

## FROM THE EDITOR'S DESK

**Barack Obama, an African-American, the 44th president of United States!!!**



Political history was made in the US in the month of November. The **United States presidential elections** were held on Tuesday, November 4, 2008. The final month of campaigning was feverous for both major party candidates as several issues, in particular the worldwide financial meltdown, created a new stage for them to work upon. On the history making side of things, this was first time in US history that an African American (Barack Obama) was elected president. The presidential race was noteworthy because it was the first time that two sitting senators ran against each other, as well as the first time an African American was a presidential nominee for a major political party. In addition, it was the first time in history that both major candidates were born outside the continental United States — Hawaii for Democratic nominee Barack Obama and the Panama Canal Zone for Republican nominee John McCain. Moreover, since the Republican

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nominee for vice-president was a woman, Alaskan Governor Sarah Palin, the eventual winning ticket was bound to be historic, as neither an African American nor a female had achieved either of the respective offices. Senator Joseph Biden, Democrat Barack Obama's running mate, is the first Roman Catholic to be elected vice president.

### Obama and McClain



This was the 56th consecutive quadrennial United States presidential election to select the President and the Vice President of the United States. On January 20, 2009, Democrat Barack Obama will be inaugurated as the 44th president of the United

States. Among several campaign promises made, Senator Obama has stated that he will withdraw troops from Iraq, cut taxes for 95 percent of working families and improve America's relationships with its allies. This has certainly brought smiles to both foreign and US nationals. It's quite certain that the citizens of US have high expectations with the 44th president of the United States.

Senator Obama, in his book, "Change We Can Believe In" talks about his ideas for comprehensive immigration reforms. He points out that politics and partisanship must be first set aside. Only then would a comprehensive immigration reform policy be successful. He set up certain reforms to cover securing borders, enforcing laws by cracking down on U.S. employers that hire undocumented immigrants, and reaffirming the heritage of the U.S. being a nation of immigrants. Obama also plans to create a pathway to U.S. citizenship to those undocumented immigrants who have been working and paying taxes. They would have to pay a penalty, pay taxes, and learn English but would have to fall in the back of the line of those who came to the U.S. legally. Obama wants reasonable immigration fees imposed and timely, accurate security background checks. He also wants to attract the most talented people in the world by improving permanent and temporary visa programs.

## YOUR OPINION

Can the Trade-NAFTA workers from Canada or Mexico seek admission to the United States for a period of three years?

- 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 December 2008.

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

[Submit Your Answer](#)

### Winner of the Immigration Quiz - October 2008:

Lionel N. Ahmad

**The Question:**



The month of November had its ups and downs in the world of immigration. This first item for this month brought pleasant news for people in several countries around the globe. People from seven countries have reason to celebrate as the USCIS added seven new countries in the list of those qualified for the Visa Waiver program. This was announced by US President George W. Bush

at a ceremony in the White House Rose Garden on Friday, October 17, 2008. The seven new countries to the list of Visa Waiver countries are **the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, and South Korea**. These countries were added to the Visa Waiver Program under a new law recently passed by the US Congress and have met all the requirements under that law to be admitted to the Visa Waiver Program. Soon the citizens of these nations will be able to travel to the United States for business or tourism without a visa. President Bush closed his speech by stating that "extending this opportunity to some of our closest allies deepens our friendship and makes all our countries safer." We all look forward to this step forward in our relations with these countries. We also look forward to the next round of additions which will likely include Bulgaria, Cyprus, Greece, Malta, Poland, and Romania.

The USCIS designated November as "Veterans Appreciation Month" to honor the sacrifices of all those who have served and continue to serve in the United States armed forces. A range of ceremonies and activities occurring throughout the month include naturalization ceremonies for members of the armed forces, educational seminars at military installations for service members and their families, and a comprehensive initiative to hire severely wounded or disabled military veterans. Acting USCIS Director Jonathan Scharfen said "as a veteran of our military, I know first-hand the sacrifices our nation's veterans make to secure our freedom. . . Their selfless service and willingness to answer America's call to duty is a constant source of inspiration." This is truly a great tribute to the people serving in the military and armed forces.

