

## FROM THE EDITOR'S DESK

As the world's economy heads deeper into recession, people around the globe have their eyes glued with hope on the 'American Recovery and Reinvestment Act of 2009' (ARRA). People have high hopes that the 'American Recovery and Reinvestment Act', which took effect on February 17, 2009, will be a complete success at jump-starting the US and world economies.



U.S. President Barack Obama signs the ARRA into law on February 17, 2009 in Denver, Colorado. Vice President Joe Biden stands behind him.

### Estimated Macroeconomic Impacts of the American Recovery and Reinvestment Act of 2009

#### IN THIS ISSUE

[Latest News](#)

[In Focus](#)

[Immigration Article](#)

[Processing Times](#)

[Discussion Corner](#)

[Questions and Answers](#)

[Success Stories](#)

#### DOWNLOAD

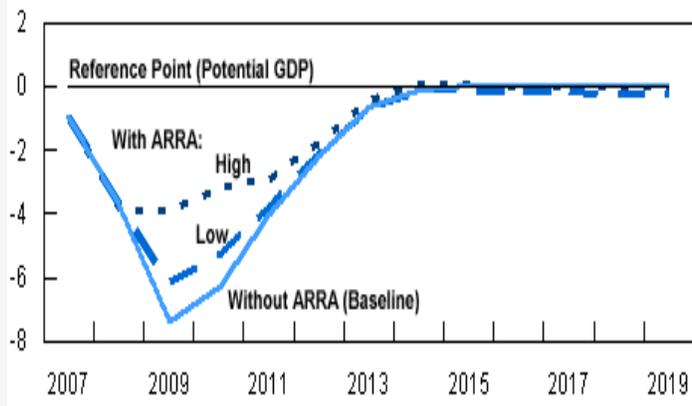
[Download](#) this Newsletter in PDF Format.

#### SUBSCRIPTION

[Subscribe](#)

[Modify Subscription](#)

The graph on the right illustrates the estimated difference between potential GDP in the Congressional Budget Office's (CBO) Baseline



and the actual GDP with and without the impact of the ARRA of 2009.

As per CBO's estimation, in the short run ARRA will raise the GDP and increase employment by adding to the aggregate demand, thereby boosting the utilization of labor and capital that would otherwise remain unused because the economy is in recession.

Most of the budgetary effects of the legislation are estimated to occur over the next few years, and as those effects diminish, the short-run impact on the economy will fade.

### ARRA Restricts Certain H-1B Workers

Unfortunately, the new rules set by the ARRA and not immigration neutral and impose additional requirements and restrictions. These restrictions fall solely upon [H-1B](#) filings made by employers that received funding under the Emergency Economic Stabilization Act of 2008 (the so-called TARP Bill), or those receiving certain short-term, low-interest loans through the Federal Reserve. These changes are significant, both for the particular employers affected as well as for the policy and politics they represent. They do not impact most H-1B employees working currently, however; even those working for affected employers.

### H-1B FY2010: Time to Start the Process

As the time moves forward, we are heading closer to the H-1B filing season. March is a crucial month in immigration. It's the time for companies to prepare their applications and get ready to file for H-1B Visas. The initial filing date for H-1B visas for Fiscal Year 2010 (FY 2010) is April 1, 2009.

It is possible that, due to the economy, the number of H-1B filings may be fewer this time than in recent years. People and companies around the globe are certainly feeling the pain of the US economic recession. More than 500,000 employees were laid off in January 2009 alone. One US senator has gone so far as to request that Microsoft to lay off H-1B workers

## YOUR OPINION

Do you think it is beneficial to design a program giving illegal immigrants now living in the United States the right to live legally if they pay a fine and meet other requirements?

- Yes
- No
- 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 April 2009.

*Right now I am on [L-1](#) Visa. My Visa and I-94 validity are valid till 30-Oct-2009. L-1 Petition Validity is till 5-Aug, 2009. Now I would like to apply for [H1-B](#) visa as my Wife is on H1-B valid till 2010. Can I go for H1-B Visa? Do I need to quit the current Employer? What happens to my current L1 visa? Can I start working on H1-B Visa from October, 2009 onwards without leaving US and not getting my H1-B Visa stamped?*

[Submit Your Answer](#)

before American workers.

Because more than 1 Million jobs have been lost in last few months finding a job right now is very difficult. Further evidence of the economic times shows through the fact that many foreign nationals applied for H-1Bs last year, got selected in lottery, but did not come to the US because their employer did not send the approval papers for visa stamping. There are not many job openings available right now, and employers that do have available openings may see more than 1000 people apply for a single position. Many employees (H-1B and otherwise) are "on the bench," trying hard to find any contract position. But, not many positions are open in this job market.

### **Expected Number of H-1B visas for FY 2010**

It's really hard to predict number of H-1B petitions the USCIS will receive this year during the initial filing period, but it is anticipated that the number will be 20 to 30% lower than last year. Many foreign nationals are opting to stay in their respective home countries and find a position rather than applying for an H-1B and living with risk and uncertainty of losing their job after coming to US.

