

FROM THE EDITOR'S DESK

Fall has set in, the leaves are changing color here, and we have several things to talk about in immigration. The first week of October marked the beginning of the DV-2011 lottery program. This is the time many people wait for all year long. However, unlike previous years, the 2011 DV Lottery came in with so little fanfare that unless you were paying close attention you would have missed the announcement. While the start of the DV program this year received very little attention it is still a very important program for many people. For those wanting to apply the list of eligible countries remains same as that for DV-2010.

One of the major, and most dramatic changes for the month is the USCIS website. The USCIS recently launched its redesigned website, now in both English and Spanish. The move came after it had received many complaints that the previous website was "frustrating" and "hard to navigate." The new website now looks more appealing and user-friendly and is more customer-centric.

Darrell West, Vice President and Director of Governance Studies at the Brookings Institution, said the redesigned USCIS website appears to be more user-friendly than the old Web portal and more logically organized. "One of the best features is the ability to personalize the site to your particular situation," West said.



A simple example of the new user-friendly features is that the new USCIS website allows applicants who have filed for [citizenship](#) to track the progress of their cases.

Jeffrey Zients, the Obama administration's chief performance

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officer, said the new website was a "significant step" for the public and USCIS's customers.

"It's also a significant step for our federal government in terms of providing services that [are] smarter, faster and lower cost," Zients said at a press conference where officials unveiled the redesigned website last week.

USCIS processes requests about immigration-related applications and petitions, and the agency's existing Web site was one of the most-used government sites with about 230,000 users per day. However, USCIS said users of the old site found it difficult to use.



The new website allows users to choose to receive notifications by e-mail or text message when the status of an application changes, and the site also provides access to national trend data and raw data that can be used in additional applications. And for the first time, the redesigned USCIS.gov has a version in Spanish.

Following in the foot-steps of USCIS, the US Department of State has also revamped its website.

YOUR OPINION

Do you think the revamped USCIS website meet users' expectations and satisfaction?

- a. Yes
- b. No
- c. Can't say

[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 during the month of November 2009.

Mr. Partho is currently in the US on an L-1B visa. He is now receiving interesting job offer from other companies in the US and wants to change his status from L-1B to H-1B. Can someone who is in the US on an L-1B visa change his or her status to H-1B visa?

[Submit Your Answer](#)



The Department of Justice (DOJ) unveiled its revamped website on October 1, 2009. The website was redesigned in an effort to increase "openness and transparency in government." Utilizing a variety of online tools, they will be able to share news and information, not just on the DOJ web site, but through popular social networks Twitter, YouTube, MySpace and Facebook. The Justice Department's presence on these social networks will allow Americans to interact with the Department in entirely new ways.

The new USDOJ.Gov has incorporated more multimedia than ever before. We're told that there is a new photo gallery and video library that will be regularly updated with new content from across the Department of Justice. And of course, "The Justice Blog" will be a hub of information for the Department.

Justice Department officials said "today's launch is just the first step towards creating the most open, accessible and transparent Justice Department possible."

USCIS has not only revamped its website, it has also revamped its some of its methods and procedures. More US employers are reporting random, unannounced visits by the Fraud Detection and National Security Division (FDNS) of USCIS. FDNS inspectors often use a set script of questions and ask to speak with an employer representative and any foreign workers at the work site. FDNS uses what it learns from these visits to add fraud indicators to its database in an effort to identify patterns and potential fraud during adjudications.

Employers can prepare for such visits by conducting a self-audit of their [I-9s](#) and [H-1B](#) Public Access files, and by ensuring strong compliance policies are in effect. We recommend

Winner of the Immigration Quiz - September 2009:

Maria Silva

The Question:

I just received my employment based green card three weeks ago and this week I've received an exceptionally good job offer that would require me to move to London for 3years. Is it advisable for me to accept this job offer? What are my chances of losing my green card?

The Winning Response:

There are a couple of issues that we would like to address. First, if you stay outside the US for a year or more without having a re-entry permit your green card the USCIS will automatically consider your permanent residence status to have been abandoned. Second, in the circumstances that you describe the chances of losing your green card are high. While you have met the letter of the law (the law does not say how long you must work for the sponsoring employer, just that you work

designating an "immigration compliance officer," who should contact counsel immediately in case of an FDNS site visit. We also recommend preparing a response plan in advance that includes everyone from upper management to receptionists.

Finally, the Department of Labor (DOL) has issued a frequently asked questions (FAQ) sheet about the new iCERT Portal and the newly redesigned ETA Forms [9035](#) and 9035E. Topics discussed include how to correct an invalid federal employer identification number after a denial on that basis; filing on behalf of a new company created through a merger, acquisition or sale; the required contact information to enter for employer point of contact; how to enter a prevailing wage survey on the new LCA; and how to withdraw an LCA after certification.

