



## FROM THE EDITOR'S DESK

The past month saw everyone in our office working day and night, sometimes even over the weekends. The release of October Visa Bulletin came in with the expected news of a tough time for employment-based (EB) immigrant visa petitions. So we had to work especially hard to prepare and file the I-140 and I-485 cases for our clients in order to meet the September 30 deadline. Our Attorneys and staff were all quite relieved when the final case was filed.

Apart from the case filings, we also conducted a record number of **227** consultations through our [Consult Attorney](#) service in the last two months. This service is one of our efforts to provide inexpensive and affordable consultations to our users – both online and by telephone. We feel proud when we are able to help our clients through the difficult and, very often, tiring immigration process. One such instance is shared with you in our [Success Stories](#) section.

On my part, I was also busy with the continuous flow of emails received from you. Believe me, we go through each and every email that we receive from our friends, and it feels so encouraging when you participate in our continuous efforts to enhance the design, features and content of your **Immigration Monitor**. A few of our friends suggested that we carry some information on the Green Card Lottery. So we decided to devote our **In Focus** section this time to the DV Lottery process.

**Immigration Quiz** is getting more and more difficult to judge. The winner this time is – [Sonja Lueg](#). Congratulations for winning a **FREE online consultation!** Over 95% of the friends who participated in **Your Opinion**, our monthly poll, are of the view that spouses on H-4 visas should be allowed to work in the US. I hope our Congressmen and Senators will take this into consideration.

The [Industry Perspective](#) section covers the increase in activity during the past few weeks for employment-based visas, and discusses the effect of this development on employers.

Since most of the newsletter this month focuses on green cards, we thought it would be a good idea to explain the EB-5 category also. This month's **Immigration Article** is [Buying a Green Card: EB-5 Investor Visa](#).

I hope you enjoy this issue of **Immigration Monitor**. [Do let me know](#) if you would like to see a specific topic covered in future editions. And hey, do you know that you can share this newsletter with your friends or with other people who might be interested in our informative content? Click on [Email to a Friend](#) and we will send the **Immigration Monitor** to them on your behalf.

See you next time with more from the immigration front.

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## YOUR OPINION

Do foreign citizens on work visas take jobs away from Americans?

- a. Yes
- b. No

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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

## LATEST NEWS

### [USCIS Filing Fees to increase from October 26](#)

U.S. Citizenship and Immigration Services (USCIS) has announced that it will increase the fees for immigration benefit applications and petitions to account for cost increases due to inflation. The average fee increase is \$10, but the amount varies from \$5-\$20 relative to the amount of the application/petition fee.

### [2007 Green Card Lottery registration begins](#)

The U.S. Department of State has announced that registration for the 2007 Diversity Visa (DV) Lottery will begin at noon on October 5, 2005.

### [House Judiciary Committee votes to increase L-1 fees by \\$1,500](#)

The House Committee on the Judiciary approved by a vote of 20-6, H.R. 3648, a bill introduced by Chairman James Sensenbrenner (R-WI), that proposes to impose an additional \$1,500 fee on L-1 applications.

### [Cap exempt H-1B visas still available](#)

As per the latest update over 7000 visas are still available, both for Fiscal year 2005 and 2006. Sufficient numbers are available for FY 2005, but the usage of the visas for FY 2006 seems to be heavy.

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## IN FOCUS

### **Green Card Lottery: Your ticket to the United States**

The [Green Card Lottery](#) (also known as Diversity Visa Lottery) Program was introduced in the year 1990 to promote diversity in the United States by giving citizens of other countries to obtain United States permanent resident visas or green cards. All entries must be submitted electronically during the registration period. (For DV-2007 the registration period is between Wednesday, October 5, 2005 and Sunday, December 4, 2005).

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## INDUSTRY PERSPECTIVE

### **Visa Number Retrogression: Tough times continue for US employers**

*I am a green card holder planning to go to France for 2 years to work for my company. Can I retain my permanent resident status and reenter US after 2 years?*

[Submit Your Answer](#)



### **Winner of the Immigration Quiz - September 2005:**

Sonja Lueg

#### **The Question:**

*I am a US citizen and got married in Russia last month. I have applied for a K-3 visa for my spouse who already has a tourist visa. Can my spouse visit me in the US using her tourist visa while the K-3 petition is pending?*

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

Although there is no law against entering the US with a Tourist Visa while the K3 is pending, the US officials always have to assume "intentions to stay". It depends on the officer and his personal judgement if the tourist visa holder passes or not. The officer has the right to deny entry and USCIS may pass out a 2-5yr ban to enter the US, if they are not convinced, that the purpose of the trip was just a visit.

Sonja Lueg receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of October 2005.

