



FROM THE EDITOR'S DESK

Hello and welcome to the May 2013 Immigration Newsletter!

After the Comprehensive Immigration Reform Bill â€” the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 â€” was introduced in the Senate in April by Senator Chuck Schumer (D-NY) on behalf of the â€œGang of Eight,â€ and after a round of additional negotiations, mark-ups and amendments, the Senate Judiciary Committee approved the bill in May by a vote of 13 to 5. The bill will now be taken up for discussion in the full Senate in June and it is hoped that the bill will not be blocked in the Senate by a floor vote. Meanwhile, no meaningful proposals have been set forth by the House of Representatives regarding Comprehensive Immigration Reform.

Also in May, USCIS began returning the rejected H-1B petition packages that were not selected in the FY 2014 [H-1B](#) 'lottery.' As our readers are most likely aware, the FY 2014 H-1B cap was reached within the first week of filing, which began on April 1 and ended on April 5. USCIS conducted a 'lottery' on April 7, 2013 to select a sufficient number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption. Employers (except cap-exempt organizations) who would like to file new H-1B petitions will now have to wait until April 1, 2014 for a start date no sooner than October 1, 2014. If you missed the H-1B bus, [consult](#) a VisaPro attorney to learn more on how you can evaluate and utilize alternatives to the H-1B.

May also saw the U.S. Customs and Border Protection (CBP) complete the implementation schedule for the automation of Form I-94 Arrival/Departure Record for all air and sea travelers. With I-94 automation, foreign visitors will no longer need to fill out a paper form I-94 when arriving to the U.S. by air or sea. Instead, records of admission will now be generated using traveler information already transmitted through electronic means. Travelers wanting a hard copy of the arrival-departure record or other evidence of admission can access this information online and print a copy of an I-94 through the CBP website, www.cbp.gov/i94. CBP will continue to issue paper I-

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YOUR OPINION

Do you think that the Senate will follow the Senate Judiciary Committee and approve the Comprehensive Immigration Reform Bill?

- a. Yes
- b. No
- c. Not Sure

[Cast Your Vote](#)

[View Results](#)

94's at land border ports of entry.

In some good news for Blanket L visa applicants in India, Mission India has announced the launching of a pilot program in Chennai for single day appointment scheduling. L-1 Blanket Visa Applicants can now visit the Offsite Facilitation Center (OFC) and Consulate on the same day. Visa applicants in India should be aware that the U.S. Consulate in Chennai is the sole acceptance center in India for all applications for intra-company transfers under the Blanket L category and this single day appointment facility is limited only to Blanket L visa applicants.

Other Developments in Immigration Law:

[June 2013 Visa Bulletin: EB-3 Priority Dates Advance for All Countries](#)

In the recently published U.S. Department of State Visa Bulletin for June 2013, the [EB-2](#) priority dates remained current in respect of all countries other than India and mainland China. The EB-2 priority date for India remained at 09/01/04, even as it advanced from 05/15/08 to 07/15/08 in respect of mainland China. Meanwhile, the [EB-1](#), [EB-4](#) and [EB-5](#) numbers continue to remain current for all countries, while significant advancement was seen in [EB-3](#) priority dates.

[USCIS Reminds Employers To Start Using Revised Form I-9](#)

USCIS has reminded employers to start using the revised Employment Eligibility Verification [Form I-9](#) that was released on March 8, 2013 (revision 03/08/13) as of May 7, 2013, if they had not already begun to do so. Beginning May 7, 2013, all employers must only use the revised Form I-9 for new hires and previous versions of the Form I-9 must not be used after May 6, 2013. All previous versions will no longer be valid.

Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Family Based Immigrant Visa: Who Qualifies](#)" in which we discuss which family members qualify for a family immigrant visa and how long it will take to get the immigrant visa. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Check out our 'In Focus' article for this month titled [Porting from EB-3 to EB-2: The Future Job Offer](#) to learn how [EB-3](#) to [EB-2](#) porting can save applicants years of waiting in line for the elusive but much-wanted Green Card.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**85%**) welcome the provision in the comprehensive immigration reform bill that proposes to bar companies from hiring people on [H-1B](#) visa if 50% of their employees are not Americans. We continue to appreciate that people take interest in the opinion

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 2013.

If one person in a marriage gets a work visa will the partner also get a work visa?

[Submit Your Answer](#)



Winner of the Immigration Quiz - April 2013:

Morris

The Question:

I am an athlete currently in the US on a P-1 visa. My P-1 status expires in 6 months and the club that I play for is interested in extending my contract. Can I get an extension of stay without having to leave?