The economy is in such trouble that, even with passage of this package, unemployment rates are expected to rise to between eight and nine percent this year. Tough choices have been made in this legislation and fiscal discipline will demand more tough choices in years to come.

### **Will the economy rebound?**

Most experts expect that the economy will rebound in 1-2 years. Those same experts think that people who got laid off will find new jobs as the economy starts to improve.

Well, keep an eye on immigration news and developments on our website and stay informed about any changes in the US immigration laws. It's very unfortunate that the US has seen over one million jobs lost in recent months, but all we can do is keep our fingers crossed and expect a positive outcome from the American Recovery and Reinvestment Act of 2009.

### **Other Developments in Immigration Law:**

[USCIS to Accept H-1B Petitions for FY 2010 Beginning April 1, 2009](#)

U.S. Citizenship and Immigration Services (USCIS) today announced that it will begin accepting H-1B petitions subject to the fiscal year 2010 (FY 2010) cap on April 1, 2009. Cases will be considered accepted on the date that USCIS takes possession of the petition; not the date that the petition is postmarked.

[USCIS to Accept H-1B Petitions for FY 2010 Beginning April 1,](#)

Immigration  
Question?

Consult Our  
Experienced  
Attorneys



### **Winner of the Immigration Quiz - February 2009:**

Cleve Connell

#### **The Question:**

*Abraham holds a Masters Degree in Mass Communication and has 2 years of work experience in the same field. He is a permanent resident of Singapore. He received an employment offer from an employer in US and wants to apply for an H-1B1 visa. He wants to apply for H-1B1 visa because the H-1B cap for the respective year has already been reached. Does Mr. Abraham qualify for an H-1B1 visa?*

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

He cannot apply for [H-1B1](#) because only citizens of Singapore and Chile can apply for H-1B1 visas. Permanent residents do not qualify to apply for H-1B1 visa.

2009

U.S. Citizenship and Immigration Services (USCIS) today announced that it will begin accepting H-1B petitions subject to the fiscal year 2010 (FY 2010) cap on April 1, 2009. Cases will be considered accepted on the date that USCIS takes possession of the petition; not the date that the petition is postmarked.

*USCIS Announces H-1B Requirements for Companies that Received TARP Funding*

USCIS on March 20, 2009, has announced additional requirements for employers, who receive funds through TARP or under section 13 of the Federal Reserve Act (covered funding), before they may hire a foreign national to work in the H-1B specialty occupation category. The new Employ American Workers Act, (EAWA), signed into law by President Obama as part of the American Recovery and Reinvestment Act (ARRA) was enacted to ensure that companies receiving covered funding do not displace U.S. workers.

**Immigration Articles and Other Fun Stuff:**

Now for the regulars – this month's **Immigration Article** entitled '*Visa Denied Under Section 241(b)? Do You Know What is it and How to Come Out of it?*' is a must read if you are applying or intend to apply for a non-immigrant visa. The article gives you a detailed insight about the visa denial under section 214(b) and also tells you how you can come out of it. Also check out our **In Focus** section for this month, which informs you how you can extend your status in the US. This article has been designed to enlighten you with the pros and cons of applying for an extension of stay in the US.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that 62.71% of the respondents believe that it is beneficial to introduce a stricter H-1B visa reform to make it mandatory for outsourcing companies to hire local American workers before seeking any H-1B visas for the foreign employees. 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 **Cleve Connell** 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 **Cleve Connell**

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!!!

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

**JOBS @ VisaPro**

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

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

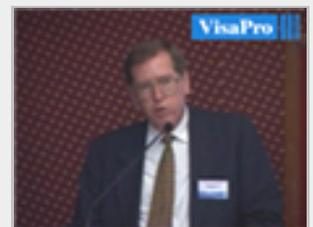
**Location:** Work from anywhere in the U.S. No need to relocate.

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

**NEW TO VisaPro?**

Are you lost confused about the immigration questions and need answers to them? Try VisaPro's [Immigration FAQs](#), which will answer all your immigration questions.

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



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*



[More Videos...](#)

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

[More](#) ▶

## LATEST NEWS

### [Beginning June 1, Land and Sea Travelers Will Require Passport to Enter the US](#)

Travel document requirements will soon change for citizens of the United States, Canada and Bermuda who are entering the United States by land or sea. Beginning June 1, 2009, citizens of these countries will be required to present a passport or other acceptable travel document when entering the United States by land or sea from Canada, Mexico, the Caribbean region or Bermuda.

### [DOL's Policy and Planning Guidance for Employment and Training Programs under ARRA](#)

The DOL today issued policy guidance to states and outlying areas for the implementation of American Recovery and Reinvestment Act of 2009 (ARRA) investments in core employment and training programs. The training and employment guidance letter distributed today provides policy and direction regarding activities authorized under the Workforce Investment Act of 1998 and the Wagner Peyser Act, as funded through ARRA.

### [EB-5 Immigrant Investor Pilot Program Extended](#)

U.S. Citizenship and Immigration Services (USCIS) announced that the EB-5 Immigrant Investor Pilot Program has been extended through September 30, 2009 due to signing of the Fiscal 2009 Omnibus Bill.

