



**VisaPro Launches
Canada Immigration**
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FROM THE EDITOR'S DESK

Thanksgiving Day marks the beginning of the traditional Christmas shopping season in the U.S. Employers looking to “shop” for illegal immigrants to fill their employee ranks have to beware. Former Chairman of the House Judiciary Committee, Congressman F. James Sensenbrenner, Jr. (R-WI), introduced a bill on November 1, 2007, that is intended to help eliminate the problem of illegal immigration. Among its provisions, Sensenbrenner’s bill includes proposals to secure the nation’s borders, crack down on employers who hire illegal immigrants, increase the penalties against people who smuggle in illegal immigrants, and double the number of [H-1B](#) visas issued each year. While the “experts” ponder the byproducts of illegal immigration, ranging from uninterrupted supply of unskilled workers to the danger of terrorism, let’s hope that any immigration reform that will be brought about will work in the best interest of America. Continue to watch this column in the future for more developments on this front.

On a different front, the USCIS provided answers to some key issues at a National Stakeholder Meeting held on October 30th, 2007. One such issue addressed the assignment of different A-numbers with the filing of an application for adjustment of status on [Form I-485](#) to individuals that were already issued an A-number. The USCIS said that a temporary receipt process was implemented for Employment Based I-485 applications filed between July 2, 2007, and August 17, 2007. They also said that the temporary receipt process allowed them to issue receipts for the high volume of I-485 applications filed during the summer in a faster and more efficient manner. At a future date the newly assigned A-numbers will be reconciled with previous A-numbers that may exist for each applicant and the newly assigned A-number will be deleted. The temporary A-number will also appear on the [EAD](#) card. This temporary receipt process also facilitated the receipting of [I-765](#) applications for employment authorization and [I-131](#) applications for advance parole.

There was good news this month for H and L visa holders who have applied for adjustment of status.

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YOUR OPINION

Do you think that the U.S. should give legal status to illegal immigrants so that the government can keep a closer track on them?

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

[Cast Your Vote](#)

USCIS published a final rule in the Federal Register to streamline the readmission of certain "H" and "L" nonimmigrant who have applied for [adjustment of status](#) to become permanent residents. The rule removes the requirement that such persons present a receipt notice (Form I-797, Notice of Action) for their adjustment applications when returning to the United States from travel abroad.

"Red-tape" and "paper work" are some of the words which can cause a chill to run down any employer's spine. Employers should be relieved then since the announcement from the USCIS that it has revised Form I-9; this move in the wake of its ongoing work toward reducing the number of documents used to confirm identity and work eligibility. As we all know, all employers are required to complete a Form I-9 for each employee hired in the United States. The current revision seeks to achieve full compliance with the document reduction requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which reduced the number of documents employers may accept from newly hired employees during the [employment eligibility verification](#) process.

The talk has been around for a long time now, but some Senators have understood the threat to America's economic competitiveness caused by the shortage of skilled-worker visas. Senator Joe Lieberman (ID-CT) and 18 of his Senate colleagues called on Secretary of Homeland Security Michael Chertoff to expand an important work authorization program known as Optional Practical Training (OPT), with the expectation that it would ease pressures affecting employers nationwide, employers who are increasingly unable to fill high-skilled positions. Affirming their commitment "to promoting meaningful legislative remedies including increasing the number of [H-1B](#) and employment-based visas," the Senators urged that, in the interim, Secretary Chertoff exercise his regulatory authority to extend the maximum OPT period from its current 12 months to a new 29 months. It's good to see the Senators work together on a shared agenda and commit themselves to looking for new and innovative solutions, rather than merely identifying problems.

On to news from the State Department. Earlier this month the Department of State announced that it has issued a record number of visas to students to study in the United States, exceeding pre-9/11 levels. For Fiscal Year 2007, the State Department issued more than 651,000 student and exchange visitor visas - 10 percent more than last year and 90,000 more than were issued in Fiscal Year 2001. Education in the US continues to be a highly sought out commodity.

