

FROM THE EDITOR'S DESK

Hello and welcome to the November 2012 Immigration Newsletter!

Not a lot of changes in the political arena since our last newsletter, right?! At the end of what many experts predicted would be the closest and one of most hotly contested races that we have witnessed in the recent past, President Obama was voted back into office with a comfortable majority. Most importantly, based on surveys, voter turnout and exit polls, minority voters, many who are 2nd and 3rd generation Americans, contributed significantly to President Obama's win. We wish him and his administration the very best. We also hope that the President and Congress heard the voters loud and clear that immigration reform is important and cannot be placed on the back burner any longer.

In some welcome news for [H-1B](#), [F-1](#) and individual [L-1](#) visa applicants from India, the U.S. Mission in India, has announced the expansion of the Interview Waiver Program. Under the expanded program, eligible visa applicants who have had an H1-B visa, an individual L-1A or L-1B visa, and students returning to the attend the same school and program may have the visa interview requirement waived. The program will also include children who are less than 14 years old. This development would substantially benefit H-1B and L-1 visa applicants and it is hoped that we would see more visa categories being added to the list in the future. Note, however, that the decision to grant a waiver of the interview is still discretionary. Applicants who otherwise meet all the qualifications for the Interview Waiver Program may still be asked to attend an in-person interview. Moreover, applicants whose interviews are waived may still be required to appear for biometrics and must complete the DS-160 and pay all applicable fees.

The Department of State closed the registration for the

IN THIS ISSUE

- [Latest News](#)
- [In Focus](#)
- [Processing Times](#)
- [Discussion Corner](#)
- [Questions and Answers](#)
- [Success Stories](#)

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Diversity Visa Program 2014 (DV 2014) on Saturday, November 3, 2012 at 12:00 noon, Eastern Daylight Time (EDT). It is expected that DV-2014 entrants will be able to check the status of their entries as of May 1, 2013 through Entrant Status Check (ESC) on the E-DV website. Please remember that the DOS **DOES NOT NOTIFY ENTRANTS VIA EMAIL, PHONE or MAIL**. The Entrant Status Check is the ONLY method the DOS uses to inform applicants that they have been selected.

November also saw USCIS expanding the services offered under the e-Request system, a web-based tool that allows customers to inquire about applications and petitions submitted to USCIS. Among other uses, applicants can now use the e-Request system, to inquire about the status of their application or petition if it is outside of the normal processing time or to notify USCIS about an administrative error in a notice or document sent by the service.

EXCLUSIVE PREVIEW

VisaPro Team travels the world educating foreign companies and entrepreneurs about doing business in the U.S.

We are happy to share with you that our next stop is India. VisaPro Team is presenting an inspiring full-day workshop [Doing Business in the U.S. - Successful Market Entry, Incorporation, Immigration and Tax Strategies](#) at 6 major cities in India [New Delhi, Mumbai, Pune, Hyderabad, Bangalore and Chennai]. Our experts and attorneys share their knowledge about doing business in the United States - the legal requirements, challenges and opportunities, failures and successes, plus insights and practical advice about building lasting businesses. Key topics in the workshop include:

- Incorporation, Banking and Sales Strategies
- Successfully Preparing & Filing [B-1](#), [H-1B](#), [L-1](#), [O-1](#) and Green Cards
- Employment and Immigration Compliance
- Global Mobility and Staffing Challenges
- How to Avoid Costly Mistakes and Receive More Immigration Approvals

[Reserve](#) your place in this popular Workshop today. Seating at this highly interactive Workshop is limited.

Other Developments in Immigration Law:

[December 2012 Visa Bulletin: EB-2 Priority Dates](#)

YOUR OPINION

Do you welcome U.S. Mission in India's decision to expand the Interview Waiver Program to certain qualified [H-1B](#) and [L-1](#) visa applicants?

- Yes
- No
- Not Sure

[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 2012.

I am a Colombian Citizen and I married a U.S. Citizen 4 years ago in Colombia. I came to the U.S. on a [K-3](#) visa 3 months ago and I have just filed for my [Adjustment of Status](#). I want to know if I will be issued a 2 year Conditional Green Card or a regular Green Card.

[Submit Your Answer](#)

[remain current for all countries other than India and China](#)

In the recently published U.S. Department of State Visa Bulletin for December 2012, the [EB-2](#) priority dates remained current in respect to all countries other than India and mainland China. The EB-2 priority date for India remained at 09/01/04, and advanced from 09/01/07 to 10/22/07 in respect to mainland China. Meanwhile, the [EB-1](#), [EB-4](#) and [EB-5](#) numbers continue to remain current for all countries, even as marginal advancement was seen in [EB-3](#) priority dates. The DOS has indicated that EB-5 numbers for mainland China may need to be retrogressed for the first time during the current fiscal year if demand continues.

[USCIS Publishes New Edition of Form I-140, Immigrant Petition for Alien Worker](#)

USCIS has announced that the new edition of Form [I-140](#), Immigrant Petition for Alien Worker, is now available on its website. USCIS has further informed stakeholders and users that editions dated January 06, 2010, and later will be accepted only until December 30, 2012. After December 30 2012, only the October 1, 2012 edition will be accepted.

[Immigration Articles and Other Fun Stuff](#)

Our '**Featured Video**' for this month titled, "[TN- Mexico: NAFTA Visas for Mexican Professional Workers](#)"

explains how the TN visa for Mexican nationals is a very good alternative to H-1B visa and how Mexican professionals can enter the U.S. with greater ease. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Also check out our **In Focus** article for this month titled "[The P-1 Visa for Internationally Recognized Athletes: An Overview](#)" in which we present an overview of the [P-1](#) visa for athletes, including the basic requirements to be satisfied, application process, and key features of the P-1A visa.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that a majority of respondents (**62.50%**) welcome the new visa processing system introduced by Mission India. We continue to appreciate that people 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

Immigration
Question?