*What is the difference between Advance Parole and Re-entry Permit?*

### **The Winning Response:**

The differences between [Advance Parole](#) and [Re-entry Permit](#) are:

- Advance Parole is issued to a foreign national who does not have permanent resident status whereas a Re-entry Permit is issued to a permanent resident of the U.S.
- On the appearance, an Advance Parole document is a piece of paper with the foreign national's photograph whereas a Re-entry Permit looks like a passport.
- Advance Parole is like a visa to the U.S. while a Re-entry Permit is like a passport
- Advance Parole is valid for one year whereas a Re-entry Permit is valid for two years

**Lionel N. Ahmad** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2008.

Michael Chertoff, Secretary of the Department of Homeland Security, in an entry in the Homeland Security Leadership Journal, commented on the successes of immigration enforcement over the past year. He noted that "apprehensions of illegal immigrants along



**Michael Chertoff**

our southern border decreased 17 percent; last year, apprehensions decreased 20 percent - a clear indication of reduced crossing attempts. Remittances to Mexico and Latin America are also down for the year, another indicator of successful enforcement." He also cited a study that shows that for the first time in years the "flow of illegal immigrants into the United States dropped below the number of those legally entering the country," a clear indication that the heightened focus on the enforcement of immigration laws. This is further borne out by the following story.



The US Department of Labor (DOL) following an extensive investigation, found GlobalCynex Inc., a Virginia-based company, guilty of violating the [H-1B](#) visa provisions of the Immigration and Nationality Act (INA). The investigation by DOL's Wage and Hour Division found that

employees hired under the H-1B visa program were not paid the required wages from March 2005 through March 2007. Wage and Hour Division investigators also found that the company charged new H-1B visa workers training fees ranging from \$1,000 to \$2,500 that were in violation of the law. Under immigration regulations H-1B visa workers must be paid at least the same wage rates as are paid to US workers who perform the same types of work or the prevailing wages in the areas of intended employment. As an outcome of the investigation GlobalCynex Inc., a Sterling information technology company, has agreed to pay \$1,683,584 in back wages to 343 H-1B non-immigrant workers after the company was found guilty of violating the H-1B visa provisions. The USCIS and the DOL will continue to take strict measures to see that US employers do not violate the provisions of the INA.

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Finally, on October 28, 2008, USCIS issued a reminder to Hondurans, Nicaraguans and Salvadorans, who are eligible for Temporary Protected Status (TPS) that they need to, file a TPS re-registration application before the end of the re-registration period; Dec. 1, 2008 for Hondurans and Nicaraguans, and Dec. 30, 2008 for Salvadorans. Earlier this summer the USCIS announced the 18-month extension of TPS for nationals of Honduras and Nicaragua effective through July 5, 2010, and through Sept. 9, 2010, for nationals of El Salvador. Only Hondurans, Nicaraguans, and Salvadorans who have received TPS previously must re-register for the 18-month extension. Failure to file a TPS re-registration application during the re-registration period without good cause will result in withdrawal of TPS benefits, including [employment authorization](#) and protection from removal from the US.

### **Other Developments in Immigration Law:**

#### *Obama Takes Early Leadership Role In Face Of Economic Crisis*

President-elect Barack Obama, in an unprecedented step, held a press conference well before he is inaugurated as President to explain that he would make the middle class his first priority when he assumes the presidency in January 2009. He was solemn in his remarks, stating that the United States is facing the "greatest economic challenge of our lifetime." Traditionally, president-elects do not host press conferences prior to their inauguration. However, Obama is being held to high standards in his expectations and is already receiving President George W. Bush's daily intelligence briefing. He attempted to temper these expectations, telling reporters that "the United States has only one government and one President, and until January 20th of next year, that government is the current

administration."

### Obama's Kenyan half-aunt, an illegal in Boston, to fight US Deportation Order

Barack Obama's aunt, a Kenyan woman who has been quietly living in public housing in Boston, is in the United States illegally after an immigration judge rejected her request for asylum four years ago, The Associated Press has learned. According to reports, the paternal aunt of President-elect, Barack Obama, is to fight a US Government move to deport her to her native Kenya. Zeituni Onyango, 56, referred to as "Aunti Zeituni" in Obama's memoir was first ordered to leave the United States in 2004 after her request for political asylum was rejected. Since then she has been living in a public housing estate in Boston from where she fled to Cleveland, Ohio. Just few days before the November 4 election, her immigration status and relationship to Mr. Obama were first revealed by the press.

### Fiscal Year 2009 Preparedness Grants

The Department of Homeland Security (DHS) will award more than \$3 billion in grants to states, urban areas and transportation authorities under 14 programs to bolster national preparedness capabilities and protect critical infrastructure in the Fiscal Year 2009. The DHS, fiscal Year 2009 grant programs provide \$24 million more than last year to enhance the nation's ability to prevent, protect against, respond to and recover from terrorist attacks, major disasters and other emergencies. This includes the department's two largest grant programs: the Homeland Security Grant Program (HSGP) which totals more than \$1.7 billion, and multiple infrastructure protection programs, totaling more than \$845 million. The Homeland Security Grant Program (HSGP) has come up with certain plans for the FY 2009 which focuses on six priorities, tailored to either states or urban areas.