The Winning Response:

Yes, you can. The club must however file a petition and get the same approved by the USCIS. [Ed. Note - P-1 individual athletes and

question and cast their votes to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We also congratulate **Morris** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Morris** gave the best answer and won a free online consultation to discuss the concerned Immigration issues. 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

 **RECENT IMMIGRATION EVENTS**



[More](#)

FEATURED VIDEO

Family Based Immigrant Visa: Who Qualifies?

essential support personnel may be authorized to extend their stay for a period of up to five years for a total period of stay not to exceed ten years. Other P-1, P-2, P-3 foreign nationals and support personnel may be authorized to extend stay in increments of one year to continue or complete the same event or activity for which admitted.]

Morris receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of June 2013.

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NEW TO VisaPro?

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#) or other work visas or Green Cards? VisaPro has answers to many of the most commonly asked immigration questions. [Click here](#) to find out more.



Family based immigration has many benefits for US Citizens and permanent residents that want to be reunited with family - be it a spouse, children, brothers, sisters or cousins. Find out which family members qualify for a family immigrant visa and how long it will take to get the immigrant visa.

[More Videos...](#)

LATEST NEWS XML

[H2B Cap Count Update](#)

USCIS has updated the count of [H2B](#) visa petitions received and counted towards the H2B cap for the fiscal year 2013 employment. As of May 24, 2013, USCIS has approved approximately 21,406 beneficiaries for the 2nd half of FY 2013

[USCIS Immigrant Fee Payment to Move to USCIS ELIS](#)

USCIS has announced that it is moving the existing online payment for the USCIS Immigrant Fee to its Electronic Immigration System (USCIS ELIS). Customers must now pay the \$165 USCIS Immigrant Fee using USCIS ELIS after they receive their immigrant visa package from the DOS and before they depart for the United States. Immigrants will soon be directed to the USCIS ELIS website to create an online account and pay the immigrant fee.

IN FOCUS

XML

[EB-3 to EB-2 Porting: How to Successfully Upgrade Your Green Card Application](#)

Porting from EB-3 to EB-2 can save many applicants from years of waiting in line for the elusive but much-wanted Green Card. For some of these individuals the actual waiting time can be cut by as much as 5 or 10 years! Learn more about how the EB-3 to EB-2

porting process can significantly reduce Green Card waiting time and how to successfully upgrade from EB-3 to EB-2.

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

PROCESSING TIMES 

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QUESTIONS AND ANSWERS

Q1. I am waiting for my [EB-3](#) visa to be current. My question is if my son was included in my petition when he was 17 years old and till now he is 25 years old my visa is not yet current, will he be excluded already when my visa becomes current? Can he be included in the child protection act law because he will be left alone here in my country as the whole family will leave for USA once my visa is released?

Ans. The Child Status Protection Act or CSPA was created to amend the Immigration and Nationality Act by changing who qualifies as a child. Under the INA, a person no longer qualifies as a "child" upon turning 21. Under the CSPA, a child's age can be "frozen" so that he or she can continue to qualify as a child well after he or she turns 21. However, in order to find out if your son is protected by the Child Status Protection Act, more information would be needed, including how long your [I-140](#) petition was actually pending and/or if an [Adjustment of Status](#) (AOS) application was filed on behalf of your son at any point after the I-140 approval and before he turned 21. You should consult with an immigration attorney to review your son's situation.Â

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. I have been granted a waiver for my [J-1](#) visa. Can I apply with that to get another job or go back to school.

Ans. Experience gained by you on the job cannot be generally used unless the position that is now being offered to you under the labor certification is not substantially comparable to your current position. If the job that is being offered to you consists of job duties that are at least 50% different from your existing duties, you may have a case for using your experience gained on the job. Please consult an immigration attorney to have your circumstances thoroughly reviewed to clearly ascertain whether you may or may not be able to use the experience gained by you on the job in your specific situation..

[More Q&A](#)

SUCCESS STORIES

"I can always trust in Visapro, in that the cost that they charge in relation to their quality of service is unbelievable. The most important thing that their [R-1 visa](#) service provided for me was the attention I got, even when my case lasted much longer than expected (due to the costly mistakes I personally made) and times were tough. Throughout the process I always had peace due to the knowledge, experience and network of Visapro. I recommend Visapro to anyone whether they have much experience with the US immigration."

Cedric Tsang
Canada

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