Other Developments in Immigration Law

[USCIS Clarifies Requirements for Agents Filing as Petitioners for the O and P Visa Classifications](#)

USCIS on October 7, 2009 issued guidance to clarify for performing arts associations and their members the regulatory requirements for agents who file as petitioners for the [O](#) and [P](#) visa classification.

[USCIS Changes Filing Location for Forms I-800 and I-800A](#)

USCIS on October 6, 2009, announced a new address for prospective adoptive parents to submit Form I-800 and Form I-800A. The change is effective October 6, 2009 and the applicants have a 30-day transition period before USCIS will return incorrectly filed petitions.

[USCIS Changes Filing Location for Form I-600 and I-600A](#)

USCIS on October 6, 2009, announced a new address for prospective adoptive parents to submit Form [I-600](#) and Form [I-600A](#). While the change took effect on October 6, 2009, applicants have a 30-day transition period before USCIS will return incorrectly filed petitions.

Immigration Articles and Other Fun Stuff:

Now for the regulars - this month's **Immigration Article** entitled 'MAVNI Program: Direct US Citizenship without Permanent Resident Status' explores how the one-year MAVNI Program gives a direct route to U.S. Citizenship regardless of the permanent resident status of the foreign national. Also check out our **In Focus** section for this month, which explains how a J-1 Umbrella Sponsor can help you obtain a [J-1](#) Visa.

for it) if you leave the employer who sponsored your green card very soon after the green card is issued an immigration officer can question your intent any time you go through inspections. With an employment based green card the immigration officers generally like to look at how long you have worked for your sponsoring employer after obtaining the green card. If you leave that employer within 2 - 3 weeks of obtaining the green card the immigration officer may assume that your sole intention of working with the employer was just to get a green card. Therefore, it is advisable that you work for your sponsoring employer for at least 6 months before you change employers.

Maria Silva receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of October 2009.

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NEW TO VisaPro?

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **62.50%** of the respondents believe that the Recovery Act has made significant progress. We appreciate that people take interest in the opinion question and cast their vote to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We congratulate **Maria Silva** for winning last month's **Immigration Quiz**. Again, we received a significant number of responses from our readers, who talked about various solutions to support their position, but **Maria Silva** gave the correct answer and won free online

consultation to discuss the concerned Immigration issues. So 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!!!

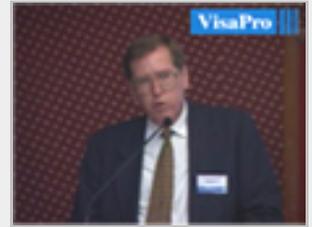
To ensure you receive your Immigration Newsletter, please add Immigration-Monitor@VisaPro.com to your address book or safe list.

See you next month with a lot more noise from the Immigration World!

Christine

Do you find yourself in a situation when you are asking 'How Do I' get out of this, then the new "[How do I](#)" section on VisaPro will help you deal with and avoid such situations.

Wanted to take part in our immigration events, but missed your chance? Check out the informative library of immigration law videos from past conferences.



[More Videos...](#)

RECENT IMMIGRATION EVENTS



VisaPro Attorney
Mr. Thomas Joy
at Bangalore



Consular Interview
Mock Session



Seminar Attendees
at Hyderabad

[More](#) ▶

[DOS Releases Visa Bulletin for November 2009](#)

The Department of State has released the Visa Bulletin for November 2009 containing immigrant visa projections for the coming month. The priority dates for employment-based permanent residence categories have enhanced slightly in November.

[DOS Published Final Rule on Amended Requirements for Religious Workers](#)

The Department of State (DOS) on October 6, 2009 published a final rule for religious workers, which established the requirement that consular officers should ensure that R-1 visa applicants have obtained an approved USCIS Form I-129 petition from DHS before issuance of a visa. The R-1 final rule is effective from October 6, 2009.

[USCIS Announces Publication of New Form G-28](#)

USCIS on October 2, 2009 announced that it has issued a Revised Entry of Appearance as an Attorney, Form G-28. USCIS will accept old versions of the Form G-28 until October 30, 2009, after which, old versions will be considered invalid.

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IN FOCUS



Did You Know About the J-1 Umbrella Sponsor and its Advantages in Obtaining a J-1 Visa?

US immigration law has provisions for several categories of "J-1 Exchange Visitors", which include Au Pairs, camp counselors, summer work/travel, physicians, professors and researchers, short-term scholars, teachers, students, and trainees. To obtain a J-1 visa, you need to have an employer and the employer must be pre-authorized by the State Department to sponsor a J-1. But not all the employers are pre-authorized to have their own J-1 program. Thus, the J-1 umbrella program comes to rescue in such situation. In this article we will focus on the trainee program and discuss what a J-1 umbrella sponsor is. We will also talk about the use of an umbrella sponsor to obtain a J-1 visa.

