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**FROM THE EDITOR'S DESK**

Much like the high tech industry, the healthcare field and many other sectors, American farmers are waiting for a comprehensive immigration reform which will make it easier for them to bring agricultural workers to the U.S. to help solve their labor shortage problems. Some farm owners are contemplating shutting down operations because of the severe shortage of farm workers. This would, in all probability, lead to soaring food prices in the U.S.A viable option, but with enormous red-tape for farmers, has been the [H-2A](#) temporary agricultural program. This program establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature.

The U.S. Citizenship and Immigration Services (USCIS) has announced a new "customer service" initiative to improve the H-2A (temporary/seasonal agricultural worker) petition process. (While we cannot say for sure what the reason is behind this move, it seems that the H-2A program has gotten so unwieldy that farmers simply have stopped using it.) The USCIS will institute a series of changes to provide agricultural employers with an orderly and timely flow of legal workers while protecting laborers' rights. Among the first of those changes is the establishment of a special USCIS unit at the USCIS California Service Center (CSC) dedicated to processing H-2A petitions.

This is just another example of the need for comprehensive immigration reform. We will have to wait and see if Congress can devise an immigration overhaul which will work in the best interest of employers in the U.S.

We at VisaPro are beginning to sense the euphoria of our clients who are excited about the prospect of going back home to visit their family and loved ones, and to celebrate festivals with them. VisaPro will be busy preparing documents for enthusiastic travelers who are

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**YOUR OPINION**

In light of the fact that the states have been passing numerous immigration-related bills, is it possible for the Congress to enact a comprehensive immigration reform before the end of the current Bush administration?

- a. Yes
- b. No

planning to travel outside the US in the month of December for what all of us believe will be a very busy festive season. The USCIS is anticipating an unusually high volume of requests for advance parole and other travel documents this winter, given the occurrence of three major religious observances- Christmas, Hanukkah, and Hajj during the month of December. USCIS is urging applicants needing a travel document ([Reentry Permit](#), [Refugee Travel Document](#) or [Advance Parole](#)) to file [Form I-131](#), Application for Travel Document, before the end of October 2007.

In other immigration news, the USCIS has launched a new photo-screening tool that is intended to help employers detect identity fraud. This photo-screening tool will help employers comply with immigration law while also strengthening worksite enforcement. It is anticipated that this program will be the first step in giving employers the tools they need to help detect some forms of identity fraud in the employment eligibility process. Participating employer will be allowed to check photos on [Employment Authorization Documents \(EAD\)](#) or [Permanent Resident Cards](#) (green card) against images stored in USCIS databases. The goal of this photo tool is to help employers determine whether the document presented reasonably relates to the individual and contains a valid photo. The former program did not include this identity fraud component.

Once again, H-2B stories have been making the rounds. The [H-2B](#) returning worker exemption seems to have gained a lot of attention with Senator Barbara A. Mikulski (D-Md.) who has declared that she will not stop her fight to extend the crucial returning worker exemption from her Save Our Small and Seasonal Businesses Act. The exemption protects small and seasonal businesses from a devastating cut to their workforce. Senator Mikulski joined Senator John Warner (R-Va.) in March 2007 to introduce a stand alone bill to extend the provision, and also included it as an amendment to the comprehensive immigration packages considered by the Senate this past spring. Unfortunately, no bill will receive a vote before the provision's expiration.

In the meantime, the USCIS announced that it has already received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the first half of Fiscal Year 2008 (FY2008). Petitions for workers who are currently in H-2B status do not count towards the congressionally mandated bi-annual H-2B cap. (This is another indicator of the need for comprehensive immigration reform.)

In keeping with tradition, in our **In Focus** section this month we educate you about PERM Labor Certification Process. Learn how PERM procedures can expedite the Labor Certification process.

In this second of a two-part **Immigration Article** series, we would like you to have a look at the Immigrant visa options for Professors and Researchers who would want to work in the U.S. Don't miss out on the options for obtaining permanent residence with and without a U.S. employer.

c. Can't say

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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 December 2007.

*I am a Green Card holder and working with a leading Company in the US while my spouse is in her home country. I would like to invite her to accompany me in the US. What do I need to do so she can live with me in the US?*

[Submit Your Answer](#)

**Immigration Issue?**

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**Winner of the Immigration Quiz - September 2007:**

Syed Moosavi

### The Question:

*I am here in the US on [O-1](#) Status. I got a job offer from another employer;*



This month VisaPro launched immigration services to Canada and Brazil as part of its Global Immigration Services. VisaPro is on its way to accomplish its goal of developing immigration services for 120 countries. Our readers can now take advantage of VisaPro's fast, easy and convenient immigration services for Canada and Brazil. For information and queries related to Canada and Brazil immigration, including Work Visas, Residence Permits, Short Term Visas and Visitor Visas, you may now visit the [Canada](#) and [Brazil](#) sections of the VisaPro site.



We congratulate **Syed Moosavi** for winning last month's Immigration Quiz. It's nice to see our readers take their time to provide thoughtful answers for the Poll Question and Immigration Quiz. Answers to the quiz indicated that many of our readers were

confused and the responses showed us that this area continues to be a bit challenging for our readers. More than half of the participants were not sure if they could change employers while others were positive that they could change employers. This month we have another interesting question for you, so be sure to express Your Opinion. Don't miss this opportunity to weigh in with your vote.