Now for the regulars -- this month's **Immigration Article** will focus on what needs to be done to "change your nonimmigrant status" while in the U.S. Don't forget to look into our **In Focus** section which will educate you on all the latest developments taking place on the [H-2B](#) visa front. In last month's poll question, we asked our readers if it was possible for Congress to enact a comprehensive immigration reform before the end of the current Bush administration. We have, as usual, received many responses. After results were tallied half of you agreed that it was possible, while the rest were

[View Results](#)

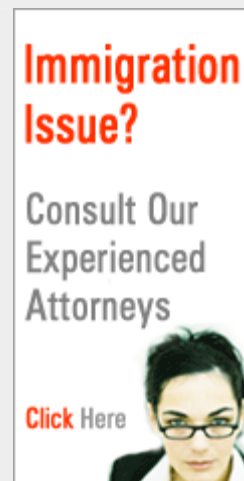
IMMIGRATION QUIZ

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 December 2007.

I am outside the US on an advance parole which will expire very soon. Must I return to the US before my Advance Parole expires?

[Submit Your Answer](#)



Winner of the Immigration Quiz - October 2007:

Carole Watt

The Question:

I am a Green Card holder and working with a leading Company in the US while my spouse is in her home country. I would like to invite her to accompany me in the US. What do I need to do so she can live with me in the US?

The Winning Response:

divided between not agreeing and being neutral. This month we have yet another interesting question for you to express **Your Opinion**. So read the poll question and cast your vote!

For information and queries related to U.K. immigration, including Work Permits, Business and Investor visas, the Highly Skilled Migrant Programme (HSMP), and Settlement Permits, you may visit the [U.K. Immigration](#) section of the VisaPro site. For some of you seeking visa options to U.K., VisaPro brings you [Online and Telephonic Consultations](#) with our immigration experts. The added advantage would be an online written opinion in less than 3 business days from a licensed immigration solicitor or adviser.



Carole Watt receives our congratulations for submitting the winning response for last month's Immigration Quiz. We received a lot of responses for our question about the possible solutions for a green card holder who wants to invite his wife to live with him

in the U.S. Looking at the large number of correct answers amongst them; we concluded that our readers were pretty knowledgeable when it comes to questions regarding [family based green cards](#). We have a new question for you this month so put on your thinking cap, pull out your research tools and get ready to write. Give it a try; who knows, we may feature your name and answer in the next newsletter. All the Best!

Don't forget to add our address Immigration-Monitor@VisaPro.com to the list of your contacts so that you see the Immigration Monitor in your email Inbox every month and you will not miss out on the news on the latest immigration activity.

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

Christine

If you were married at the time that you became a permanent resident your wife would be able to get her permanent residence as a derivative spouse. You would not need to file an [I-130](#) for her and wait for a visa number; you would just have to notify the US consulate in your home country to begin the immigrant visa process.

Carole Watt receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2007.

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VisaPro Attorney
Mr. Thomas Joy
with Delhi Attendees



Consular Interview
Mock Session



Seminar Attendees
at Bangalore

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LATEST NEWS

[DHS Begins Cuban Family Reunification Parole Program](#)

The Department of Homeland Security has announced that it has begun the Cuban Family Reunification Parole (CFRP) Program. Under this program, U.S. Citizenship and Immigration Services(USCIS) is offering beneficiaries of approved family-based immigrant visa petitions an opportunity to come to the United States rather than remain in Cuba to

apply for lawful permanent resident status.

[Senators Call to Expand Optional Practical Training \(OPT\) Program](#)

Senator Joe Lieberman (ID-CT) and 18 of his Senate colleagues called on Homeland Security Secretary Michael Chertoff to expand an important work authorization program that enables foreign graduates of U.S. universities to contribute to the U.S. economy. Expansion of the program, known as Optional Practical Training (OPT), would ease pressures affecting employers in Connecticut and nationwide, who are increasingly unable to fill high-skilled positions.

[Employment Eligibility Verification Form I-9 Revised](#)

The U.S. Citizenship and Immigration Services (USCIS) announced today that a revised Employment Eligibility Verification Form (I-9) is now available for use. All employers are required to complete a Form I-9 for each employee hired in the United States.

