



**FROM THE EDITOR'S DESK**

There has been a lot of activity on the immigration front during the past few weeks. With President Bush reiterating the need for a comprehensive immigration reform and the lawmakers proposing a variety of different measures to implement it, everyone is keeping a close watch to learn what would finally be in store for them.

While employers are waiting for the final package providing relief from H-1B blackout and employment-based (EB) immigrant visa retrogression, job-seekers are looking for a Temporary Worker program as proposed in various bills introduced in the Senate. Immigrants currently staying illegally in the U.S. are hoping for an Adjustment or a Guest Worker program that would allow them to legalize their stay in the U.S.

Our **In Focus** article this month traces the various pro immigration measures that are under consideration at various levels before the lawmakers and the likely activity in the next few months.

I was informed by our technical team that **Immigration Monitor** is received by over **75,000** subscribers every month. I feel elated to know that I have thousands of friends across the world. All this happened in just 3 months since we launched. Thank you all for your support and encouragement.

I have a special favor to ask. You see, in order to ensure that we're meeting the needs of our subscribers, it's helpful to get feedback from people like you.

So we're offering you this unique opportunity to influence the way we do business! We've set up a [special survey](#) where you can tell us exactly what you think. We'll use the information you share to shape future issues of your **Immigration Monitor** and to find more tips and resources that meet your needs!

As part of our effort to make your newsletter more interactive, we have introduced a new section - **Questions and Answers**. 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.

This month we focus on H-2B visas for seasonal or one-time employment. Our **Industry Perspective** article outlines the benefits, requirements and the application process of H-2B visas and the need of such a visa program in the present day scenario for the U.S. economy. The article also explains how H-2B workers could help rebuild communities damaged by the hurricane Katrina.

A lot of our friends have asked us to write about the issues involved in marrying a US citizen. This month's **Immigration Article** explains the options available for

**IN THIS ISSUE**

- Latest News
- In Focus
- Industry Perspective
- Immigration Article
- Processing Times
- Immigration Glossary
- Discussion Corner
- Questions and Answers
- Success Stories

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**YOUR OPINION**

Should illegal immigrants in the US be allowed to legalize their stay?

- a. Yes
- b. No

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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

U.S. citizens to bring their fiancée or spouse into the U.S.

Do you know that you can share your experiences and timelines at various stages of your [K-1](#), [K-3](#) and [H-1B](#) visa process with others who have completed or are waiting to pass that stage? Visit [Immigration Trackers](#) today, and post the timeline related to your petition so that you can compare your timeline them with others, and help others plan their petition process.

Congratulations to [Anuja Paranjape](#) for winning the **Immigration Quiz** for October. This time too the competition was tough, but her answer was concise and comprehensive.

Over 81% of the participants in **Your Opinion**, our monthly opinion poll, said that work visas do not take jobs away from Americans. Don't forget to participate in this month's poll.

We have just introduced audio messages in many of our web site layouts to enhance the user experience of the visitors to the VisaPro web site. I encourage you to *turn on your speakers* now and visit various layouts on the VisaPro web site to enjoy the lovely audio messages. This is only a beginning!

Click on [Email to a Friend](#) and we will send the Immigration Monitor to them on your behalf.

See you after **Thanksgiving** with more from the immigration front.

*Christine*

## LATEST NEWS

### [Advanced degree H-1Bs still available, H-2Bs going fast](#)

As per the latest update 6,607 H-1B numbers are available under the Advanced Degree Exemption category for FY 2006 and fewer than 5,000 H-2B visas are available out of the 33,000 visas set aside for the first half of FY 2006.

### [Four new Immigration Reform bills introduced](#)

These bills deal with a wide range of immigration issues, including enforcement and national security; employment authorization verification; guest worker program; and earned legalization plus backlog reduction.

### [Senate rejects proposal to prevent H-1B and EB recapture](#)

The Senate, on Thursday, defeated by an overwhelming vote of 85-14 an amendment offered by Senator Robert Byrd to eliminate the annual recapture of the unused H-1B and immigrant visas from the previous years.

### [DOS cable provides guidance on Student visa issues](#)

The cable advises the consular officers adjudicating student visa applications to evaluate the applicant's requirement to maintain a residence abroad in the context of the student's present circumstances.

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December 2005.

*I entered US on a six month H-2B visa to work for a hotel in Florida four months back. But I got a better job offer from another employer and started working for them without informing the immigration authorities. Someone told me that my stay is not valid. Is it so?*

[Submit Your Answer](#)

Immigration  
Question?

