

## FROM THE EDITOR'S DESK

*Hello and welcome to the November 2013 Immigration Newsletter!*

***Happy Thanksgiving!!***

*At this time of Thanksgiving celebration, allow us to express our sincere appreciation for your continuing support and loyalty. We wish to extend to all readers, our best wishes for a happy Thanksgiving Day!*

It has been nearly 4 months since the U.S. Senate passed the historic Comprehensive Immigration Reform Bill- S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. Unfortunately, there hasn't been any appreciable progress in the matter since in the House of Representatives. The Republicans in the House of Representatives, while stating that they will not allow S.744 to come to vote, have been working on a piece-meal approach to immigration reform. However, none of the bills sent to the House Judiciary Committee have been called up for a vote. We, like others, hope that the House Representatives will be able to arrive at a consensus with their Senate counterparts and push forward on immigration reform.

After a brief respite, the EB-2 priority dates for India have significantly retrogressed again from 06/15/08 to 11/15/04 in the recently published DOS Visa Bulletin for December 2013. EB-3 dates retrogressed by about 3 weeks for India as well. Significantly, the EB-3 priority dates advanced by a full year, from 10/01/10 to 10/01/11, for all other countries, including China and excepting the Philippines. In fact, as has been the case since June 2013, China's EB-3 priority dates are better than the EB-2 priority dates.

In consular news, the E Treaty Visa Office of the London

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Embassy has announced that it will be closed on December 23, 2013 through January 6, 2014. Normal services will resume for E visa applications on January 6, 2014. Hence, E visa applicants have been advised to keep this mind while planning to file their visa applications at the U.S. Embassy, London. Applicants at other embassies are reminded that there may be slowdowns at most embassies during the holiday season because of generally reduced staffing during this time of the year.

In other DOS related news, the DOS has issued a final rule adding the T-6 visa classification. The T-6 visa is available for the eligible family members (parent, unmarried sibling under age 18, adult or minor children) of a derivative beneficiary of a T-1 principal alien.

USCIS announced that it was experiencing a high rejection rate for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, due to the submission of outdated versions of the form by the applicants. USCIS has reminded all applicants that the revised Form I-821D, dated June 25, 2013, is available for use and is the only version that is being currently accepted. USCIS has also reminded applicants and stakeholders that revised versions of Form I-526, Immigrant Petition by Alien Entrepreneur, and Form I-824, Application for Action on an Approved Application or Petition, are now available for use and USCIS will accept their previous editions only until December 16, 2013 and December 23, 2013 respectively. After December 16 and December 23, USCIS will accept only the revised 09/24/13 and 09/30/13 editions, respectively.

## Other Developments in Immigration Law:

### [USCIS Announces Security Enhancement to E-Verify](#)

USCIS has announced a security enhancement to the E-Verify program that will enable USCIS to lock a SSN that appears to have been misused, protecting it from further potential misuse in E-Verify. If an employee attempts to use a locked SSN, E-Verify will generate a "Tentative Nonconfirmation" (TNC). The employee receiving the TNC may contest the finding at a local Social Security Administration field office, and if an SSA field officer confirms that the employee's identity correctly matches the SSN, the TNC will be converted to "Employment Authorized" status in E-Verify.

### [Infosys Pays Record \\$34 million to Settle Allegations of Systemic Visa Fraud and Abuse of Immigration Processes](#)

## YOUR OPINION

**With priority dates advancing by a year in the [EB-3](#) category for most countries in the December visa bulletin, do you think the EB-3 category will witness significant retrogression in the near future?**

- a. Yes
- b. No
- c. 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 2013.

**I am filing a [K-1](#) petition for my fiancé. He has a 6 year old daughter who will be accompanying him to the US. Do I need to file a separate petition for her, too?**

[Submit Your Answer](#)

The U.S. Justice Department has announced that Infosys Corporation has agreed to a civil settlement of allegations of systemic visa fraud and abuse of immigration processes. The settlement agreement requires Infosys to make a payment to the United States of \$34 million, said to be the largest payment ever levied in an immigration case. The allegations against Infosys included that it knowingly and unlawfully used [B-1](#) visa holders to perform skilled labor in order to fill positions in the United States for employment that would otherwise be performed by United States citizens or require legitimate H-1B visa holders. Under the settlement, however, Infosys has admitted to no wrongdoing.