[Read More News](#)

IN FOCUS

XML

New H-2B Visa Provisions: Senator Mikulski Leads the Pack

It's November and the sunny days of summer may seem far away, but the businesses that comprise Maine's hospitality industry are already preparing for the tourist season. In Maine alone, 87,000 jobs are tied directly to the success of tourism, an industry that generates \$13.9 billion annually for Maine's economy and \$556 million in state tax revenue. Likewise, the seafood and cannery industries in Maryland and Virginia, seasonal hospitality industry in Rhode Island and New Hampshire, the fishing industry of Alaska, and the logging industry in Maine have one thing in common: they desperately need seasonal workers so their businesses can survive.

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IMMIGRATION ARTICLE XML

Help! I have to change my Nonimmigrant Status

The United States is a visa country, meaning that anyone that comes to the U.S. must have a visa to enter. Nonimmigrant visas are issued to foreign nationals who intend to remain in the (U.S.) for a temporary period or otherwise less than permanent period of time. There are more than 40 nonimmigrant U.S. visa categories, each used for a different, but very specific purpose, depending on the particular reason for coming to the U.S.

Some visas authorize temporary employment in the U.S.; others permit tourists to visit, students to study, and diplomats to serve their home country's interests. If your original reason for coming to the U.S. changes after you get arrive, you may be required to change your nonimmigrant status to a different one before you may lawfully begin to engage in the activities you want to pursue.

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DISCUSSION CORNER

[Expired H1B marrying US Citizen](#)

By mangyan5580

[Help Please! I Just Got Married](#)

By Canadiangrl

[Married on the tourist visa](#)

By Sallyn

[More Discussions](#)

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QUESTIONS AND ANSWERS

1. **I am an Australian citizen and working in a software company. My employer wants to apply an [E-3](#) visa for me. Is there any quota restriction like [H-1Bs](#)? How long can I stay in US on E-3? Is there any restriction to travel outside US?**

The E-3 visa is for Australian citizens. There is no quota issue attached with E-3. Basically there are three elements for an E-3 visa.

- You must have either a 4 year American University degree in a professional field or a foreign degree which is equivalent to a 4 year American University degree or alternatively a combination of education and experience that is equivalent to 4 years of American University degree.
- The job offered to you must be a job that requires a minimum of bachelor's degree in the related professional field.
- The company must agree to pay you at least prevailing wage or higher for that type of position in that geographic area.

The E-3 visa is a multiple entry visa and you can stay in the US for up to 2 years. You can travel outside US during this period. The E-3 visa is an employer specific visa. You are certainly allowed to take ongoing education career development courses on part time as long as the primary purpose of entering the US is to work.

2. **I was approved for an [L-1](#) visa under blanket petition through my current company. Now I would like to apply for a job with another employer which is owned by my current company. Am I eligible to do so if not would I have to apply for an H-1B visa or new L-1?**

The L-1 visa allows persons who have been continuously employed abroad for at least 1 year out of the previous 3 years in an executive, managerial or specialized knowledge capacity to transfer to the USA to work for a subsidiary, branch or affiliate of the foreign company. The visa is employer specific and may not be used to work for a company other than the petitioning company.

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](#)

You'll be applying for a job with another company affiliated with your sponsor, and then you must file a new L-1 petition and has to get approved before you go to work. The position need to be an executive, managerial, or specialized knowledge.

Because of the change in facts if you do not meet the criteria for the L-1, then you'll have to apply for an H-1B to work for the new company.

[More Q&A](#)

SUCCESS STORIES

"As you know, I have now achieved [Permanent Residency](#) status and would like to thank [VisaPro legal team] and the other members of your team for your invaluable assistance. Our initial telephone consultation with [VisaPro legal team] clarified which application forms we needed to complete, your standard procedures enabled us to get the forms right first time, and your expertise was also critical in resolving subsequent issues.

Please pass on our acknowledgement and appreciation to [VisaPro legal team] and the other members of your team."

Lesley Hamilton and John Beran,
United States

[More Success Stories](#)

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