



FROM THE EDITOR'S DESK

October has been an eventful month for everyone here at VisaPro, particularly the team in our India office. Last month I informed you about our proposed seminars and workshops on [U.S. Immigration Strategies](#) in various cities and promised to bring you updates from all these events. Our activity started with a seminar in the capital city of India – New Delhi on 9th of October, followed by another seminar in Pune the next day. Over 325 representatives from various companies attended these two seminars.

After a day's break we organized workshops in Bangalore and Chennai. The response to the workshops was overwhelming as all the seats were booked within a few days from the start of registrations. Over 220 professionals, comprising of HR professionals, CEOs and executives, enjoyed the interactive sessions and participated in various team activities. We ended the week by inviting 35 representatives from various companies for an interactive Q&A Session with the Attorney in Hyderabad.

Starting next month we shall be presenting various articles on our experiences during these events and what our attendee companies shared with us. The planning for these events started in August and since then, many of our US and India team members were involved in making these events successful. All those sleepless nights spent together... the planned timelines seeming to go awry... the missed heartbeats when the airlines missed our baggage containing material for the event the next day...and much more... I am sure you would love to view things from the perspective of our speakers and team members. [Click here](#) to view various photographs from all the activities across India.

Our interaction with the professionals and executives from various companies doing business with the U.S. has helped us in generating new ideas on what to cover in your **Immigration Monitor**. The most important issue faced by every U.S. employer today is how to survive the H-1B cap. This month we have an interesting article – 'What to do when H-1B cap is reached' – in the **Immigration Article** section. We have also received a lot of queries regarding the PERM labor certification process. In the **In Focus** section of this month's newsletter, we bring an overview of the PERM process for Green Cards.

During the last couple of months, we conducted a survey amongst our readers regarding the sections of the newsletter they like the most. Over 46% say they look forward to more and more immigration news and a fourth of the participants like the **Questions and Answers** section. We also received encouraging feedback and a lot of suggestions on how to improve your **Immigration Monitor**. You will see a lot of your suggestions being implemented in the coming months.

IN THIS ISSUE

- Latest News
- In Focus
- Immigration Article
- Processing Times
- Discussion Corner
- Questions and Answers
- Success Stories

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YOUR OPINION

With the U.S. National elections around the corner, do you think that the Congress will pass any concrete legislation on immigration reform in this term?

- a. Yes
- b. No

[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

Congratulations to **Ananda Roy** for winning last month's **Immigration Quiz** to receive a FREE online consultation with a VisaPro attorney. Put on your thinking caps for your responses to this month's question.

Continue [sharing your feedback](#) to improve your **Immigration Monitor**. I will see you next month with the latest happenings from the immigration world.

Christine

LATEST NEWS XML

[President signs Bill enacting H-2B relief](#)

The bill includes a one year extension of the returning worker exemption to the H-2B visa cap. The extension takes effect beginning October 1, 2006.

[e-Passport readers in place at additional airports](#)

E-Passport readers are now in place at additional airports, including Honolulu International Airport, Kona International Airport, Los Angeles International Airport, New York JFK International Airport, Newark Liberty International Airport and Washington Dulles International Airport.

[Visa appointments in India currently available](#)

Visa applicants in India will be happy to know that the consulates in India have opened various new slots for nonimmigrant visa appointments. Visa appointments are now available in all categories and applicants may reschedule their appointments.

[Read More News](#)

IN FOCUS XML

PERM Labor Certification Process

To improve the operations of the permanent labor certification program, ETA published a final regulation on December 27, 2004, which required the implementation of a new re-engineered permanent labor certification program by March 28, 2005. The PERM System i.e. Program Electronic Review Management System is a program developed by the Department of Labor to replace the then existing Employment based Labor Certification Application.

[Read Full Article](#) | [Read More Articles](#)

IMMIGRATION ARTICLE XML

What to do when H-1B cap is reached

If you miss petitioning for an employee before the cap is reached, you will have to wait until the next year to file an H-1B petition or look for an alternate visa category, which may or may not match your requirements. Employers must also evaluate and utilize alternatives to the H-1B category, which

during the month of November 2006.

