



Immigration Monitor
Monthly Immigration Updates



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FROM THE EDITOR'S DESK

The U.S. Department of State announced that the results of the Fiscal Year 2012 Diversity Immigrant Visa Lottery have been voided and that they are going to re-run the lottery later this year. Thousands of applicants who had received confirmation that they had been picked were extremely disappointed to find out that they had not "won". According to the Stated Department, the results that were originally posted were invalid as "they did not represent a fair, random selection of entrants, as required by U.S. law." The State Department blamed a computer error for the mishap. Press reports have suggested that the glitch favored applicants filing early in the process. The DOS has stressed that there will be no new entry registration period and that the "new random selection process will be conducted based on the original entries." According to the Department of State website, the results should be posted on or around July 15, 2011. Foreign nationals who registered during the initial entry period do not have re-register and will maintain their original confirmation numbers. Our readers are reminded to be aware of scams. The DOS will not send emails to lottery winners and government sites always end in ".gov". Any emails or individuals instructing you that there is a new entry period or that re-registration is required are fraudulent. Also, the DOS will not request any personal information through email.

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YOUR OPINION

Considering the slow demand for H-1B for FY2012, immigration experts believe that H-1B visas will remain available till this year end; do you also think so?

- Yes
- No
- Can't say

[Cast Your Vote](#)

[View Results](#)



**Assistant Secretary of the Bureau of Consular Affairs
Janice Jacobs**

Foreign visitors to the U.S. are not the only ones who realize that the visitor visa system is in need of serious repair. During a recent visit to Australia, Assistant Secretary of the Bureau of Consular Affairs Janice Jacobs acknowledged that the visa process was "inefficient" and was having an effect on tourism. She stated that the State Department had a 20 year plan to revamp the visitor visa system. Part of the changes is aimed at making the process easier for tourists and visitors from countries that are not eligible for the Visa Waiver Program, especially as it impacts those from Brazil, China and India, popularly known as "BRIC". Ms. Jacobs acknowledged that tourism into the U.S. accounts for millions of jobs as well as brings in over \$3 trillion into the U.S. economy. However, Ms. Jacobs also acknowledged that in order to regain some of the discretion her department had before 9/11, laws would have to be changed.

With a view to transform the intake and review process for immigrant investors and to improve the legal immigration system and to meet the country's economic and national security needs for the 21st century, the USCIS has proposed significant enhancements to the administration of the USCIS Immigrant Investor Program, commonly referred to as the EB-5 Program.

The three fundamental changes proposed are:

1. Firstly, USCIS proposes to accelerate its processing of applications for job-creating projects that are fully developed and ready to be implemented. USCIS will also give these EB-5 applicants and petitioners the option to request Premium Processing Service, which guarantees processing within 15 calendar days for an additional fee.
2. Secondly, USCIS proposes the creation of new specialized intake teams with expertise in economic analysis and the EB-5 Program

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 June 2011.

I'm currently in the U.S. on an H-1B visa with Company A. Company B is ready to transfer my H-1B visa. My concern is that I am working as a Marketing Executive in Company A whereas Company B has offered me a job as a Marketing Manager. Will my H-1B transfer be denied because of the change in my job duties?

[Submit Your Answer](#)



Winner of the Immigration Quiz - March 2011:

Maverin Peter

The Question:

Does a person who is already in the US on an H-1B visa lose his/ her status if the spouse comes to US on any other work visa (not as a dependent) and starts working for the visa sponsor?

The Winning Response:

A person in the U.S. on H-1B

requirements. EB-5 Regional Center applicants will be able to communicate directly with the specialized intake teams via e-mail to streamline the resolution of issues and quickly address questions or needs related to their applications.

3. Thirdly, USCIS proposes to convene an expert Decision Board to render decisions regarding EB-5 Regional Center applications. The Decision Board will be composed of an economist and adjudicators and will be supported by legal counsel.

This proposal will be online until June 17, 2011, for public comment—providing stakeholders an opportunity to offer feedback on the proposed changes to the administration of the EB-5 Program.

Other Developments in Immigration Law

[USCIS Proposes 3 Fundamental Changes to EB-5 Regional Center Filings](#)

USCIS proposed significant enhancements to the administration of the EB-5 Program to transform the intake and review process for immigrant investors.

[USCIS Centralizes Filing of Form I-130](#)

USCIS has announced that effective Aug. 15, 2011, petitioners residing in countries without USCIS offices will be able to file a Petition for an Alien Relative (Form I-130), with the USCIS Chicago Lockbox facility. This will increase the efficiency of the relative petition filing process and give USCIS more flexibility in managing its workload.