### Immigration Articles and Other Fun Stuff:

Our 'Featured Video' for this month is "[Form I-751, Petition to Remove the Conditions on Residence](#)" in which we explain the process for Removal of Conditional Residence Status and what steps you should take while filing the Form I-751 during the 90-day period before the second anniversary of the date you obtained your conditional green card. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Check out our 'In Focus' article for this month titled "[H-1B Vs L-1: Which One is Best?](#)" in which we discuss the 15 key differences between the [H-1B](#) and [L-1](#) visa categories and how to identify the right visa category to suit an employer's intended purpose.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**75%**) think that Obama Administration and immigration reform supporters in Congress will now step up efforts to have an Immigration Reform Bill passed by the House. 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 express **Your Opinion**.

We also congratulate [Anand Sharma](#) for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, [Anand Sharma](#) 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!!!



Immigration  
Question?

Consult Our  
Experienced  
Attorneys

Click Here



### Winner of the Immigration Quiz - October 2013:

Anand Sharma

#### The Question:

I have recently come to the US on a [K-3](#) visa. I am not in a position to file for my Adjustment of Status immediately because of our financial situation. Meanwhile, can I study in the US on a K-3?

#### The Winning Response:

Yes, you may study in the U. S. on K-3 while waiting for your Green Card.

[Anand Sharma](#) receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of December 2013.

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



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## JOB @ 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](#)

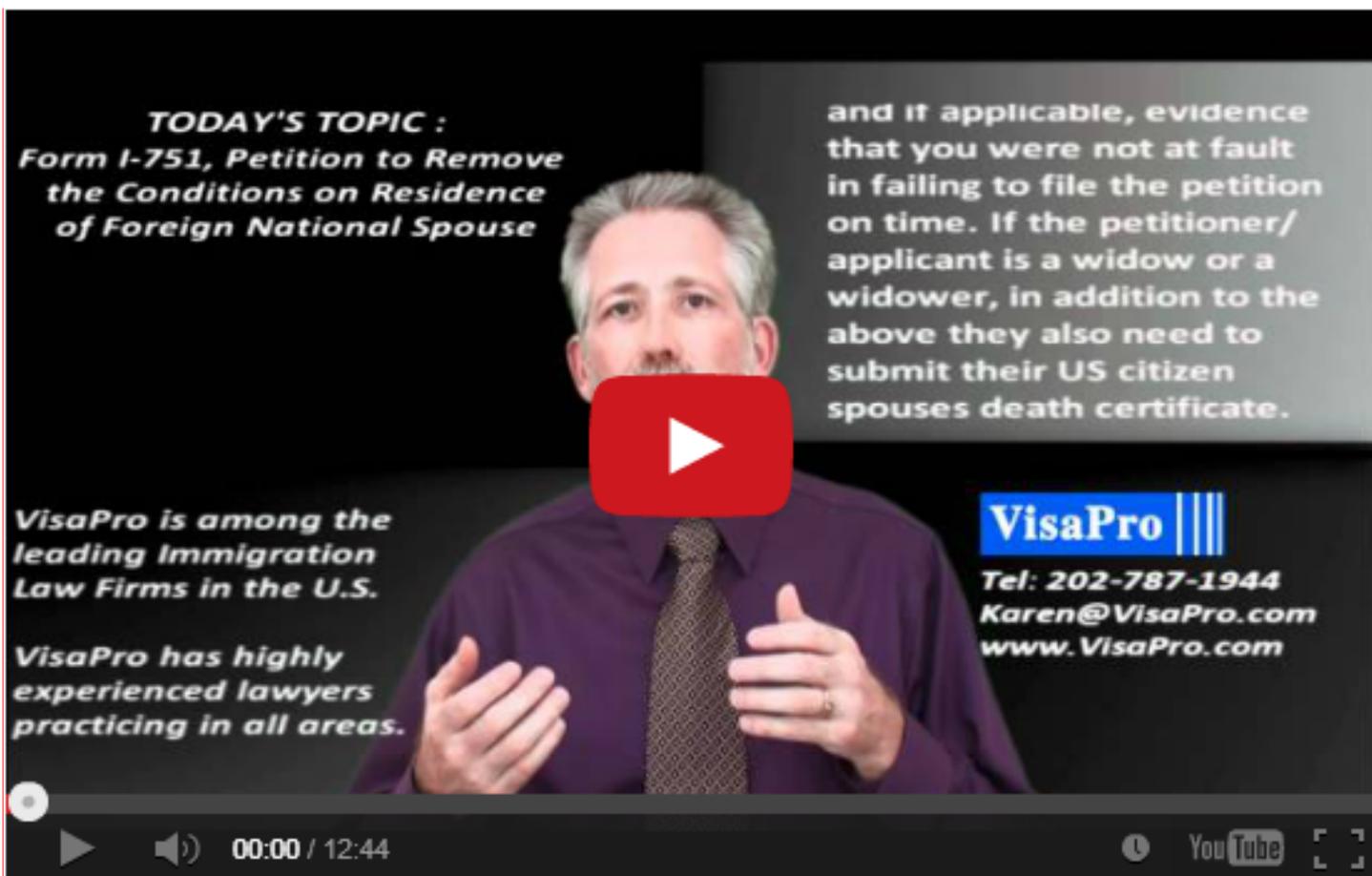
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## NEW TO VisaPro?