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

IMMIGRATION ARTICLE

MAVNI Program: Direct US Citizenship without Permanent Resident Status

The Military Accessions Vital to the National Interest (MAVNI) program is a program which authorizes certain branches of the military to recruit certain legal aliens whose skills are considered to be vital to the national interest. The one-year MAVNI pilot program allows the military to recruit up to 1,000 non-citizens who do not have permanent resident status, but who have been in US legally for at least two years. The MAVNI Program allows foreign nationals that join the military to apply for U.S Citizenship through naturalization without first having to obtain permanent resident status. In this article, we will explore how the one-year MAVNI Program gives a direct route to U.S Citizenship regardless of the permanent resident status of the foreign national.

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PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

DISCUSSION CORNER

[Will my green card affected if company filing bankruptcy?](#)

By Maahi

[Removal Proceedings \(F-1 holder married to USC\)](#)

By Blank179

[Tourist Visa from Brazil?](#)

By Greenbear92

[Filing I485](#)

By Prisanpires

[More Discussions](#)

2009 H-1B Cap Strategies

How to beat the Cap?

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QUESTIONS AND ANSWERS

1. **My husband withdrew his support for the joint petition [to remove conditions on permanent residence] on May 29, 2009, and I got a notice of withdrawal for me and my daughter on September 13, 2009, but the notice itself is dated August 27, 2009. Can I re-file the Form I-751 based on the fact that marriage entered into in good faith but which have been terminated? I have some documents: rental agreement, shared account, the police report etc.**

Since the previously filed petition was withdrawn you can file a new Form [I-751](#). If the divorce is final you may file the new I-751 based on the fact that the marriage was entered into in good faith and has been terminated. If the divorce is not final yet you will have to wait for it to be finalized or you will have to file under the abused spouse provision. If you file under the abused spouse provisions you will have to meet a much higher standard of proof than the standard set for simple terminated marriage cases.

You have to submit copies of the documents you listed above in support of the petition (including the police report) to prove the validity of the marriage. If you file to remove the conditions based on the termination of the marriage you will most likely have to attend an interview at the local USCIS district office. If you file based on the abused spouse provisions the USCIS policy is that you will have to attend an interview. At that time you can take the documentation that you have, as well as any other documentation that you can gather, including statements from friends (both yours and his if possible) that state how they know you, and that you and your ex-husband were living together with your daughter as a family. It is especially helpful if you can get a statement from any of your ex-husband's family. You should also include a detailed statement about your relationship with your ex-husband -- how you met, how long you knew each other, what your marriage was like, and what went wrong at the end.

2. **I currently possess an H-1B with company A. This H-1B expires in Feb 2010, however, I have accepted a job offer to work for company "B". The company B filed an H-1B for me on April 6th and has the FedEx confirmation number. Can I give two week's notice at company A and start employment for company B at any time or do I have to wait for USCIS to issue a case number. What could go wrong?**

In an [H-1B](#) change of employer case from company A to company B, you are authorized to start work for company B upon filing of the H-1B petition by company B. The regulations provide that a petition is regarded as properly filed when it is stamped by the USCIS to show the time and date of actual receipt, it is properly signed and the correct filing fee is attached. A FedEx confirmation merely proves that a shipment was delivered and does not prove any of the elements of a proper filing. Premature reliance on a FedEx delivery confirmation to start work for company B and a subsequent rejection of the filing could result in unauthorized employment and consequent ineligibility for portability upon the refiling of the H-1B petition by company B.

After confirmation of delivery by FedEx the petition could be rejected for filing by USCIS for any number of reasons, including because it was not properly signed or because the proper filing fee was not attached.

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](#)

SUCCESS STORIES

"VisaPro is the exact definition of a super-team. Their service remains extremely client oriented, user friendly and highly efficient. As professional recording artists we have worked with a range of leading immigration attorneys and without any doubt we place VisaPro at the top of the list. Applying for a [US Visa](#) is traditionally a long-hauled, tedious and nervous matter but with VisaPro you can rest assured that your aspirations to work, visit or live in the USA are handled with the utmost care and experience. Take your opportunity to work with the best...choose VISAPRO!!!

We also want to pass on special thanks and appreciation to [VisaPro team]; they truly bring to life the meaning of the company's motto 'Fast, Economical Visa Processing'. Thank you for your consistency in helping us achieve P1-Status [[P-1 visa](#)]"

Jareiq Kabara

Member of British Pop Recording Group "[INNATE FORTE](#)"

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