### USCIS Designates November Veterans Appreciation Month

The USCIS has designated November as "Veterans Appreciation Month" to honor the sacrifices of all those who have served and continue to serve in the United States armed forces. A range of ceremonies and activities occurring throughout the month include [naturalization](#) ceremonies for members of the armed forces, educational seminars at military installations for service members and their families, and a comprehensive initiative to hire severely wounded or disabled military veterans. "As a veteran of our military, I know first-hand the sacrifices our nation's veterans make to secure our freedoms, said Acting Director Jonathan Scharfen. "Their selfless service and willingness to answer America's call to duty is a constant source of inspiration."

## Immigration Articles and Other Fun Stuff:

Now for the regulars – this month's **Immigration Article** unveils you whether it's your I-94 or your visa that determines your length of stay in US. People often get confused between the I-94 card and visa and eventually fall out of stay or land up as an illegal resident in the US. So keeping this view, our writers have designed this article exclusively and especially for you to help you understand the difference between the I-94 and visa. This article also explains you in detail the purpose of both the I-94 card and the visa. Also check out our **In Focus** section for this month which reveals you the Inspection Process followed at US Ports of Entry, specifying the things that you must know if you are entering the US for the first time.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that approximately 50% of the respondents believe that the spouse of a [Permanent Resident](#) cannot receive a [K-3](#) visa. 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 **Lionel N. Ahmad** 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 Lionel N. Ahmad gave the

correct answer and won a free online consultation to discuss his 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](mailto: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



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

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## LATEST NEWS

### [USCIS' achievements in the year 2008](#)

The USCIS has released the areas of the achievements it has made during the Fiscal Year 2008. The Fiscal Year 2008 marks the naturalization of more than one million citizens. More than one million naturalized citizens took the Oath of Allegiance, just one of the significant accomplishments introduced today by U.S. Citizenship and Immigration Services (USCIS). USCIS, acting Director Jonathan Scharfen highlighted the agency's progress throughout the past year and discussed future goals, saying the positive results are directly attributable to the USCIS workforce. Scharfen had set aggressive goals to reduce application processing times, cut the FBI name check backlog, and began a viable transformation process for the agency. USCIS moves into the Fiscal Year 2009 with a more aggressive agenda to improve its services to customers. USCIS has awarded the Transformation Solution Architect task order to IBM, a five-year investment to improve its filing and adjudication systems. During FY09, USCIS, goal is to achieve a 20 percent reduction in processing times for the majority of key petitions and applications, in spite of having to work through an unexpected surge of applications received during FY07.

### [US Naturalization Process for the Military Personnels](#)

The USCIS has streamlined the application and US Naturalization process for military personnel serving on active-duty or recently discharged. Members and certain veterans of the U.S. Armed Forces are eligible to apply for US Naturalization under special provisions of the Immigration and Nationality Act (INA). Generally, the qualifying service to apply for the US Naturalization is in one of the following branches: Army, Navy, Air Force, Marine Corps, Coast Guard, certain reserve components of the National Guard and the Selected Reserve of the Ready Reserve. Qualified members of the U.S. Armed Forces are exempt from other US naturalization requirements, including residency and physical presence in the United States. All aspects of the US naturalization process, including applications, interviews and ceremonies are available overseas to members of the U.S. Armed Forces. An individual who obtains US Naturalization through his or her military service and separates from the military under "other than honorable conditions" before completing five years of honorable service may have his or her US naturalization revoked.

### [U.S. Border Patrol Achieves Substantial Results in 2008](#)

The U.S. Border Patrol, a law enforcement component of Customs and Border Protection (CBP),

achieved substantial results during fiscal year 2008 toward securing our Nation's border between the ports of entry. Focusing on the right combination of personnel, technology, and infrastructure along with partnerships and special enforcement operations enabled positive results in preventing, deterring, or apprehending illicit cross-border traffic. Chief David V. Aguilar recognized the accomplishments of the Border Patrol. "Our men and women have made significant progress towards securing our Nation's borders. The hard work, dedication, and perseverance of our personnel are what will continue us on the path toward increased border security." An intense recruiting effort led by Border Patrol agents resulted in a current workforce of 17,499 Border Patrol agents. CBP plans to have 18,000 Border Patrol agents on-board by the end of calendar year 2008.

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## Inspection Process at US Ports of Entry – Things You Must Know!