## [USCIS Adds Passport Data in E-Verify Process for Foreign-Born Citizens](#)

U.S. Citizenship and Immigration Services' (USCIS) incorporation of Department of State (DOS) passport data into the E-Verify employment authorization program is reducing the incidences of mismatches among foreign-born citizens. A September 2007 E-Verify program evaluation found that foreign-born citizens were more likely to receive mismatches, known as Tentative Non-confirmations (TNCs), than U.S.-born citizens. Passport number checking capability for citizens providing a U.S. passport as Form I-9 (Employment Eligibility Verification form) identification improves an already thriving program.

[Read More News](#)

IN FOCUS

XML

## How do I extend my Nonimmigrant Status?

We understand that you may wish to remain in the U.S. for a period longer than originally planned. Nonimmigrant visas are issued to foreign nationals who intend to remain in the U.S. for, depending on the particular nonimmigrant classification, a temporary or otherwise less than permanent period of time. Each of the nonimmigrant visa categories have specific requirements and limits, including limits on length of stay in the US. If properly completed and filed, your extension of status application can open new doors for you in the U.S. You may be able to continue doing the same types of activities for which you were initially admitted by applying for an extension of your period of nonimmigrant stay in the U.S. Let us analyze the U.S. Citizenship and Immigration Service (USCIS) extension requirements and see how they may apply to your situation.

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

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?

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

## DISCUSSION CORNER

[Requirements for qualifying for "social worker" under the TN visa](#)

By Thanatos

[H1B extension](#)

By Java

[I-751 requirements](#)

By Mapleleaf

[H1B Status When Family based GC is filed](#)

By SuperMario64

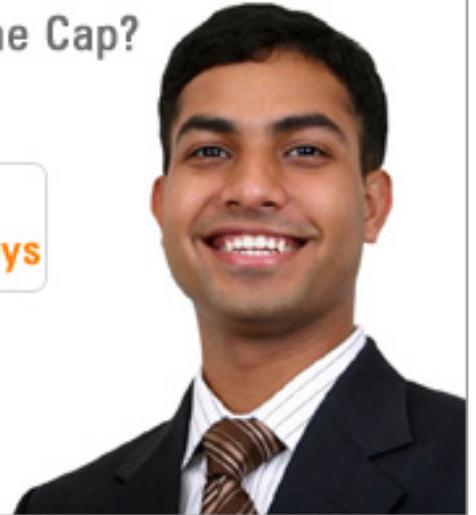
[More Discussions](#)

## 2009 H-1B Cap Strategies

How to beat the Cap?

Contact  
**VisaPro Attorneys**

VisaPro



## QUESTIONS AND ANSWERS

- 1. I am a national of Rome and I will be soon moving to the US for my training. But I want to tour to the US a bit before my training begins. So can I can enter the US either on a tourist visa or on Visa Waiver Program and apply for an H-3 while am already inside the US?**

While the Visa Waiver Program allows you to enter the US for 90 days for business or pleasure, you are not permitted to change your status from the Visa Waiver to another nonimmigrant status. However, if you can convince the US consul that you need more than 90 days in the US as a tourist, then you may be able to obtain a B-2 tourist visa. If you enter on a [B-2](#) visa, you may then apply to change your status from B-2 to [H-3](#). Otherwise, if you enter the US on the Visa Waiver, then you must leave the US, apply for the H-3 visa abroad and then re-enter the US in H-3 status. Alternatively, you may wish to enter the US on the H-3 visa, complete your training and then apply to change your status to B-2 tourist after your training is complete.

### 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](#)

2. **My wife is an [H-4](#) visa holder and she plans to give a concert at a concert hall. The concert hall will collect the admission fee from the audience, and she will not get paid. I wonder if she could give a concert in such a situation. I know that the H-4 visa holder is not allowed to work. Would it be possible for her to give a concert if she will not receive any payments?**

Your wife can give a concert if it is strictly a volunteer activity. On the other hand, if it is unauthorized employment, then she cannot. Employment is defined as rendering services in exchange for compensation. Since she will not be paid, it would appear that this is strictly a volunteer activity. As such, as long as she is not paid, she may perform the concert.

3. **I have applied for a [B-2](#) visitor visa and I was denied under section 214b. What is 214b? What should I do now?**

US immigration law presumes that every applicant applying for a non-immigrant visa has "immigrant intent," i.e., consular officers assume you plan to stay in the US until you can prove otherwise. Thus, every foreign national while applying for a nonimmigrant visa, has to show the strong ties with his or her respective country. If anyone fails to show the strong ties with his or her home country, the visa would be rejected under Section 214(b).

But, fortunately, a denial under Section 214(b) is not permanent. You should contact the embassy or consulate where you were denied to find out what the reapplication procedures are. When you reapply you will have to prove that you intend to return to your home country after a temporary stay in the United States, your financial situation is such that you can afford the trip without having to seek unauthorized employment in the US, and your trip to the US is for legitimate purposes permitted by the visa category (visitor for pleasure).

[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."

Thank you and Regards

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

## [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.

---

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 © 2009 VisaPro.com - All rights reserved.