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Home
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Message Boards
Processing Times
Visa Process
Immigration FAQ

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FROM THE EDITOR'S DESK

Time has come for one of the busiest times in the immigration world! The first day for filing the H-1B Visa for fiscal year 2012 is quickly approaching on April 1, 2011. Petitions subject to the FY 2012 cap must request a start date on or after October 1, 2011. USCIS will accept H-1B petitions until it establishes that it has received sufficient filings to meet the cap for the year. The standard cap is 65,000 and the master's cap is 20,000. If USCIS receives enough cases to reach the 65,000 standard cap during the first five business days, it will use a lottery to select the cases that are awarded quota numbers. The cap does not apply to foreign nationals in the U.S. who are in lawful H1B status and who are seeking to extend their visa or change employers. As always, petitions are considered accepted on the date that the USCIS receives the petition, not the date that the petition is postmarked. Since the economy is still recovering it seems highly unlikely that the cap will be filled within the first week. However, to eliminate uncertainty and to ensure a successful filing, we recommend employers always file early.

In the wake of last month's State of the Union address, the White House has released a brief outline of its immigration plan. President Obama laid out his vision to fix the nation's broken immigration system while he also reiterated his deep commitment to address this issue. He strongly believes that the immigration system needs to be fixed to strengthen the global competitiveness and boost the country's economy. The outline, and a companion post on the official White House blog, focuses largely on border security and worksite enforcement, but also touches on the need for skilled immigration to strengthen the United States' economic competitiveness.

While President Obama's efforts to fix the broken

IN THIS ISSUE

- [Latest News](#)
- [In Focus](#)
- [Processing Times](#)
- [Discussion Corner](#)
- [Questions and Answers](#)
- [Success Stories](#)

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YOUR OPINION

Do you think President Obama is doing enough to fix the immigration system?

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

immigration system continue, USCIS has made considerable progress in its efforts, exemplified by one of its most important announcements last month. USCIS has announced that it is now issuing combined employment authorization and travel authorization on a single card for certain applicants filing an Application to Register Permanent Residence or Adjust Status, Form I-485. This new card represents a significant improvement from the current practice of issuing paper Advance Parole documents.

Lastly, a survey commissioned by the government on E-Verify indicates that a small minority of employers have been using the web based government verification system to check the work eligibility of new hires. The report considers whether E-Verify should become mandatory, we will keep you posted on how the government responds to the findings and suggestions.

Other Developments in Immigration Law

[H and L Visa Appointments No Longer Available at the Mumbai Consulate](#)

Scheduled appointments for L and H visas will be kept, but until the opening of the new consulate in Mumbai, H and L Visa Appointments should be made at other US consulates in India.

[USCIS Answers Regarding Form I-129 and Increase in L-1 RFEs](#)

During a recent teleconference USCIS stated that over 30% of the L-1 filings for FY11 were issued RFEs. USCIS also stated that Form I-129S does not require an attestation on export controls in regards to blanket L visa applications. Furthermore, on Form I-129, USCIS interprets the term "working off-site" to mean that the beneficiary will be working at a location other than the petitioning employer's work site.

[USCIS Transfers 36,000 Immediate Relative Petitions from California to Texas Service Center](#)

USCIS transferred approximately 36,000 Immediate Relative petitions from their California Service Center to the Texas Service Center. USCIS anticipated that this redistribution of work would result in more timely adjudication of these petitions. On Feb. 7, 2011, USCIS implemented a rapid response plan to expedite the adjudication of these petitions.

Immigration Articles and Other Fun Stuff

Check out our **In Focus** section for this month, **B Visa Extension: 10 Things You Must Know Before You Apply** talks about 10 key things every foreign national must keep in mind before applying for an extension of stay, for successful approval of their B visa extension application.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **70.00 %** of the respondents favor GAO's recommendation to the DHS and DOL to take steps to improve efficiency, flexibility and monitoring of the H-1B program. 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 **John Heiss** 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 **John**

[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 April 2011.

Adam Martin was born in Australia but his family migrated to the U.K. when he was 3 years old and he has British citizenship. He is now 35 years of age and has received an offer from a U.S. company. Can he obtain an [E-3](#) instead of an [H-1B](#)?

[Submit Your Answer](#)



Winner of the Immigration Quiz - January 2011:

John Heiss

The Question:

I am a director of a manufacturing company with offices only in London, UK 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?

The Winning Response:

NO. To qualify for permanent residence you have to prove that the US entity has been doing business for at least one year. That is one of the

...solutions to support their position, but John Heiss 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 to your address book or safe list.

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

Christine

year. That is one of the reasons why a new office L-1A is only approved for one year – you have to prove that the new company will need a manager or executive after the first year in operation. Consequently you cannot file both the L-1A New Office petition and EB-1C petition concurrently.

John Heiss receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of April 2011.

We are pleased to share that the VisaPro team was a part of the Presidential Executive Mission to India.



Mr. Ramineni (standing on the extreme right, holding the President's hand) from our DC office is interacting with President Obama.

[Read Full Article in Los Angeles Times](#)

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LATEST NEWS XML

[New Filing Location for Change of Address \(AR-11\) Form](#)

Change of Address forms should be sent to a new filing location or can be reported online.

[Employers Perceive E-Verify as Not Beneficial](#)

A report commissioned by the government was submitted and details why employers have not been using E-Verify.

[Proposed H-1B Electronic Registration System to Reduce Costs](#)

A proposed rule could save U.S. businesses millions of dollars over the next 10 years by establishing an advance registration process for employers seeking to file H-1B petitions.

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▲ Top

IN FOCUS

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B Visa Extension: 10 Things You Must Know Before You Apply

Foreign nationals on a B visa classification in the US, who seek to extend their stay beyond their authorized period of admission, may make an application with the USCIS seeking an extension of stay on Form I-539, along with the prescribed fee and necessary supporting evidence. For the benefit of foreign nationals filing for B visa extension, we have listed in this article, 10 key things that they must keep in mind before applying for extension of stay, for successful approval of their B visa extension application.

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▲ Top

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By greenbear92

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▲ Top

QUESTIONS AND ANSWERS

Q1. I am a US citizen and my fiancée is in the US on an H-1B visa which is valid for one more year. We want to get married and reside in the US. What are the possibilities of applying for Green Card without leaving the US?

Ans. If you and your fiancée get married she will be considered an "immediate relative" and you can apply for her permanent residence without having to wait. If you are in the US when you marry you can submit the Petition for Alien Relative and she can file for adjustment of status concurrently.

Once she has filed for [adjustment of status](#) she is considered to be maintaining a legal status in the US until the USCIS makes a decision on her application. Therefore, she will be in status even if she is no longer working for the H-1B employer. Moreover, as part of the adjustment package she can get work authorization that would allow her to work for any employer she wishes.

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. Is it possible to transfer the H1B, I left the petitioner, joined the new company in India. I never traveled on an H-1B and currently working in India.

Ans. Yes, H-1B transfer is possible if you have the approval notice from your previous employer; your new employer has to file the petition for H-1B transfer with USCIS. You are not required to come under the Cap and you can start working as soon as your H-1B gets transferred.

[More Q&A](#)

▲ Top

SUCCESS STORIES

VisaPro provides great simple and quick [H-1B] visa processing services. Their legal team is knowledgeable, helpful and experts on their field. A really helpful professional who has helped us a lot during the process. Definitely we will keep VisaPro in mind for our future visa needs.

Santiago,
Indra

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