



FROM THE EDITOR'S DESK

Another month has passed and we are rapidly approaching summer. There have been a number of issues related to immigration that have hit the news this month, but let's start with what is happening with the H-1B program.

As was expected the H-1B cap was not reached within the first week of the filing season. The falling demand for the [H-1B visa](#) indicates that things have not settled down completely and the economy is yet to recover from the financial meltdown of 2009. While many scholars say the economy is responsible for the falling H-1B visa demand, many lawyers argue that it is not solely the economy. They believe one of the biggest reasons for the sharp fall in the demand for H-1B visas is the increasing scrutiny of petitions by the immigration service. Unless the economy improves or the immigration department eases their restrictive review of H-1B petitions, things will continue the same way.

Although the H-1B movement is currently very slow, many immigration experts believe that the pace of filing will pick up and the H-1B visas may be exhausted by mid-Summer. Keeping this in mind, employers desiring to hire professional workers under the H-1B category should do well to file their petitions early, or lose any opportunity to petition a necessary professional worker until April 1, 2011 when the quota reopens for FY 2012. [Contact VisaPro](#) if you need any help in filing the H-1B visa petition.

Let's now take a look at the other side of the immigration. Recently, in a long awaited move, Senate Majority Leader Harry Reid (D-NV), Senate Immigration Subcommittee Chairman Charles Schumer (D-NY) and Senator Robert Menendez (D-NJ) unveiled a 26-page framework for Comprehensive Immigration Reform. In very general terms, the outline addresses immigrant and nonimmigrant visa programs, employment eligibility verification, border control, and the legalization of the currently undocumented

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population.

Although the proposal has not yet been put forth as specific legislation, it is possible that a full bill could be introduced in the near future. Immigration is clearly now a main priority for the Obama White House and members of Congress, even more so after the recent Arizona law. But with looming elections and several other important issues now competing for attention on Capitol Hill – including financial regulation, climate change and a Supreme Court nomination – the prospects for this or any other immigration legislation are quite uncertain.

The other item that has made big news this month is the passage of a tough new immigration law in Arizona. The bill, known as SB 1070, makes it a misdemeanor to lack proper immigration paperwork in Arizona. It also requires police officers, if they form a "reasonable suspicion" that someone is an illegal immigrant, to determine the person's immigration status. The law also contains a provision prohibiting cities and agencies from 'opting out' of enforcement effectively shutting the door on any sanctuary movements. This bill has sparked a national debate that will continue until the bill has been tested in the courts. It has also brought a new focus to immigration reform. We will keep you posted on both issues.

Other Developments in Immigration Law

[USCIS to Redesign Green Card](#)

USCIS announced that beginning May 11, 2010, it will issue all Permanent Resident Card—commonly known as Green Cards in the new, more secure format. Recipients of the redesigned card will include those newly approved for lawful permanent residency, as well as those who have sought a renewal or replacement card.

[USCIS Advisory for Foreign Nationals Stranded Due to the Icelandic Volcano Eruption](#)

USCIS has released an advisory for foreign nationals stranded in the U.S. because of the airport closures in Europe due to the Icelandic volcano eruption. If you have exceeded or are about to exceed your authorized stay in the U.S. you may be permitted up to 30 days to depart.

Immigration Articles and Other Fun Stuff

Now for the regulars – this month's **Immigration Article** reveals 15 things that you should consider before you think of giving up your Green Card voluntarily. Also check out our **In Focus**, which explains what credential evaluation is

YOUR OPINION

Do you think [H-1B](#) cap will be reached within a month?

- 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 May 2010.

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?

[Submit Your Answer](#)

and why it is required for H-1B visa. So, if you have a bachelor's degree from a foreign country (other than U.S.) and you don't know whether your foreign degree will be equivalent to U.S. bachelor's degree, read this article to find out more.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **71.88%** of the respondents believe that [H-4](#) visa holders be allowed to work in the U.S. 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 **Clarence Thomas** 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 **Clarence Thomas** 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

Immigration
Question?

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Winner of the Immigration Quiz - April 2010:

Clarence Thomas

The Question:

I am waiting for my Green Card application to be approved, but my question is about traveling both to Canada and to Europe. Am I able to travel to Canada and Europe to visit my family while my Green Card application is pending? Is so, what do I need to prepare in terms of paperwork to travel overseas and then return safely to the U.S. in 2-3 months?

The Winning Response:

Most individuals are able to travel outside the U.S. while their adjustment of status application is being processed. As long as you have never been out of status in the U.S. for longer than 180 days you can apply for advance parole. The advance parole document allows you to travel outside the U.S. while your adjustment application is pending.

