



## FROM THE EDITOR'S DESK

The month of October always rings a bell as it signifies the advent of much awaited DV lottery program widely known as Green Card lottery. The first week of October 2010 marked the beginning of the DV-2012 lottery program. This is the time many people wait for all year long. The Department of State (DOS) has not yet revealed the number of applications received towards the DV-2012 lottery program but they announced that the DV lottery for 2012 will certainly end on November 3, 2010.

[H-1B](#) numbers still remain available for the fiscal year 2011 employment. This week USCIS reported another slight increase in H-1B cap filings. As of October 15, 2010, USCIS has received 42,800 H-1B cap subject petitions against the standard H-1B cap of 65,000 and 15,700 petitions against the cap exemption of 20,000 for holders of U.S. advanced degrees.

The Department of Homeland Security's report for the fiscal year 2010 in collaboration with the U.S. Immigration and Customs Enforcement (ICE) has made one of most pleasant announcements. The Department of Homeland Security (DHS) Secretary Janet Napolitano and U.S. Immigration and Customs Enforcement (ICE) Director John Morton have proclaimed **record-breaking immigration enforcement statistics** achieved under the Obama administration—including unprecedented numbers of convicted criminal alien removals and overall alien removals in fiscal year 2010. DHS and ICE set a record for removals of illegal aliens in fiscal year 2010, with more than 392,000 removals overall, of whom 195,000 were convicted criminals. DHS and ICE have also quoted dramatic improvement in the worksite enforcement as well.

The USCIS has been pushing proposals to change procedures of filing of H-1B nonimmigrant petitions since quite a long time. U.S. Citizenship and Immigration Services (USCIS) is certainly taking steps to move closer to

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the pre-registration system for H-1B petitioners. USCIS drafted and sent to the Office of Management and Budget (OMB), a proposed online pre-registration form that employers would use to apply for an H-1B cap number. The proposed system aims to simplify the filing process for an H-1B visa. The pre-registration process would come into effect only after a final version of the regulation is approved and published by OMB. Under the proposed pre-registration system, employers will have to register online and wait until they are awarded an H-1B cap number in the annual lottery before they submit a full petition with supporting documentation. It is anticipated that eventually a pre-registration system would be used for other visa classifications that are subject to numerical limitations.

Here is an important reminder, the revised visa application and petition fees will go into effect from November 23, 2010. USCIS informed that applications or petitions postmarked or otherwise filed on or after November 23 date must include the new fee, or they will be rejected. USCIS final rule adjusting fees for immigration applications and petitions, which was announced on June 11, 2010 increases the overall fees by a **weighted average of about 10 percent** but will not increase the fee for the [Naturalization](#) application. [Click here](#) to read the USCIS final rule to increase the visa application and petition fees.

## Other Developments in Immigration Law

### *DOL Approves Standards for Direct Support Professional Occupation Under National Registered Apprenticeship System*

DOL's Employment and Training Administration (ETA) has approved national guidelines for apprenticeship standards for the occupation of direct support professional. These standards will enable employers to use ETA's Registered Apprenticeship program to train workers for careers in the long-term care sector of the health care industry. Under the new standards, the Registered Apprenticeship program will provide direct support professional apprentices with on-the-job instruction to develop competencies in assisting people in need. The credentials and competencies to be achieved are based upon criteria for the NADSP national voluntary direct support credentialing program.

### *OMB Approves Revised I-129 Petition for a Nonimmigrant Worker*

The Office of Management and Budget (OMB) has approved a revised edition of U.S. Citizenship and Immigration Services [Form I-129](#), Petition for a Nonimmigrant Worker.

## YOUR OPINION

Do you think USCIS' urge to Fraud Prevention Officers to check social networking sites like Facebook and Twitter when investigating cases will disturb a person's privacy?

- 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 October 2010.

*My name is Jackline Fernandes, a citizen of Sri Lanka and I am getting married next month in the U.S. with a U.S. citizen. Since I am working in Sri Lanka, I may go back after marriage; all I need to know is do I need to give up my Sri Lankan passport after I receive a green card based on my [marriage to U.S. citizen](#)?*

[Submit Your Answer](#)

The approved draft is the third revision of Form I-129 that the agency has proposed this year. However, the revised Form I-129 has not yet been released for public use.

### [USCIS Redesigns Naturalization Certificate to Enhance Security](#)

U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas today announced the launch of a redesigned Certificate of Naturalization (Form N-550) with new security features that will reduce fraud—part of USCIS' ongoing efforts to enhance the integrity of the immigration system. USCIS began using redesigned certificates at all offices today, and the agency anticipates that over 600,000 new citizens will receive the enhanced certificate over the next year.

### [Immigration Articles and Other Fun Stuff](#)

Now for the regulars – this month's **Immigration Article** "Affidavit of Support – Forms [I-134](#) and [I-864](#) in

Comparison" elaborates the differences between Form I-134 and Form I-864; explaining the importance of both the forms and their usage at the same time. Also check out our **In Focus** section for this month, "Do Immigrants Have Any Rights in the U.S.?" where we bring to light the basic rights of immigrants in the U.S.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **52.17%** of the respondents do not favor the USCIS decision to increase the fees for many immigration filings, including premium processing cases. 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 **Anand Prabhu** 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

**Anand Prabhu** gave the correct answer and won a 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](mailto:Immigration-Monitor@VisaPro.com) to your address book or safe list.

