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## FROM THE EDITOR'S DESK

March is a crucial month in immigration. With April 1 just around the corner and everyone gearing up to file [H-1B](#) cases there is a lot of excitement in the air. April 1 marks the first and only day of H-1B filing and with only 65,000 H-1B visas available H-1B petitioners are getting anxious. Some high-powered H-1B petitioners such as Bill Gates have been lobbying the U.S. Congress for more H-1B visa availability and more investment in technical education. He has accurately portrayed the current situation as one that will have dire consequences for U.S. economic and technical leadership in the future. In addition to Gates, other voices have also spoken up, for example Intel Chairman Craig Barrett stated that unless more H-1B visa numbers are allotted Intel will have to send more jobs outside the U.S. Keep an eye on any immigration news developments on our website and stay informed about any changes in the U.S. immigration laws that may result from these recent lobbying efforts. Sadly, due to the current political climate any significant changes are unlikely, but we can all hope that Congress will realize the importance of this issue and look past the politics.

### VisaPro Launches a New Exciting Service

VisaPro always takes pride for staying at the cutting edge of the technology and the offerings that it makes to its clients and the immigration public in general. This month, VisaPro is proud to announce a launch of its brand new VisaPro Mobile service. Starting this month you can use your mobile to not only make calls to VisaPro but you can use your phone browser to also:

### IN THIS ISSUE

- [Latest News](#)
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- [Discussion Corner](#)
- [Questions and Answers](#)
- [Success Stories](#)

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5. Start a consultation.
6. Complete a visa assessment.
7. Contact VisaPro for your immigration needs.

This is possible if you type <http://mobile.visapro.com> into the web browser on any Internet-enabled mobile device. We hope you will take advantage of this option and stay connected with your immigration case and any new developments while on the run.

## Developments in Immigration Law

### *DHS Signs VISA Waiver Program Agreements with Estonia and Latvia*

U.S. Department of Homeland Security (DHS) Secretary Michael Chertoff signed Visa Waiver Program (VWP) Memoranda of Understanding (MOU) with Estonian Minister of Internal Affairs Juri Pihl in Tallinn, Estonia, and with Latvian Minister of Foreign Affairs Maris Riekstins in Riga, Latvia. The agreements outline security enhancements that put both countries on the path toward visa-free travel to the U.S., and possible designation as VWP members later this year. VWP membership is also in the works for the Czech Republic.

### *DOL ETA Announces Planned Changes in Non-Electronic Filing Locations*

The DOL's Employment and Training Administration (ETA) recently announced administrative changes in the locations where future non-electronic applications must be filed under the permanent foreign labor certification program and temporary foreign labor certification programs administered by the ETA's Office of Foreign Labor Certification (OFLC). The Atlanta National Processing Center (NPC) will receive all applications for permanent [labor certification](#) under the Program Electronic Review Management (PERM) System, and the Chicago NPC will receive all applications for temporary labor certification under the programs as identified below. These new addresses will be effective June 1, 2008 and starting June 16, 2008 applications filed at a wrong location will be returned to the applicant.

### *I-864 Affidavit of Support: New Poverty Guidelines for 2008*

## YOUR OPINION

Do you believe that Bill Gate's efforts to influence Congress and obtain an increase in the [H-1B](#) quota will be effective?

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

[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 March 2008.

*I am a Director of a manufacturing company with offices only in India and I am going to open a new office in the U.S. this year on an [L-1A](#) visa, can I concurrently file my L-1A New Office petition and an [EB-1C](#) employment-based immigrant petition?*

[Submit Your Answer](#)

USCIS has released the 2008 poverty guidelines on form [I-864P](#) to be used in calculating the required income for Affidavits of Support ([I-864](#)). These poverty guidelines will remain in effect until spring 2009, when the new guidelines are released. The 2008 guidelines reflect changes in the amount of income that is now required under the new guidelines and generally with each increase in household size, the amount of income has increased.