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#) or other work visas or Green Cards? VisaPro has answers to many of the most commonly asked immigration questions. [Click here](#) to find out more.

## FEATURED VIDEO

**Form I-751, Petition to Remove the Conditions on Residence**



During the 90 days before the second anniversary of the date you obtained conditional green card you and your spouse must file Form I751, Petition to Remove the Conditions on Residence with the USCIS. Learn the process for Removal of Conditional Residence Status either when the marriage is still ongoing or when the marriage was terminated.

[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 fiscal year 2014 employment. As of November 15, 2013, USCIS has approved approximately 8,028 beneficiaries for the 1st half of FY 2014.

### [TPS Extension for Somalia](#)

Temporary Protected Status ([TPS](#)) for eligible nationals of Somalia has been extended for an additional 18 months, effective March 18, 2014, through September 17, 2015. Current Somali beneficiaries seeking to extend their TPS status must re-register during a 60-day period that runs from November 1, 2013, through December 31, 2013. To re-register, current TPS beneficiaries must submit Form I-821, Application for Temporary Protected Status. Re-registrants do not need to pay the Form I-821 application fee, but they must submit the

biometric fee, or a fee-waiver request, if they are age 14 or older. All TPS re-registrants must also submit Form I-765, Application for Employment Authorization

IN FOCUS

XML

## H-1B Vs L-1: Which One is Best?

The H-1B and L-1 visa categories are popular options for many types of professionals coming to the U.S. to work. While both are nonimmigrant work visa categories, their features and requirements vastly differ. Therefore, a comprehensive review of circumstances and situations of the parties involved is essential in determining an appropriate visa option from among the H-1B and L-1. Learn more about the 15 essential differences between the H-1B and L-1 visa categories and how to choose the right one that suits your intended purpose.

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## QUESTIONS AND ANSWERS

**Q1. I am a national of Sudan. I want to get [L-1](#) visa [sic] for \$10,000.00 investment. What is the process?**

**Ans.** The L-1 is an intracompany transferee visa that allows an employee of a foreign company to be transferred to the U.S. to work as a manager, executive or specialized knowledge employee in a related company in the U.S. In order to be eligible for an L-1 visa, there must be a related company outside the U.S. and you must have worked in that company for at least 1 year in the past 3 years. The information you have provided is not sufficient to make an assessment of whether all the requirements prescribed for an L-1 are satisfied in your case. You may consult an immigration attorney to review your situation and determine whether or not an L-1 visa would be appropriate in your situation.

### 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](#)

**Q2. I am a television producer from Germany with numerous European and international credits. An independent production company is offering to hire me as a producer for them in the US. Can you let me know what visa might be suitable for me?**

**Ans.** Based on the information provided by you, it would appear that the [O-1](#) visa category could possibly apply to you. The standard that one needs to meet to get an O-1 visa for artists and entertainers in the motion picture or television industry is what is called Extraordinary Achievement. Extraordinary achievement means a very high level of accomplishment in the motion picture, television industry. It must be evidenced by a degree of skill and recognition significantly above that ordinarily encountered. You must be recognized as outstanding, notable or leading in the motion picture or television field. It is a relatively high standard. Please consult an immigration attorney to discuss your achievements and analyze if they would be adequate to establish your eligibility for an O-1 visa.

[More Q&A](#)

## SUCCESS STORIES

*"I would like to express our thanks to the Visapro team for guiding us through this complicated process and making it seem remarkably easy. [VisaPro legal team] was incredibly knowledgeable and extremely helpful throughout the process. We were exceptionally impressed with how they have combined the great personal and communication skills they bring and also technology with a highly intuitive website which guides you and keeps you updated throughout the process. Visapro were successful in getting approval for an [H1b Visa](#) for us and our beneficiary in a particularly difficult year with thousands more applications than visas being issued. We have used previous immigration lawyers in the past and the difference was dramatic with Visapro, they have an exceptional knowledge of the USCIS system and made for a smooth and successful process*

*This is a true testimonial, I would highly recommend Visapro to anyone looking for guidance and success in this area."*

*Thankyou and Regards*

**Paul Lyons**, President and CEO  
Atlas Intelligence Inc

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