If you are traveling to the United States for the first time you are likely to have questions about what happens when I arrive at the Port of Entry? A foreign national traveling to the United States will arrive initially at a US "Port of Entry" (POE). The POE can be an airport, a land border crossing, or a seaport. Passing through a Port of Entry generally means that you are seeking permission from an Immigration Inspector, an official of the US Customs and Border Protection (CBP) to enter the US, for a specific reason, purpose and duration, which are generally always predefined. All foreign nationals arriving at a US POE are inspected by officials of the US Government. They have to go through four different inspections which are discussed in detail in this article. To be true, these inspections would be very devastating. All you have to do is to be prepared for that. This article unveils you the things that happen at the US Ports of entry, what is the inspection process like, what you could be asked, how you can be prepared etc. The article describes you in detail the inspection process followed at all the three ports of entry i.e. airport, land and sea.

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IMMIGRATION ARTICLE XML

## I-94 or Visa: How Long Can I Stay?

There is an aphorism 'little knowledge is a dangerous thing', and its cent percent true. The lack of knowledge or misunderstanding about the role of a visa and the "I-94 card" has been a major factor for many foreign nationals that have fallen out of status in the United States. Very few foreign nationals are aware that their stay in the US is controlled by the I-94 card issued to them at the time of entry, and not by their visa. This lack of understanding has landed many foreign nationals in trouble. It is the I-94 card that says how long you can stay in the US, and in what status you were admitted. Thus it is for this reason that we have designed this article especially for you to help you understand the purpose of and the difference between the I-94 card and visa so that you can avoid yourself landing in trouble.

## PROCESSING TIMES

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[K1 visa - after wedding, can I travel?](#)

By AllySung

[Need info on re-entering US with advance parole](#)

By GreenCard Chick

[Diversity immigrant visa lottery](#)

By Luanjq

[Married foreign wife \(K1\), she abandoned me 3 months later....](#)

By Searcher

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## QUESTIONS AND ANSWERS

1. **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.**

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 to be disclosed to the USCIS.

### 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](#)

2. **I am a US citizen asking a question regarding my fiancée who is on a 2-year work visa here in the USA. We want to get married and reside in the USA. Is there any way we can do that if her employer cancels her work visa? If she must return to her home country, would it be to our advantage to get married in the USA before she left the country?**

If you and your fiancée get married she will be considered an "[immediate relative](#)" and can apply for her permanent residence without having to wait. If you are in the US when you marry you can submit the Petition for Alien Relative ([I-130](#)) and she can file for Adjustment of Status concurrently (since she is legally in the US and she is married to a US citizen she would NOT have to leave the US to get her green card). Once she has filed for adjustment of status she is considered to be maintaining a legal status in the US until the USCIS makes a decision on her application. Therefore, she will be in status even if she is no longer working for the US employer that petitioned for her. Moreover, as part of the adjustment package she can apply for work authorization that would allow her to work for any employer she wishes, i. e., she would no longer be tied to her current employer.

3. **I'm currently seeking the filing of my I-140 petition. My labor certification has been approved via my current employer. My current law firm doesn't want to apply for my I-140 due to the fact that I missed out on NSEERS/Special Registration since I wasn't aware of it. I need to know next steps or if it's safe to apply for my I-140 without fear of deportation. (I had previously filed for adjustment of status based on my marriage to a US citizen, however that application was withdrawn when I was divorced.)**

[I-140](#) is filed by the company, and whether or not you registered under NSEERS will not be a factor in the I-140 review process. At the I-140 stage the USCIS is only looking to see that the position qualifies for the visa category requested, and that you meet the minimum requirements listed in the labor certification.

The NSEERS registration will only become an issue at the [adjustment of status](#) or consular processing stage. Without having all the relevant facts in front of us it is hard to determine whether the NSEERS registration will prevent you from becoming a permanent resident.

The filing of the I-140 should not raise any additional issues for removal since your information is before the USCIS from your previous adjustment of status application. However, you may also have an issue with your current status if you did not change to a valid nonimmigrant status when you divorced and your previous adjustment application was withdrawn.

Before you proceed with your adjustment of status application we would recommend that you meet with a local immigration attorney that is familiar with removal issues to see if either the NSEERS or your current status will be a problem.

[More Q&A](#)

## SUCCESS STORIES

"To be fair, we contacted Visapro very late to obtain a [P1](#) visa. Thanks to the efforts of the dedicated staff at Visapro, we had the Approval Notification in our hands within three and a half weeks!

We thank you Visapro for your efficiency and willingness to go that extra mile for us when we were up against it."

Best wishes,

**Harj Virdee,**  
[Panic Cell](#)

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