I entered the U.S. on an H-1B visa yesterday and have applied for Social Security Number (SSN). It seems getting a SSN will take at least a month. Do I need to wait for SSN to start working with my employer?

[Submit Your Answer](#)

Immigration Issue?

Consult Our Experienced Attorneys



Winner of the Immigration Quiz - September 2006:

Ananda Roy

The Question:

I applied for a B-2 visa at the U.S. Embassy in London twice this year, but was denied on each occasion. They say that since I don't have a family in the U.K. and can't show any ties to this country, I am not eligible. I have recently received a job offer from a University and they will sponsor my H-1B visa as a professor. Will the Embassy still reject my H-1 visa on the same grounds?

The Winning Response:

Since the H-1B or L1 visa does not require (Dual Intent Doctrine) that the visa applicant for the H or L visa has to prove that he/she would leave the United States when his/her stay expires (unlike a B1/B2), it is unlikely that your H-1B visa application would be rejected. What the consular visa officer could be concentrating on in case of a H-1B would be the kind of job responsibilities you would be performing in the US, your educational background, etc.

Ananda Roy receives a **FREE Online Consultation** from an Experienced

may also be used to 'bridge the cap' until October 1st if you miss the H-1B bus for a particular year.

[Read Full Article](#) | [Read More Articles](#)

PROCESSING TIMES XML

- ▶ [Visa Bulletin](#)
- ▶ [Local USCIS Offices](#)
- ▶ [USCIS Processing Times](#)

VisaPro Immigration Attorney during the month of October 2006.

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](#)
- ▶ [Senior Paralegal](#)

DISCUSSION CORNER

[L1A Visa - Re entry into USA after 365 days](#)

By funinthesun2

[EB3 Premium Processing](#)

By marie

[Unique US marriage visa case I-130](#)

By desperate4help

[More Discussions](#)

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QUESTIONS AND ANSWERS

1. **One of my employee's [B-1 visa](#) expires after the intended date of arrival in the US. Does he need to get a new visa before departure?**

One can arrive in the US right up to the last date of validity indicated on the visa. The Immigration Officer on arrival determines the duration of stay in the US. A visa can expire while the employee is still in the US. The employee needs to ensure that he/she does not overstay the period permitted by the Immigration Officer i.e. the date stamped on the I-94 card.

2. **My [B-1](#) status is coming to an end with my current employer. I would like to find out whether my new prospective employer needs to file an I-129 petition or simply apply on my behalf for a change of status to [H-1B](#)? We are both confused about what action to take.**

To change from your current B-1 status to H-1B status you will have to file a complete H-1B petition, including the I-129, I-129H, I-129W, ETA 9035, and supporting documents. The package should be filed before your current B-1 status expires so that you maintain your status in the U.S. and before the annual H-1B cap is reached. Since you are changing visa categories you are not allowed to begin work until the new petition has been approved.

3. **I am working in the US on an [L-1 visa](#). I was married during last year and my husband has an [L-2](#) spouse visa - he is currently unemployed. I am being**

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](#)

informed that my position is being eliminated. What are the obligations of my employer? Are they required to pay relocation expenses for me and my husband? Please let me know anything that can assist my situation.

The employer is not required by immigration law to pay for your relocation expenses back to your home country. (This differs from the H-1B where the employer does have to pay for return transportation.) Your only recourse would be through your employment agreement if you have one, your company handbook if it covers such situations (not likely), or through negotiating a termination package to include relocation costs.

[More Q&A](#)

SUCCESS STORIES

"My name Arthur D'Allessandro and would like to recommend VisaPro to anyone who desires professionalism, courtesy and peace of mind. From day one I and my mom Teresa realized that we were being represented by a capable, caring, and extremely professional and experienced team. VisaPro has an easy on line system to use and [the VisaPro legal team] was always just a phone call away to help with some of the issues that came up with my mother green card. They guided us through the full process from start to finish, including the guide to documentation, and requirements. We highly recommend them and will always continue to work with them for our future visa needs"

Thank you [VisaPro legal team] again for all of your diligent work!

Arthur D'Allessandro,
United States

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