Immigration Articles and Other Fun Stuff

Check out our **In Focus** section for this month, titled '[The K-1 Fiancé\(e\) Visa Interview: 45 Questions You Need to Know](#)' Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **66.67%** of the respondents do not favor Sen. Grassley's concern that companies are using B-1 Visa Program to circumvent H-1B requirements. 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 **Maverin Peter** 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 **Maverin Peter** 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 _____ to your address book or safe list.

A person in the U.S. on H-1B visa will not lose his/her status if the spouse comes to the U.S. on any other work visa and works for his/her sponsor. Your spouse's visas status should not affect your visa status.

Maverin Peter receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of June 2011.

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NEW TO VisaPro?

Do you find yourself in a situation when you are asking '[How Do I](#)' get out of this, then the new "How do I" section on VisaPro will help you deal with and avoid such situations.

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



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

Christine



[More Videos...](#)

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](#)

LATEST NEWS

[USCIS Received 12,300 H1B Cap Subject Petitions Till May 20th](#)

USCIS has updated the count of H1B visa petitions received and counted towards the H1B cap for the fiscal year 2012 employment. As of May 6, 2011, USCIS has received approximately 12,300 H1B cap-subject petitions and 8,500 petitions for foreign nationals with advanced degrees.

[USCIS Improves Delivery of Permanent Resident Card, Travel and Employment Authorization Cards](#)

USCIS has fully implemented the Secure Mail Initiative (SMI), which uses U.S. Postal Service (USPS) Priority Mail with Delivery Confirmation to deliver certain immigration documents in a safe, secure and timely manner.

[Read More News](#)

The K-1 Fiancé(e) Visa Interview: 45 Questions You Need to Know

The K-1 fiancé(e) visa interview is one of the primary sources of stress and anxiety for K-1 visa applicants. Being unaware of the interview process and not being prepared for the possible questions that may be asked only makes the stress and anxiety worse. Our article is designed to help those who are preparing for the K-1 visa interview get a better idea of what types of questions to expect. Read this article to find out how we helped Xia to successfully pass her K-1 fiancé(e) visa interview.

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PROCESSING TIMES

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

DISCUSSION CORNER

[Will my green card affected if company filing bankruptcy?](#)

By Maahi

[Citizenship application with 180 days each year](#)

By Normarg B

[Waiver Visa: How many times a year allowed to travel to US](#)

By Tiastark



[More Discussions](#)

QUESTIONS AND ANSWERS

Q1. I have an English fiancé who is considering moving to America. He is filing bankruptcy in England. Does this affect our ability to get him a green card for him to emigrate to America? If so, what are our other options? I would think that marriage would "override" other scenarios, but I'd like to clear this up for him.

Ans. Your fiancée filing for bankruptcy in the UK will not affect his ability to get a green card for the US through marriage to you. US immigration authorities (the USCIS) will be looking only at whether you have the ability to meet income level for the affidavit of support -- they do not look to the foreign national spouse's income. As long as your income (and assets if necessary) meets 125% of the poverty guidelines this will not be an issue. In fact, unless bankruptcy is a crime in the UK (there are some countries where bankruptcy is considered a crime) his bankruptcy does not even have

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](#)

to be disclosed to the USCIS.

Q2. I am a citizen of Canada and currently I am in US on TN visa which was filed by Company A and it is valid for next six months. Now I have another job offer from Company 'B'. Can I change my employer without applying for a new TN visa? Or should my new employer file a new TN Visa? If possible can my new Company 'B' file my H-1B visa for me now?

Ans. The TN visa is employer specific so you cannot change employers until you have a new TN for your new employer. You can either process the new TN at the border or you can file for a change of status with the USCIS service center. If you process at the border, you will get the approval at the time of filing. If you file for a change of employer with the service center it will take 15-75 days for a response. And yes, your new employer may file an H-1B for you now as the H-1Bs are still available.

[More Q&A](#)

SUCCESS STORIES

"I am a British TV director and producer. I needed an [O1](#) visa to work in the US when required by the American production company who wished to employ me on a big Discovery Channel show.

The [O-1](#) is a tough nut to crack and there is no denying it took hard work all round to get but, thanks to the patience, diligence and guidance given at every step by the team at VisaPro, I am now legal and able to join my colleagues in the United States.

[Mark Westcott](#)

United Kingdom

[More Success Stories](#)

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