#### *Biometric Changes for Re-entry Permits and Refugee Travel Documents*

U.S. Citizenship and Immigration Services (USCIS) issued revised instructions for USCIS Form [I-131](#), Application for Travel Document. The instructions include changes, which will become effective March 5, 2008, that require applicants for [re-entry permits](#) and [refugee travel documents](#) to provide biometrics (e.g., fingerprints and photographs) at a USCIS Application Support Centers (ASC) for background and security checks and requirements for secure travel and entry documents containing biometric identifiers. As indicated in the instructions, when the biometrics requirement becomes effective, USCIS will notify applicants of their appointment at the designated ASC after submission of the I-131 application.

#### *USCIS Extends Validity of Expiring Medical Certifications I-693*

In a recent memorandum, USCIS has once again renewed their policy to extend the validity of the civil surgeon's endorsement on Form [I-693](#) for cases that have been pending for longer than a year. Generally, the endorsement on Form I-693 is valid for one year and this form is concurrently filed with [Adjustment of Status](#) applications. However due to various backlog issues, some of these applications remain pending for longer than the one year period. If USCIS did not provide this extension then petitioners would be forced to undergo another examination and submit a new Form I-693 to USCIS after the already submitted medical examination form expires after one year.

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

This month's **Immigration Article** will discuss some of the logistics issues faced by companies looking to open an office in the U.S. using an [L-1](#) New Office petition. Check out our **In Focus** section to complete reading our attorneys' travelogue during this year's successful seminar and training workshop tour of India. In addition to the article we also posted photos and videos from the

Immigration  
Question?

Consult Our  
Experienced  
Attorneys

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#### **Winner of the Immigration Quiz - February 2008:**

Traci Kingery

#### **The Question:**

*My wife is currently in [H-4](#) status, she also has a valid [EAD](#) based on our pending [I-485](#) case, now she wants to get a job working as a Marketing Director for a local company. Can she use her EAD and what impact would this have on her H-4 status?*

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

She can use her EAD. Once your wife starts working using her EAD, her H-4 visa becomes invalid. If for some reason something happens with your I-485 applications and status is not granted, she can simply stop using her EAD and apply for H-4 status again if your H-1B is still valid. (ed. note: The wife will have to travel outside of the country and come back to regain her H-4 status. She cannot change to H-4 without leaving the country.)

immigration events and we invite you to take some time peruse the photos, watch the videos and have fun learning more about U.S. immigration law.

Finally, please make sure to also participate in our monthly poll. Last month 84% of the respondents felt that the proposed interim final regulation prohibiting employers from filing more than one H-1B petition on behalf of a single foreign national would have an effect on the number of petitions filed under the H-1B cap. This month's poll question deals with the effectiveness of lobbying efforts by the tech industry on U.S. immigration policy. Cast your vote to express **Your Opinion**.



**Traci Kingery** won last month's **Immigration Quiz**. We received a handful of answers, but Ms. Kingery's was the most complete and as a result she wins a free online consultation to discuss her Immigration issues with one of

our attorneys. So get ready for this month's quiz. Your name might be featured in next month's newsletter. Good luck!!!

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*

**Traci Kingery** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of March 2008.

### **JOBS @ VisaPro**

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### **NEW TO VisaPro?**

Wanted to take part in our immigration events, but missed your chance? Check out the informative library of immigration law [videos](#) from past conferences.

### RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

**More** ▶

### [USCIS Offers Helpful Hints for Filing a FY 2009 H-1B Cap Case](#)

U.S. Citizenship and Immigration Services (USCIS), anticipates that April 1, 2008 will see a repeat of the mass filings from last year. With this expectation USCIS has published this list of measures the petitioner can take to ensure that their petition is correctly filed.

### [Common H-1B Errors Leading to Rejections and Denials](#)

U.S. Citizenship and Immigration Services (USCIS) released a statement showing the common errors leading to petition rejections or denials. This is a list of the most frequently seen and easily cured mistakes.