In September 2005, the U.S. Department of State (DOS) released the [Visa Bulletin](#) for the month of October 2005 which reflects widespread 'retrogression' in most of the employment-based (EB) immigrant visa categories, affecting individuals from China and India in particular. It is essential to understand the concept of 'visa number' and 'retrogression', as they have a huge impact on the employment based green card process and long-term immigration strategy.

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## IMMIGRATION ARTICLE

### [Buying a Green Card: EB-5 Investor Visa](#)

Congress created the fifth employment-based preference (EB-5) immigrant visa category in 1990 for immigrants seeking to enter to engage in a commercial enterprise that will benefit the U.S. economy and create at least 10 full-time jobs. The basic amount required to invest is \$1 million, although that amount may be \$500,000 if the investment is made in a 'targeted employment area.' Of the approximately 10,000 numbers available for this preference each year, 3,000 are reserved for entrepreneurs who invest in targeted employment areas.

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## PROCESSING TIMES

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)



## IMMIGRATION GLOSSARY

### **Labor Certification**

Requirement for US employers seeking to employ certain persons whose immigration to the United States is based on job skills or nonimmigrant temporary workers coming to perform services for which qualified authorized workers are unavailable in the United States.

[Labor certification](#) is issued by the Secretary of Labor and contains attestations by US employers as to the numbers of US workers available to undertake the employment sought by an applicant, and the effect of the alien's employment on the wages and working conditions of US workers similarly employed. Determination of labor availability in the United States is made at the time of a visa application and at the location where the applicant wishes to work.

### **I-140**

Immigrant Petition for Alien Worker. This form is to petition for an alien worker to become a [permanent resident](#) in the United States. This form is filed on behalf of an alien, and not by the alien.

### **Employment Authorization Document (EAD)**

[Employment Authorization Document](#) (EAD) proves that a person is allowed to work in the United States.

U.S. employers must check to make sure all employees, regardless of citizenship or national origin, are allowed to work in the United States. Individuals who are not citizens or

lawful permanent residents, may need to apply for an Employment Authorization Document (EAD) to prove that they may work in the United States.

[More Terms](#)

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## DISCUSSION CORNER

[Help on how long I need to wait for the interview](#)

By netgend (Junior Member)

[Applying for H1B under Masters Quota of 20K](#)

By friendlyguy (Junior Member)

[GC arrived today](#)

By tish8usa (Senior Member)

[More Discussions](#)

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## IMMIGRATION FAQ

### 1. What is Adjustment of Status?

Adjustment of Status is a procedure allowing certain foreign nationals already in the U.S. to apply for immigrant status. Foreign nationals admitted to the U.S. in a nonimmigrant, [refugee](#), or [parolee](#) category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available.

**Note:** *In such cases, the foreign national is counted as an immigrant as of the date of adjustment, even though the alien may have been in the United States for an extended period of time.*

### 2. How do I apply for Adjustment of Status in the U.S.?

To adjust your status in the U.S., you must submit:

- [Form I-485](#), Application to Register Permanent Residence or Adjust Status, along with [Supplement A to Form I-485](#)

**Note:** *Please read the introductory page to the Form I-485 carefully for complete details. These details are different depending on the visa qualifications that you have. The introductory page will also tell you where to file your application for Adjustment of Status. After you submit your application materials, you will be asked to go to a United States Citizenship and Immigration Services (USCIS) office to answer questions about your applications.*

### 3. Will I get a Work Permit after applying for Adjustment of Status?

Yes, if you are inside the U.S. and have filed Form I-485, Application to Register Permanent Residence or Adjust Status, you are eligible to apply for a Work Permit while your case is pending. You should use [Form I-765](#), Application for Employment Authorization to apply for a work permit.

**Note:** *You do not need to apply for a [Work Permit](#) once you are granted an immigrant visa or adjust to permanent resident status. As a legal permanent resident, you should receive a permanent resident card that will provide evidence that you have a right to live and work in the U.S. permanently.*

[More FAQ](#)

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## SUCCESS STORIES

"My first E2 Visa was arranged in London 1991. Since then my wife, myself and three children have lived in the USA and every two years I renewed my E2 Visa. I was told in London that I had no other alternative If I wanted to stay in the USA.

Then four years ago I was introduced to an immigration firm in Ft. Lauderdale in Florida. They told me they could arrange a Green Card and took a retainer of \$5,200.00 from me that they refuse to return. The Green Card was never arranged and my E2 Visa went out of status.

My affairs were in a complete mess when I found VisaPro who managed to reinstate my E2 Visa and now have renewed it for a further two years.

I would like to state that VisaPro is a very professional organization. I highly recommend their services to anyone wishing to live in the USA."

Sincerely,

**Stephen Comerford**  
United Kingdom

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