

## FROM THE EDITOR'S DESK

*Hello and welcome to the November Immigration newsletter.*

Two months into the 2012 USCIS Fiscal Year and [H-1B numbers are rapidly being used up](#). As of November 14, 2011, USCIS announced that approximately 56,300 H-1Bs from the regular cap were used up - meaning less than 9,000 are left (the number could be even smaller considering that 6,800 are set aside for those from Chile and Singapore under the [H-1B1](#) program!). The master's cap already reached the 20,000 limit as of October 21, 2011. While experts and immigration professionals predicted that the cap would not close until late December or January, the recent and accelerated push in filings in the past few weeks means that the cap will most likely fill up in the next few weeks. Once the H-1B cap for FY 2012 is met, employers will have to wait until April 1, 2012 to be able to file again for a start date no earlier than **October 1, 2012!** If you were planning to file an H-1B petition for your employee but have not done it yet, then time is quickly running out. With Labor Conditions Applications (LCA) taking at least five business days for approval (not including the delays caused by FEIN verification issues), employers still planning to file [H-1B](#) cap cases for FY 2012 employment must act fast. [Contact VisaPro](#) immediately to make sure that you don't miss your filing before the cap is exhausted.

After much debate and feet dragging by USCIS regarding the unannounced move to send I-797 Approval Notices to the Petitioner/Applicant as opposed to the attorney-of-record, the Service informed stakeholders that it would return to its previous practice of sending the original I-797 notices to the attorney or accredited representative's address listed on the Form G-28. USCIS stated that it would take its computer systems at least six weeks to

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return to the former system. Immigration practitioners and Petitioners/Applicants welcome the move by USCIS and appreciate that they took stakeholder concerns regarding the new policy seriously.

Meanwhile, in a move showing that not all of Congress is “anti-immigration”, Senators Charles Schumer and Mike Lee have introduced a new immigration bill, the **Visa Improvements to Stimulate International Tourism to the United States of America Act or VISIT-USA Act**. Among other features promoting international tourism to the U.S., including a special provision for Canadian retirees who would like to spend more than 180 days in the U.S., the bill calls for the creation of a new ‘**Homeowner Visa**’ that would allow foreigners who spend at least \$500,000 on residential property in the US to obtain temporary residential visas. While the spouse and children under the age of 18 would be able to accompany the homeowner, the new visa will not allow these foreign national homeowners to work in the US. The proposed homeowner visa would be renewable every three years but would not put them on a path to citizenship or provide employment authorization. The Bill, if enacted, would definitely incentivize many foreign nationals to invest in US residential property. The bill’s sponsors as well as many experts and supporters believe that it will give the depressed real estate market and the economy a much needed boost. Some critics, however, feel that an initial dearth of foreign investment may artificially inflate real estate prices making it more difficult for Americans to buy property.

While the November 2011 Visa Bulletin brought some long awaited good news for [EB-2 Green Card](#) applicants from India and China with the most significant progression in EB-2 numbers for those countries since August, 2007, the December 2011 Visa Bulletin brought even more good news on the same front. EB-2 priority dates for India and China had significant movement to March 15, 2008, from November 1, 2007. While there is still a chance the priority dates for EB-2 India and China may stall or retrogress, many are hopeful that this progression will continue. [Contact VisaPro](#) immediately if you believe your priority date is now current and you need any assistance in filing for an [Adjustment of Status](#) application or for an Immigrant Visa.

### In some other immigration news:

1. USCIS has, in a communication to stakeholders, announced that petitioners can bundle multiple L-1B petitions related to the same project, where the location and the specialized knowledge duties of the beneficiaries are the same. USCIS will then consider

## YOUR OPINION

With the number of [H-1B](#) petitions being filed fast accelerating in the last few weeks, do you think the H-1B cap will be reached before Christmas?

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

[Cast Your Vote](#)

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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 November 2011.

*I am an Australian Citizen, currently in the US on an [O-1 visa](#), which is valid till June 2012. I recently got married to a US citizen in the US, and I have filed for Adjustment of Status. I have not yet received my Advance Parole travel document. However, some sudden emergencies have crept up which require me to travel to Australia. If I travel out of US while the Adjustment of Status, and Advance Parole applications are pending, will it cause me any problems when I return?*

[Submit Your Answer](#)

the bundled cases together. It will also consider petitions for L-1A managers included with the bundle if such persons will be managing the L-1B beneficiaries who will be working on the project. While petitions may be submitted as a bundle, each petition must still be individually supported by the required evidence and its own fees. While this initiative to allow bundled filings for L-1 petitions may be aimed at improving efficiency and consistent decisions, petitioners would be advised to consult with their immigration attorneys to understand if bundled filings would actually be advantageous in their specific circumstance or not.