### [DOL ETA Announces Planned Changes in Non-Electronic Filing Locations](#)

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[Read More News](#)

## **A Rendezvous with India: The journey continues**

This month we finalize our attorneys' travelogue describing their journey through India that we started in last month's newsletter. As you probably already know, during these events, the VisaPro legal team traveled to five different cities in India to present substantive and comprehensive information on business immigration issues to a wide-ranging audience.

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

### Opening a New Office in the U.S. Using an L-1 Visa

U.S. has long been considered a country of opportunities - a place that encourages entrepreneurship with a highly dynamic economy and a large wealthy consumer base. For these reasons, many successful companies consider starting operations in the United States after their success in the home country. For companies looking to expand to the U.S., one viable option is the use of a New Office L-1 visa to start their operations and move key personnel to the U.S. regulations define New Office as an organization which has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year. Since the new office needs to be "doing business" the "mere presence of an agent or office" is not enough to satisfy even the new office requirement for an L-1.

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

## PROCESSING TIMES

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[H2B Visa Extension Opportunity for Summer 2008](#)

By summerh2b\_

[EB1 or other employment based green card](#)

By EVHBelgium

[K1 Visa Questions...](#)

By AzLove

[More Discussions](#)

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## QUESTIONS AND ANSWERS

## 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](#)

- 1. I have contacted two employers in the US who are keen on filing H-1B petitions for me. Am I legally permitted to file two H-1Bs through two different companies? What will happen if both the petitions get selected in the lottery? When can I choose the employer I wish to work for?**

In theory, it is legally permissible from an immigration law point of view to file multiple [H-1B](#) petitions. However, if you get counted twice under the lottery system and both your H-1B petitions get approved, there is also the concern of breach of contract by promising to work for two employers on a full time, permanent basis. It may be tempting for you to attempt to file an H-1B with more than one employer, however, you may find yourself being bound by certain obligations or liabilities in case you violate a contract with one of the employers.

- 2. I am currently working in the US on an H-1B with Employer A and Employer B applied for an H-1B transfer a month ago. I don't want to join Employer B as the company has gone through a spin off last week and things have changed in the organization. What do I have to do to continue working with Employer A and what will happen if my H-1B transfer gets approved?**

Since your [I-129](#) petition filed by Employer B has not been approved yet, you need to tell Employer B that you have no interest in joining them at this time and that they should withdraw their I-129 petition immediately. And you can continue working for your current employer, Employer A and A will not get to know anything about Employer B unless you tell them about it. Just in case the petition filed by Employer B gets approved before you talk to them, you can continue working for Employer A because your petition with A is good unless A revokes the petition or Immigration revokes it. In case Employer B does not ask USCIS to revoke the I-129 they filed it will not affect you in any way because as per current law even if Employer B's petition was approved and you worked for them for some time and it wasn't working out, you could go back to working for Employer A as long as A's case was still valid and had not been withdrawn by A.

[More Q&A](#)

## SUCCESS STORIES

"I would like to express our thanks to the Visapro team for guiding us through this complicated process and making it seem remarkably easy. [VisaPro legal team] was incredibly knowledgeable and extremely helpful throughout the process. We were exceptionally impressed with how they have combined the great personal and communication skills they bring and also technology with a highly intuitive website which guides you and keeps you updated throughout the process. Visapro were successful in getting approval for an [H1b](#) Visa for us and our beneficiary in a particularly difficult year with thousands more applications than visas being issued. We have used previous immigration lawyers in the past and the difference was dramatic with Visapro, they have an exceptional knowledge of the USCIS system and made for a smooth and successful process.

This is a true testimonial, I would highly recommend Visapro to anyone looking for guidance and success in this area."

Thankyou and Regards

**Paul Lyons**, President and CEO  
[Atlas Intelligence Inc](#)

[More Success Stories](#)

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