Consult Our
Experienced
Attorneys



Click Here

Winner of the Immigration Quiz - October 2012:

Cynthia

The Question:

I am a Citizen of Spain and currently reside there. I have an [H-1B](#) visa from a previous employer that is still valid. I now have a job offer from a US company in the US. Can I travel to the US on my earlier H-1B visa?

The Winning Response:

Yes, you can, provided the new employer has filed for and obtained a new H-1B petition for you. If your old H-1B visa is still valid, you may travel on that. But you must have a copy of the new H-1B petition and all documentation ready with you to show to the Officer at Airport and establish how you qualify for H-1B.

Cynthia receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2012.

express **Your Opinion.**



We also congratulate **Cynthia** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Cynthia** 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



VisaPro Attorney
Mr. Thomas Joy at
NOVA SHRM Seminar



VisaPro Team at
NOVA SHRM Seminar



NOVA SHRM
Seminar Attendees

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JOBs @ VisaPro

- **Full-Time**
- **Part-Time**
- **Semi-Retired**

Job Type: W-2 or 1099

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

- ▶ [Immigration Attorney](#)
- ▶ [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 find out more.

FEATURED VIDEO

TN Mexico: NAFTA Visas for Mexican Professional Workers



TN Mexico work visa is a very good alternative to H-1B visa for Mexican nationals, avoiding the H1B cap issues. Learn more about the qualifications for TN NAFTA visa, and how Mexican professionals can enter the US with greater ease.

[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 1st half of fiscal year 2013 employment. As of November 23, 2012, USCIS has approved approximately 9,759 H2B beneficiaries for the 1st half of FY 2013.

[ICE Fines 17 Massachusetts Employers for Violations Following I-9 Audits](#)

In a recent press release, ICE announced that 17 Massachusetts employers were fined a total of \$349,619.54 in FY 2012 for various employment violations, following an investigation and audit of Form I-9 documents by ICE's Homeland Security Investigations (HSI). It further reported that during FY 2012, HSI conducted 35 inspections of employers' I-9 documents in Massachusetts. Ensuring I-9 Compliance is a key responsibility of U.S. employers and under the law, employers are required to complete and retain a Form I-9 for each individual they hire in the U.S.

The P-1B Visa for Internationally Recognized Athletes: An Overview

Internationally recognized athletes and athletic teams, coming to the U.S. temporarily to perform at a specific athletic competition, at an internationally recognized level of performance are eligible to seek the P-1A visa for Internationally Recognized Athletes. Further, foreign nationals who are an integral part of the performance of a P-1 athlete or athletic team and who perform support services which cannot be readily performed by a U.S. worker are also eligible to seek a P-1 visa as Essential Support Personnel. For the benefit of our readers, we present in this article an introduction to the P1A visa for internationally recognized athletes and athletic groups, along with an overview of the key P1A visa requirements and process for athletes and athletic groups, along with a few important features of the P-1A visa.

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H-1B VISA (Persons in Speciality Occupation)

Quick, Easy, Economical. **Online Processing.**

VisaPro

Apply Now!

QUESTIONS AND ANSWERS

Q1. Hi, I am a U.S. Citizen and my fiancée is from Turkey. We both have our jobs in U.S. and Turkey respectively and we are not looking to relocate from our countries for the next 4 years. We are planning on getting married coming January. Can I apply for a Green Card for her so that she can visit me in the U.S. whenever needed without having to apply for a B-2 visa?

Ans. A Green Card or Permanent Resident status in the U.S. means that your permanent residence is in the U.S. It doesn't mean you can live and work in Turkey and visit the U.S. once in a while. It means you are permanently residing in the U.S., where you live and work. It takes about a year to complete the immigration process but once your fiancée immigrates to the U.S. and obtains the Green Card, she must to come to the U.S. and live here. Hence it is generally not advisable to start your fiancée's Green Card process until she is ready to actually live permanently in the U.S. You should consult with an Immigration Attorney to review your situation and understand what the most suitable option is, in your circumstances.

Q2. Hi I am Citizen of UK. I hold a British passport but I have been living and doing business in the Dubai for the past 30 years. I do not have any ties to the UK now. I want to open a business in the US by investing nearly \$200,000/-. Will an E-2 visa be suitable for me to come to the U.S. to manage the business?

Ans. An E-2 Treaty Investor visa is available to nationals of a country with which the U.S. maintains a treaty of friendship, commerce and navigation and who wish to come to the U.S. to develop and direct the operations of an enterprise in which he or she has invested or is in the process of investing a substantial amount of capital. In respect to citizens of U.K., there is an additional requirement that the applicant must reside in the British Isles in order to be eligible for an E-2 visa. From the information provided by you, it would appear that you are not residing actually and permanently in the British Isles, or have your domicile there. Hence, in order to be eligible to seek an E-2 visa, you must first establish your domicile in the British Isles. You should therefore consult with an Immigration Attorney to review your situation and guide you appropriately under the circumstances of your case.

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](#)

[More Q&A](#)

SUCCESS STORIES

"I have had the pleasure of working with the staff at VisaPro. Their knowledge, professionalism and overall pleasantness made my job much easier. They assisted me every step of the way in applying for an [H1B](#) Visa, I could not imagine getting through this process without them. I would highly recommend VisaPro to anyone applying for a Visa. I would most definitely use VisaPro again."

Thank you VisaPro.

Beverly Brawer,
United States Luggage Company LLC

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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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