2. The US Embassy in New Delhi has announced that beginning December 1, 2011, [L-1 Blanket Visa applicants in India must be processed through the US Consulate General in Chennai](#). This change, however, will not affect dependents of [L-1 visa](#) holders seeking an L-2 visa. They and individual L-1A and L-1B visa applicants may still be processed at any US Consulate in India. While this centralization affects the location of the visa processing of L-1 Blanket visas, it does not affect the overall law or policy for visa processing.
3. USCIS has announced the launch of an enhanced [Employment Authorization Document \(EAD\)](#) and a [redesigned Certificate of Citizenship \(Form N-560\)](#) with new features intended to strengthen security and deter fraud. USCIS began issuing the new EADs on October 25, 2011, and the redesigned certificates on October 30, 2011. It has also clarified that while the look and feel of the documents is new, the manner in which an applicant applies for and receives them will not change. USCIS will replace EADs already in circulation as individuals apply for renewal or replacement EADs. All previously issued EADs will remain valid until the expiration date printed on the card, and the previously issued Certificates of Citizenship remain valid indefinitely.

## Other Developments in Immigration Law

### **USCIS to issue Revised Form I-693**

USCIS has announced that from November 1, 2011, it will introduce a new, more user-friendly version of Form I-693 [Report of a Medical Examination and Vaccination Record], the form used to report results of medical examinations for those seeking certain immigration benefits. Civil surgeons completing medical examinations between November 1 and

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### **Winner of the Immigration Quiz - October 2011:**

Adarsh

#### **The Question:**

I am currently in the US on an [H-1B visa](#). I will be completing my 6th year on H-1B in January 2012. I plan on returning back to India, my home country, upon the expiration of my H-1B. I am confused about the 1 year restriction on coming to the US after being in the US on H-1B for 6 years. Can I come to the US on a visitor visa next year, or will I be barred from entering the US on any visa for 1 year?

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

December 31, 2011, should use the new form dated 10/11/11. USCIS will continue to accept the previous version dated 7/20/10, for examinations completed between November 1 and December 31, 2011. Beginning January 1, 2012, civil surgeons must use the new version of the form and if a medical examination completed on or after January 1, 2012, is reported using an outdated form, USCIS will reject the form.

### **TPS Extended for Nicaraguans**

DHS has announced extension of Temporary Protected Status ([TPS](#)) for eligible nationals of Nicaragua for an additional 18 months, beginning January 6, 2012, and ending July 5, 2013. Current Nicaraguan TPS beneficiaries seeking to extend their TPS status must re-register during the 60-day re-registration period that runs from November 4, 2011, through January 5, 2012. The 18-month extension also allows TPS re-registrants to apply for a new Employment Authorization Document ([EAD](#)). To re-register, current TPS beneficiaries must submit a Form I-821, Application for Temporary Protected Status and a Form I-765, Application for Employment Authorization, regardless of whether they are applying for an EAD.

### **Immigration Articles and Other Fun Stuff**

#### **Featured Video: 'Staffing or Consulting Companies: Do You Qualify for Filing the H1B Visa?'**

Check out our 'Featured Video' of the month '[Staffing or Consulting Companies: Do You Qualify for Filing the H1B Visa?](#)', which features a few practical tips on how to prepare a solid, well-documented case and increase the success of your H1B petitions. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

#### **In Focus: 'US Visa for Physical Therapist: Schedule A Green Card, H1B Visa and TN Visa'**

Also, remember to check out our **In Focus** article for this month titled '[US Visa for Physical Therapist: Schedule A Green Card, H1B Visa and TN Visa](#)' which presents a snapshot of the various US Green Card and visa options available to foreign national physical therapists, who want to come and work in the U.S.

#### **Your Opinion:**

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that an overwhelming majority of our respondents (**85.71%**) welcomed USCIS' decision to start sending original I-797 receipt and approval notices directly to applicants and

You will be able to come to US on a visitor visa next year there is no bearing on you [Ed. Note- You will be able to come to the US on a tourist visa, if you are otherwise qualified for a tourist visa. If you have completed 6 years physically present in the US in H-1B status, you will have to be physically present outside the US for a period of one year before you can come to the US again on H or L visas]. But in order for you to be able to get a fresh H1B visa after your six year period you will have to show min. 1 year of stay outside of United States. If you come to United States on any other visa you will be not able to count the amount of days you stay in United States towards that 1 year period. Also if you have visited or stayed outside United States during this 6 year H1 period for vacations or any other purpose you can count those days towards the 1 year restriction period. Hope it explains. [sic]

**Adarsh** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2011.

### **JOBS @ VisaPro**

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**Location:** Work from anywhere in the U.S. No need to relocate.

