

## FROM THE EDITOR'S DESK

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

The Comprehensive Immigration Reform Bill continues its journey through the US legislative process. On June 11, the full Senate voted by a majority of 82-15 to open debate on the bill. Since then, the bill has received close to 150 amendments! While the Senate has begun debating and voting on the amendments, it is too early to attempt to visualize what the final version of the bill will look like. As of the writing of the Newsletter, the Senate announced that on Thursday, June 20, 2013, a major compromise will be announced regarding border security measures for the bill which was spearheaded by Sens. Bob Corker (R-Tenn.) and John Hoeven (R-N.D.) in order to increase support among Republicans for the Bill. The amendments/proposals will mandate that significant security measures be implemented before undocumented immigrants can adjust from the proposed "provisional" status to that of legal permanent resident. Meanwhile, we have yet to see any sort of "comprehensive" immigration bill come out of the House of Representatives. Moreover, Speaker of the House Rep. Boehner (R-OH) has stated that he will not take up the Senate Bill unless he knows that a majority Republicans in the House will support it.

June brought some good news for citizens of Chile as the Department of State (DOS) nominated Chile for inclusion in the Visa Waiver Program. As our readers are most likely aware, inclusion in the Visa Waiver Program (VWP) would mean that citizens of Chile could visit the United States for business or tourism without a visa for stays of 90 days or less. The nomination initiates a process of verification of various security safeguards and information-sharing requirements before Chile can formally enter the program.

In immigrant visa news, in DOS' Visa Bulletin for July 2013

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the [EB-2](#) priority dates remained current in respect to all countries other than India and mainland China. The EB-2 priority date for India remained at 09/01/04, but in some good news for EB-2 beneficiaries born in India, DOS has predicted that the availability of “otherwise unused” EB-2 preference numbers will allow for movement of the cut-off date in the coming months in this category. However, DOS has also indicated it expects that such movement will generate heavy new applicant demand and a sustained level of heavy demand could impact the cut-off date at some point during fiscal year 2014. On the [EB-3](#) front, DOS has indicated that the cut-off date has advanced 18 months during the past three months and they do not foresee any additional movement in this category in the next month’s Visa Bulletin. On the family-based Green Cards front, DOS has predicted that the F2A Green Card category for Spouses and Children of Permanent Residents could become “Current” at some point during the coming months.

The U.S. Mission in Italy has announced that beginning July 15, 2013, it is transitioning to a new appointment, payment and passport return system for visa applicants in Italy. The Mission has also announced that it is currently not possible to schedule visa appointments for any date later than July 12 and no new appointment requests will be taken between June 29th and through July 14th. Visa appointment scheduling will resume on July 15th under the new appointment system. Hence, applicants who need to apply for a visa and have travel plans coming up in July have been advised to make appointments and pay their visa fees **before June 28th, 2013**.

### Other Developments in Immigration Law:

#### [Pre-Adoption Immigration Review \(PAIR\) Requirement for Adoptions in Ethiopia](#)

USCIS has announced that the government of Ethiopia has informed the U.S. that effective September 1, 2013, it will require all adoption cases filed by United States prospective adoptive parents to undergo the U.S. Pre-Adoption Immigration Review (PAIR) process. Prospective adoptive parents will initiate PAIR by filing a Form I-600 with USCIS before completing the adoption in Ethiopia. If USCIS makes a preliminary determination that the child appears eligible to immigrate to the United States, USCIS will issue a PAIR letter. Prospective adoptive parents must include the PAIR letter in the adoption dossier they submit to initiate the adoption.

#### [Re-designation and 18-Month Extension of TPS for Syria](#)

## YOUR OPINION

**Do you think that the House of Representatives will manage to come up with their own version of the Comprehensive Immigration Reform Bill, now that a similar bill is being debated in the Senate?**

- 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 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 2013.

**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](#)?**

[Submit Your Answer](#)

USCIS has announced that the Secretary of Homeland Security, Janet Napolitano, has re-designated Syria for Temporary Protected Status (TPS) and extended the existing TPS designation for Syria from 10/01/13 through 03/31/15. Syrian nationals and individuals without nationality who last habitually resided in Syria who currently have TPS must re-register during a 60-day re-registration period that runs from 06/17/13 through 08/16/13. A Syrian national, or an individual having no nationality who last habitually resided in Syria, may be eligible for TPS under the re-designation if he or she has continuously resided in the United States since June 17, 2013.

### Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Professors and Researchers: Employment-Based Green Card Options - EB-1, EB-2, and EB-3](#)" in which we discuss how professors and researchers can often qualify for more than one Green Card category and which option they can pursue to successfully receive a Green Card. 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 "[Establishing I-140 Ability to Pay: How to Avoid an RFE?](#)" to learn about alternative methods of proving ability to pay when filing an Employment-based Green Card, including those suggested by USCIS, as well as tried and tested methods used by immigration practitioners and confirmed by USCIS through approvals.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**67%**) believe that the Senate will approve 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 **Ozoude Chukwuebuka** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Ozoude** 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!!!**



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### Winner of the Immigration Quiz - May 2013:

Ozoude Chukwuebuka

#### The Question:

*If one person in a marriage gets a work visa will the partner also get a work visa?*

#### The Winning Response:

No, the partner will not get a work visa. The partner will have to apply separately to get a work visa.

Ozoude Chukwuebuka receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of July 2013.

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*

## JOB @ 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](#)
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## RECENT IMMIGRATION EVENTS



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## 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.

## FEATURED VIDEO

**Professors and Researchers: Employment-Based Green Card Options - EB-1, EB-2, and EB-3**



Professors and researchers seeking permanent residence in the US have several employment based Green Card options to choose from. Many professors and researchers often qualify for more than one category - which option do you use (such as EB1.1, EB1.2, EB-2, EB2 NIW) to successfully receive Green Card?

[More Videos...](#)

## LATEST NEWS [XML](#)

### [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 June 21, 2013, USCIS has approved approximately 24,453 beneficiaries for the 2nd half of FY 2013.

### [TPS Extended for Salvadorans](#)

Secretary of Homeland Security Janet Napolitano has announced the extension of [TPS](#) for eligible nationals of El Salvador for an additional 18 months, beginning September 10, 2013, and ending March 9, 2015. Current Salvadoran beneficiaries seeking to extend their TPS status must re-register during the 60-day re-registration period that runs from May 30, 2013, through July 29, 2013. To re-register, current TPS beneficiaries must submit Form I-821, Application for Temporary Protected Status.

## Establishing I-140 Ability to Pay: How to Avoid an RFE?

Every employment-based immigrant visa petition that requires a job offer must be accompanied by evidence that the U.S. employer has the ability to pay the “proffered” wage. Learn more about how an employer can establish I-140 ability to pay using the various methods suggested by USCIS, as well as alternative methods tried and tested by immigration practitioners and confirmed by USCIS through approvals..

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### PROCESSING TIMES XML

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## QUESTIONS AND ANSWERS

**Q1.** I am US Citizen and I filed an I-130 for my wife who is from Ghana. As our marriage is not more than 2 years old, she was recently issued a conditional CR-1 visa by the Embassy. However, our marriage will be two years old by the time she lands in the US. My question is, will she get a 2 year conditional Green Card or a full permanent Green Card when she lands in the US?

**Ans.** If she flies and lands in the US after your second marriage anniversary, she will be admitted not as a CR-1 but as an IR-1 because your two years of marriage has been completed already. However, you must make sure that the conditional CR-1 visa issued to your wife is still valid when she lands in the US and seeks to be admitted. If she lands in the US after your second wedding anniversary on a valid conditional CR-1 visa, she will get a full permanent Green Card and she won't have to do the I-751. Your wife should be prepared to demonstrate how you are already passed your 2-year wedding anniversary and make sure that she seeks to be admitted as IR-1 as the officer who admits her may not realize it.

### 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. Few investors from Australia are interested in investing in my business in the US. What options may be available for them to travel to the US and work in the US in our company after they invest?**

**Ans.** There may be wide range of visa option available to them, depending on what they desire to achieve. If they are citizens of Australia, they can certainly come to the US on Visa Waiver, if they qualify, to visit the business. However, they cannot work in the US on Visa Waiver and can only stay for 90 days. If they wish to work in your company in the US post-investment, it may be possible for them to get an [E-2](#) visa provided they acquire at least 50% ownership of your company. An [L-1](#) intracompany transferee visa may also be a possibility for qualifying managers, executives and specialized knowledge professionals to come and work in your US business, if your US business becomes a subsidiary or affiliate of their Australian business. Additionally, if they are degree professionals, they may be able to come and work in the US for your company on [H-1B](#) or [E-3](#) visas, regardless of the percentage of their ownership in your business. It is advisable that you schedule a consultation with an immigration attorney and seek specific advice on how to structure the transactions to make it work for immigration purposes, in addition to them being suitable for your business purposes.

[More Q&A](#)

## SUCCESS STORIES

*"I want to take this opportunity to express my happiness. Your determination has helped in no small way to move the process along, resulting in successful application for my [B1](#). Your professional services were invaluable You gave me accurate advice and you went around suggesting well thought out strategies. You made it look so simple. Thanks Guys.*

*Convey my regards to one and all in VISAPRO who are involved in process of getting my B1 visa."*

*Thanks,*

**Venkatesh.K**, Manager – Marketing  
ProArchIT Solutions

[More Success Stories](#)

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