Don't forget to add our address [Immigration-Monitor@VisaPro.com](mailto:Immigration-Monitor@VisaPro.com) to the list of your contacts so that you see the Immigration Monitor in your email Inbox every month and you will not miss the latest immigration activity.

**See you next month with a lot more noise from the Immigration World! Till then CIAO!!**

*Christine*

*can I work for more than one employer on O-1 status? Can I invite my spouse to the US as my dependant? Are there any travel restrictions for an O-1 visa holder who wants to go to his home country?*

**The Winning Response:**

An [O-1](#) alien can work for more than one employer, but the new employer needs to file a separate I-129 petition with the service center that has jurisdiction over the new place of employment. A spouse and dependent children can be invited to the US on an [O-3](#) visa, and can also attend school. The O1 alien and dependents have no travel restrictions for leaving or entering the country.

**Syed Moosavi** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2007.

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**RECENT IMMIGRATION EVENTS**

		
<p>VisaPro Attorney Mr. Thomas Joy with Delhi Attendees</p>	<p>Consular Interview Mock Session</p>	<p>Seminar Attendees at Bangalore</p>

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**NEW TO VisaPro?**

Easily and conveniently fill out VisaPro's Free, Fillable [US Immigration Forms](#) grouped by category.

## LATEST NEWS

### [Readmissions Simplified for Certain H and L Nonimmigrants with Pending Permanent Residence Applications](#)

The U.S. Citizenship and Immigration Services (USCIS) today published a final rule in the Federal Register to streamline the readmission of certain “H” and “L” nonimmigrants who have applied for adjustment of status to become permanent residents. The rule removes the requirement that such persons present a receipt notice (Form I-797, Notice of Action) for their adjustment applications when returning to the United States from travel abroad.

### [Centralized Filing Location for the H-2A Temporary Agricultural Worker Program](#)

The U.S. Citizenship and Immigration Services (USCIS) have announced a new customer service initiative to improve the H-2A (temporary/seasonal agricultural worker) petition process.

### [USCIS Reminder Regarding Application to Apply for Travel Documents](#)

USCIS is urging applicants needing a travel document (Reentry Permit, Refugee Travel Document or Advance Parole) to file Form I-131, Application for Travel Document, before the end of October 2007.

[Read More News](#)

## IN FOCUS



### 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

### Professors and Researchers: EB-1, EB-2, and EB-3 Green Card Options

Last month we talked about the nonimmigrant visa options for professors and researchers, those individuals that help keep our scientific and technology fields moving forward. This month we will look at the next step in the immigration process – immigrant visa options. As with the nonimmigrant status there are several options for professors and researchers that are seeking permanent residence. While each option is designed for specific circumstances, many individuals will qualify for more than one category.

## PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[What type of visas have a potential to green card \(permanent residence\)?](#)

By Rockstar

[Entering US while I-130 is pending](#)

By jackie1001

[Canadian Citizen marrying a US Citizen](#)

By Karolina\_033

[More Discussions](#)

**H-1B VISA** (Persons in a Specialty Occupation)

Quick, Easy, Economical.

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## QUESTIONS AND ANSWERS

1. **I am from Australia and currently on [L-1](#) visa which is about to expire next year. I would like to know the options that are available for me to apply for [E-3](#)?**

The E-3 visa is available for nationals of the Commonwealth of Australia who wish to enter the US to work in a "specialty occupation." The visa is issued for an initial validity period of 2 years but can be renewed indefinitely. Since, you now hold L-1 status; you can apply to change to E-3 status. For this purpose, you need a US job offer and the employer must file a petition with USCIS. This petition must be accompanied with a certified Labor Condition Application (LCA) from the Department of Labor. The employer must also show ability to pay and attest to certain conditions found in the LCA. As for you, you need documentation to prove your nationality, as well as credentials to show you are in possession of at least a US bachelor's degree or its equivalent.

2. **I have been living in the USA with an expired student visa. I am getting married to a US citizen. I would like to know about the procedure of marrying inside US. Will I be able to work legally ?**

As you will be marrying a US citizen, you will be considered as an "immediate relative" i.e., spouse of a US citizen. Since you last entered the US legally as a student, even though you are now out of status, you can apply for your green card inside the US.

Once you are married you will have to file an "[adjustment of status](#)" with the USCIS National Benefits Center. At that time you will need a certified copy of your marriage certificate, both you and your wife will need copies of your birth certificates, if either of you have been married before you will need copies of your divorce decrees, your wife will need copies of her last years' tax return, and you will need a copy of your passport with visa showing that you made a legal entry. A complete list of the forms you will

### 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](#)

need to complete can be found on our website. Once the case is filed, the USCIS will issue you a work authorization card and you can legally work.

[More Q&A](#)

## SUCCESS STORIES

"I would like to thank all of you for helping get my [H-1B](#) visa when I started working 2 years ago and recently, my [permanent residence](#) status. My husband and I are simply thrilled at how economical and efficient your services have been and how smoothly the entire application and interview process was at the INS. We could not be happier and we certainly highly recommend your team to any potential client who is considering working and living in the USA."

Cheers,

**Irra and Michael Core**  
United States

[More Success Stories](#)

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"**Immigration Monitor**" is published monthly for users and clients of VisaPro.com. Our goal is to help keep you informed of the trends and events related to US Immigration.

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