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petitioners. However, USCIS has since informed that it has decided to return to the previous practice of sending the original I-797 notices to the attorney or accredited representative's address listed on the Form G-28. We appreciate that people continue to take interest in the opinion question and cast their votes to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We congratulate **Adarsh** for winning last month's Immigration Quiz. We received a significant number of responses from our readers, but **Adarsh** 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](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*

▶ [Immigration Paralegal](#)

### NEW TO **VisaPro?**

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#), other work visas or green cards? VisaPro has answers to commonly asked immigration questions. [Click here](#) to know more.

## FEATURED VIDEO

**Staffing or Consulting Companies: Do You Qualify for Filing the H1B Visa?**



With the additional scrutiny H1B petitions are receiving, consulting and staffing companies must be very careful in the preparation of H-1B petitions. Learn how to prepare a solid well documented case and increase the success of H1B petitions.

[More Videos...](#)

## LATEST NEWS [XML](#)

### [Mumbai Consulate moving to a new facility in BKC](#)

The US Consulate in Mumbai is moving this month from Lincoln House in Breach Candy to a new facility in the Bandra Kurla Complex (BKC). The new consulate compound will house all United States Government offices in Mumbai, including the Department of State, the Foreign Commercial Service, the U.S. Food and Drug Administration and the Foreign Agricultural Service, along with the Consul General's residence. The Consulate at Lincoln House will be closed from November 15 through November 20 and will reopen on November 21 at the new BKC location. As a result, visa services will not be available between November 15 and November 21, 2011.

### [H-2B Cap Count Update](#)

USCIS has updated the count of [H-2B visa](#) petitions received and counted towards the H-2B cap for the first half of fiscal year 2012 employment. As of November 14, 2011, USCIS has received approximately 8,520, and approved approximately, 7,641 H2B cap-subject petitions against the cap amount of 33,000.

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## US Visa for Physical Therapist: Schedule A Green Card, H1B Visa and TN Visa

Physical Therapists, who want to come and work in the US, have a variety of US visa options to choose from – Schedule A Green Card, TN Visa, H1B Visa. Each US Physical Therapist Visa option has its own advantages and set of eligibility conditions. In this article, we present the relative advantages of these Physical Therapist Visa options, to help foreign national physical therapists and their employer make an informed judgment while choosing a visa option to best match their situation.

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## QUESTIONS AND ANSWERS

**Q1.** Hi, my tourist visa has been rejected twice. Can I get a fiancé visa as I am planning to marry an American Citizen. Thanks.

**Ans.** The qualification and eligibility requirements for a visitor visa and [fiancé\(e\) visa](#) are vastly different. Therefore, a prior rejection of tourist visa, even multiple times, in and of itself should not generally have any adverse impact on an application for a fiancé(e) visa. However, with any type of visa rejection, there may be a specific reason for rejection that may affect future visa applications. We would need to understand the actual grounds for rejection of your tourist visa application before we can you give you an opinion specific to your case.

**GOT A QUESTION?**

**Q2. Hi, my USA visa is expired and my I-94 is valid till July 2013, and I-729 is also valid till July 2013. Considering this, is it possible to stamp my visa till 2013 July? Please guide. [sic]**

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](#)

**Ans.** Although we are not sure what type of visa you have, generally, you can remain in the U.S. as long as the I-94 card is valid and you are otherwise maintaining your status. You will need to apply for and obtain a visa the next time you travel. The visa validity dates will usually match the I-797 with only a few exceptions.

**Q3. I am in India. I am trying for [L1 visa](#). I have heard that L1 visa is stopped in Hyderabad due to some circumstances. Can I know by when L1 visa dates can we get and start?**

**Ans.** Only Blanket L-1 petitions have been centralized at the U.S. Consulate in Chennai. All other types of L-1 applications can continue to be filed in Hyderabad or at any other U.S. Consulate in India.

[More Q&A](#)

## SUCCESS STORIES

*"I just wanted to let you know that I received excellent service from VisaPro for my [reentry permit](#) application. The entire process was completely hassle free and at every state I felt very safe and secure that my application was in good hands. I'd definitely contact VisaPro again for any USA immigration issues."*

*We wish you all the best.*

*Thanks again,*

**Gayathri**  
United States

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