGRATION ARTICLE XML

### Visa Denied Under Section 241(b)? What Does That Mean and Can You Over Come It?

Being denied a visa under section 214(b) should not come as a surprise to you. One in every ten applications is denied because of section 214(b). Do not let this happen to you. Overcome the burden of visa denial under section 214(b). Learn what does section 214(b) mean? What does a 214(b) visa refusal mean and how can you overcome it?

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## PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[H1B Petition \(I 129 data issues\), Please Help - Shalini](#)

By VShaliniSharma

[Aos denied here is the problem.....](#)

By FriendlyElse

[Social Security no for F1 holders...](#)

By Khai Kohokoho

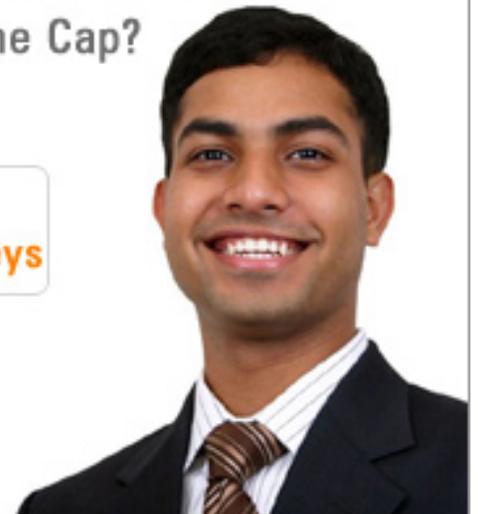
[More Discussions](#)

### 2010 H-1B Cap Strategies

How to beat the Cap?

Contact  
**VisaPro Attorneys**

**VisaPro**



## QUESTIONS AND ANSWERS

**Q1. I applied for adjustment of status based on grant of asylum. If I would marry a person who came to U.S. as J-1 student several years ago and now don't possess legal status, can he apply for adjustment of status after I get my LPR status?**

**Ans.** If the person has not maintained their status in the U.S. they cannot apply for adjustment of status unless they qualify for Sec 245(i). They would qualify for Sec 245(i) only if a labor certification, or an employment or family based petition was filed on their behalf on or before April 30, 2001. If he does not qualify for Sec 245(i) then he would have to apply for his immigrant visa at a U.S. consulate outside the U.S. Since he has been out of status for over a year he is most likely subject to the 10 year bar for overstaying his visa (there are limited exceptions to this). He would then have to get a waiver of the 10 year bar before he could return to the U.S. While not impossible, getting a waiver of the 10 year bar can be very difficult.

Since he entered the U.S. on a [J-1](#) visa he may be subject to the 2 year home residency requirement found in Section 212(e). We would have to determine if he is subject to this 2 year home residency requirement. If he is he would have to spend 2 years in his home country or obtain a separate waiver of that requirement.

**Q2. I will be appearing for an E3 visa interview at the U.S. Consulate within a few days. One of the requirements for the [E-3](#) visa is evidence of proof of ties to my native country (Australia). What would be the best way in which I can satisfy the consulate that I am intending to return to Australia? I am single, currently living with my parents; I do not have a house, but own a car in joint name with my father. I have copies of my bank statements showing my savings and investments. Is this sufficient, or do I need to show property ties as well? If so, then is property held in joint name with my father good enough?**

**Ans.** Because Australia is a low fraud country (for U.S. visa purposes) the ties you outlined above are generally sufficient. You do not need to own real property in Australia. The fact that you live with your parents and they will continue to live in Australia, together with your bank accounts and investments, car and other personal property, is a pretty good indicator that you will return. It would also help if you can show that you have traveled to other countries and returned to Australia as required.

### 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](#)

[More Q&A](#)

## SUCCESS STORIES

Hello [VisaPro legal team],

"I would like to thank all of you for working with us to get [P-3](#) visas for 2 of my dancers. It was really wonderful to work with [VisaPro legal team] and I am very happy with the way you guided us through the entire process.

The dancers have arrived in the US and we have been having successful performances. Thanks to your hard work and persistence. If I need to apply for any visa ever again I will definitely use your excellent service. I have been recommending your company to my friends as well."

Thanks again.

Regards,

**Aparna Sindhoor**, Artistic Director  
Navarasa Dance Theater

[More Success Stories](#)

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