RECENT IMMIGRATION EVENTS



VisaPro Attorney
Mr. Thomas Joy
at Bangalore



Consular Interview
Mock Session



Seminar Attendees
at Hyderabad

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[H-1B Cap Count as of May 14, 2010](#)

As of May 14, 2010, USCIS has received approximately 19,000 H-1B cap subject petitions and approximately 8,100 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 Grants Parole-In-Place Status to Certain Foreign Nationals in the Commonwealth of the Northern Mariana Islands \(CNMI\)](#)

USCIS announced today that it will grant parole-in-place status to certain foreign nationals in the Commonwealth of the Northern Mariana Islands (CNMI). Foreign nationals without umbrella permits whose work permits expire before new visa categories are available to them under federal immigration laws may be eligible for this interim status.

[Read More News](#)

Clarence Thomas receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of May 2010.

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IN FOCUS

XML

So you have a bachelor's degree: What is a Credential Evaluation and Why is it Required to Obtain an H-1B Visa?

The H-1B visa is one of the most sought-after visa categories. The H-1B visa offers a wide range of employment possibilities. To qualify for the H-1B visa foreign nationals must have a U.S. bachelor's degree or its equivalent in their specialty. But what if the foreign national has a foreign bachelor's degree? What if the foreign national does not have any bachelor's degree (neither from U.S. not from foreign country) but has relevant work experience? In such situations you will need to get all your credentials evaluated (both educational and work experience) and submit that evaluation with the H-1B petition. This article explains what credential evaluation is and why it is required for H-1B visa. The article also discusses various ways to seek credential evaluation.

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IMMIGRATION ARTICLE XML

15 Things to Consider Before you Give-up your Green Card Voluntarily

People from all over the world look at every possible visa option that will allow them to work and stay in the U.S. permanently, and if not permanently at least long term. However, there are also a few people who have their Green Card but for various reasons want to abandon it voluntarily. The benefits that you enjoy being the permanent resident of the U.S. outweigh any efforts that you may have to take to protect your permanent residence status. This article explains you 15 things that you should consider before giving up your Green Card voluntarily.

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▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

DISCUSSION CORNER

[What is the best way to get a work visa for the US?](#)

By TravellingMan

[Marriage before asylum](#)

By Isaac

[Child's Name Change w/N-400](#)

By HarmonR

[More Discussions](#)



2010 H-1B Cap Strategies
How to beat the Cap?

Contact
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QUESTIONS AND ANSWERS

Q1. I have applied for K-1 and misunderstood not getting married before i move. And now my visa is in void can i annul my marriage to keep it from being canceled. I do not want to wait another year to move.

Ans. The [K-3](#) Visa is an option available to you. As you know, since you married while your [K-1](#) visa was pending your K-1 visa become void. However the K-3 visa is for a person who is married to a US citizen and living in a foreign country. The K-3 would allow you to come to US to finish your Green Card process here.

Q2. How can I maintain my U.S. permanent resident status whilst working in France for 2-3 years? Will I be able to file for my citizenship if I stay outside the U.S.?

Ans. When you do choose to file for the U.S. citizenship, one of the qualifications is that you must have spent at least half of those 5 years not inside the US, no trip

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](#)

outside the U.S. longer than 1 year continuously and preferably no trip longer than 6 months. You have 2 options. 1. Apply for the citizenship now where you can use the accumulated time in the U.S. for the past 5 years or 2. Go to France for 2 -3 years, come back and start over because the earlier time you have accumulated is going to follow up, day by day for each day you spend in France. Both the U.S. and UK recognizes dual citizenships.

To protect your Green Card you need to show the following:

1. You must apply for a reentry permit. It will allow you to return US even if you have been out continuously for more than a year. You must be physically present while filing for a reentry permit. It is valid for 2 years. You can renew the reentry permit for 2 more years after expiry of its validity of 2 years. However, it will not maintain your residence status for you to qualify for the citizenship.
2. You need to engage in an activity or maintain ties in US before you leave the US that shows that you are not intending to abandon your permanent residence in US.
3. You have to show the purpose of the trip outside U.S.
4. Most importantly you must continue to file the Federal income taxes on your worldwide income every year as a resident of U.S. And also maintain your property in US, driver's license, bank accounts and credit cards to show that you are intending to return to U.S.

[More Q&A](#)

SUCCESS STORIES

"Panatda Chotison and Myself would like to thank you directly for your help in processing our [L-1] visa and be able to work for Procon in US. We just received the VISA yesterday morning and are now almost ready to leave.

Thanks again for your outstanding services."

Best regards,

Jean-Marc Genouvrier, Director of Technology
[PROCON, Inc.](#)

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