# Immigration Question?

## Consult Our Experienced Attorneys



### **Winner of the Immigration Quiz - September 2010:**

Anand Prabhu

#### **The Question:**

*Sara Fernandes, who has a pending Adjustment of Status application has traveled outside the U.S. on an Advance Parole. Her Advance Parole is going to expire very soon. What should Sara do to protect her application for permanent residence? Must she return to the U.S. before her Advance Parole expires?*

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

Yes, since Sara has a pending application for permanent residence, if she does not come back to the U.S. before her Advance Parole expires; USCIS would consider that she has abandoned her application for permanent residence.

**Anand Prabhu** receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of October 2010.

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

*Christine*

## RECENT IMMIGRATION EVENTS



VisaPro Attorney  
Mr. Thomas Joy  
at Bangalore



Consular Interview  
Mock Session



Seminar Attendees  
at Hyderabad

More ▶

## LATEST NEWS [XML](#)

### [USCIS Received 42,800 H-1B Cap Subject Petitions Till Date](#)

As of October 15, 2010, USCIS received 42,800 H-1B cap subject petitions and approximately 15,700 petitions qualifying for the advanced degree cap exemption. USCIS will continue to accept both cap subject petitions and advanced degree petitions until a sufficient number of H-1B petitions have been received to reach the statutory limits.

### [Department of State Releases Visa Bulletin for November 2010](#)

The Department of State (DOS) has recently released the Visa Bulletin for November 2010. In November, priority date cut-offs for most backlogged employment-based preference categories will advance by one to two weeks.

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IN FOCUS

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## Do Immigrants Have Any Rights in the U.S.?

U.S. Immigrants are often unsure about their basic rights as immigrants in the U.S. Questions like "Do immigrants have any rights?", "If they do, what are the rights of immigrants?" are some of the common queries raised in relation to their rights in the U.S. For the benefit of our readers, we present in this article some of the basic rights of immigrants residing in the U.S. and helpful tips to effectively enforce them when needed. As a foreign national residing in the U.S., if you believe that your immigrant rights are being violated, you are advised to contact your immigration attorney immediately and seek help.

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

IMMIGRATION ARTICLE

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## Affidavit of Support – Forms I-134 and I-864 in Comparison

The Affidavit of Support is a legal document required for the petitioning sponsor for many family-based and some employment based immigrants to show the intending immigrant will have adequate means of support, when planning to immigrate to the U.S. However, it has often been observed that petitioners and visa applicants often get confused about which Affidavit of Support they need to complete and submit – Form I-134 or Form I-864. This article will discuss and compare the two Affidavits of Support – Forms I-134 and I-864, and when each should be used.

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PROCESSING TIMES

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▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[Australian to US on a L1 & Brining family](#)

By Sillybilly

[Initial I-485 interview before work authorization](#)

By Kwiza

[Waiver Visa: How many times a year allowed to travel to US](#)

By Tia Stark

[More Discussions](#)



**2010 H-1B Cap Strategies**  
How to beat the Cap?

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## QUESTIONS AND ANSWERS

**Q1.** I came to the US from Ecuador as [F-1](#) student to pursue my master's degree which I have already accomplished, and at this point I am working under OPT. When I applied for my F-1 visa I was engaged and living with my girlfriend and our son, so we all went to the embassy and asked to get tourist visas for them so they can visit me here, surprisingly when we receive our passports back they gave them [F-2](#) visas, since then they have visited me in the States a few times. Now my question is as follow. At this point I am about to apply for an [H-1B](#) visa, and would like to get [H-4](#) visas, can I do that?

**Ans.** The H-4 visa is available for dependants of the principal H-1B visa holders, so only your son would qualify for an H-4. You cannot list them on your H-1B petition (in fact there is no place on the petition for you to list them). However, once you are married your wife only needs show the marriage certificate and proof that you are in H-1B status to be issued an H-4 visa (as noted above, your son would already qualify for the H-4). For dependants that are outside the US the application is made at the US consulate, you do not need prior approval from the USCIS. The visa is generally issued on the day of your nonimmigrant visa interview or the following day. The procedures vary between consulates and you would have to check the website for Equador for current requirements. If you have travelled home and are married you can all apply for your visas at the same time.

**Q2.** Both me and my husband plan to return to our home country when we finish our university degree programs. If our U.S.-born child lives abroad until adulthood, will he still hold U.S. citizenship?

### 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](#)

**Ans.** A child born in the U.S. is a U.S. citizen and remains a U.S. citizen, even if s/he obtains a foreign passport. If the foreign government (the government of the parents) also considers him or her to be a citizen of that country, then it may be necessary for her/him to choose nationality upon reaching the age of 18. Only an affirmative act, such as renouncing the U.S. citizenship, would cause the child's status as a U.S. citizen to end. Such an affirmative act of renouncement would be if s/he, upon becoming an adult, went to the U.S. Embassy and declared a desire to relinquish U.S. citizenship. When that U.S. citizen child turns 21, he or she will be eligible to apply for the parents' Green Cards.

[More Q&A](#)

## SUCCESS STORIES

*"My company tasked me with the job of acquiring an [\[L-1B Visa\]](#) with a strict deadline. Not knowing where to turn, I did some research on the web and found VisaPro. Very quickly I felt the relief of knowing that I found the right company to help me get the job done. They walked me through the process and answered all my questions. They were there every step of the way for me. The process happened exactly as they said it would! I know exactly who to turn to the next time I have immigration need.*

*Thank you VisaPro!"*

*Kind Regards,*

**Sandy Piazza**, HR Manager  
[Piller USA, Inc.](#)

[More Success Stories](#)

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