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Experienced  
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**Winner of the  
Immigration Quiz -  
October 2005:**

Anuja Paranjape

#### **The Question:**

*I am a green card holder planning to go to France for 2 years to work for my company. Can I retain my permanent resident status and reenter US after 2 years?*

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

You can do so by filing for a document called Re-entry permit. Re-entry permit is generally valid for two years. It's a simple form which you can download from INS website and fill it yourselves. Do remember to file it before you leave for France and remember these two years will constitute a break in your count towards citizenship years.

[Anuja Paranjape](#) receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2005.

## IN FOCUS

### The talk of the town: Comprehensive Immigration Reform

The long debate on how to handle immigration seems to be finally culminating into a compromise. Senators John McCain and John Cornyn, who have already introduced two separate bills on immigration reform, recently announced that the Senate will take up immigration reform early next year.

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▲ Top

## INDUSTRY PERSPECTIVE

### Hurricane Katrina: An Opportunity for H-2B Workers to Help Rebuild

The immense damage caused by Hurricane Katrina to the Gulf Coast is projected to require an 'unprecedented' clean-up costing up to \$100 billion. However, navigating through the various rules and regulations that are rapidly changing to accommodate Katrina reconstruction comes with its own set of difficulties. One such difficulty being experienced by small and medium sized Oil companies is the shortage of skilled workers such as divers to perform under water salvage, inspection and reconstruction related work.

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▲ Top

## IMMIGRATION ARTICLE

### US citizen marrying a foreign national: Issues involved

Each year, thousands of U.S. citizens marry foreign-born persons and file for their permanent residence process in the United States. The immigration process for green card through marriage depends upon whether you intend to marry the foreign national in the U.S. or outside the U.S. Each situation has its own distinct requirements and procedures and thus, requires different planning.

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▲ Top

## PROCESSING TIMES

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## IMMIGRATION GLOSSARY

### Nonimmigrant

An alien who seeks temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. Most non-immigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

## Petition

A petition, for immigration purposes, is a formal request made to the INS to legally recognize a foreign national as qualified for a [Green Card](#) or a [nonimmigrant visa](#) category.

### [More Terms](#)

▲ Top

## DISCUSSION CORNER

[Marriage in the states and waiting for Visa there?](#)

By nettmann

[Canadian Citizen Marrying an American Citizen](#)

By chomick12

[Transfer H1B to small company](#)

By DACAR

### [More Discussions](#)



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▲ Top

## QUESTIONS AND ANSWERS

### 1. What is H-2B visa?

The H-2B working visa is a nonimmigrant visa which allows foreign nationals to enter into the U.S. temporarily and engage in nonagricultural employment which is seasonal, intermittent, a peak load need, or a one-time occurrence.

**Note:** *This visa is also used for entertainers going on a tour, for film workers or professional minor league players.*

### 2. Is an H-2B visa issued only for temporary jobs?

The nature of the job itself is irrelevant. What is relevant is whether the employer's need is truly temporary. In some situations, the employer's need may create a temporary job opportunity in an employment situation which may otherwise have been permanent in nature.

**Note:** *A temporary job opportunity could be created because the incumbent (who holds the position of permanent factory foreman) was injured or is otherwise unavailable for a period of less than one year, or additional workers are needed during a busy period. The temporary period must have a clear beginning and end.*

### 3. Can I stay longer than a year on H-2B visa?

The employer's need may generally be only for one year. However, the need, under the 'extraordinary circumstances' provision, may ultimately be longer than one year if the extended need could not be anticipated at the time of application.

**Note:** *An example might be the case of a hurricane that destroyed a large bridge. It will take 11 months to replace the bridge. After the application is approved for this 'one time' occurrence, the employer demonstrates that the work cannot be completed in 11 months based on circumstances which did not exist at the time the employer first petitioned for the foreign national. The work will now take 14 months. The employer would file another application for the three additional months.*

### [More Q&A](#)

### 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](#)

## SUCCESS STORIES

"This is Leroy Bennett, in Russelville, Arkansas. Our K-1 visa for Chona and me has been approved, the visa center in New Hampshire has sent all necessary papers to us embassy in Manila. Chona is waiting for interview date and papers. I really want to thank you for giving me and Chona a chance to spend rest of our lives together. I highly recommend VisaPro to anyone. The waiting is hard, but very short. Chona and I are so ever thankful. Once again thank you so very much. I'm hoping she will be here this month. Once again, thank you so very much."

**Leroy Bennett**  
United States

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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.

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