

FROM THE EDITOR'S DESK

Hello and welcome to the October 2013 Immigration Newsletter!

What we hoped would not happen in the September 2013 Newsletter did happen- The U.S. government shut down!!! The first half of October 2013 witnessed a federal government shutdown that lasted 16 days which was the third-longest government shutdown in U.S. history.

As feared, the shutdown significantly impacted certain classes and types of employment based nonimmigrant and immigrant visa processing. During the shutdown, the Department of Labor's Office of Foreign Labor Certification (OFLC) and their websites were closed. This meant that the iCERT Visa Portal System, which accepts applications for the Labor Condition Applications (LCA) and Prevailing Wage Requests (PWR), and the PERM system, became static. No LCAs, PWRs or PERM applications could be submitted and all pending applications were put on hold. The inability to file or receive LCAs had a significant impact on [H-1B](#), H-2A and [H-2B](#) filings.

The OFLC iCERT and PERM system were restored on October 18, one full day after the shutdown ended. The shutdown, however, did not affect USCIS for the most part as the agency is largely funded by user fees. E-Verify, however, was unavailable during the shutdown and resumed operations on October 17. Consular sections also continued to provide visa related services during the shutdown.

After the shutdown came to an end, USCIS announced that it will consider the government shutdown as an "extraordinary circumstance" and excuse the late filings of H-1B, H-2A, or H-2B petitions as long as the petitioner submits evidence establishing that the primary reason for failing to timely file an extension of stay or change of

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status request was due to the government shutdown. USCIS also announced that it will temporarily accept H-2A petitions that are filed with a copy of the certified TLC and signatures on the TLC submitted to USCIS do not need to be original.

October also witnessed another landmark event. The State of California passed a bill (AB 60) that would allow illegal immigrants living in the state to apply for a driver's license. While the landmark law will go into effect on January 1, 2015, it is not clear yet how the new licenses will look or what the exact process for obtaining the licenses will be.

October saw the Department of State (DOS) transitioning to the DS-160 Online Nonimmigrant Visa Application for K visa applicants, completely replacing forms DS-156, DS-156K, and DS-230. During the transition to mandatory use of the DS-160 for K visas, the DS-160 is not required for K visa cases already in process at a U.S. embassy or consulate if, prior to October 7, 2013, either the K visa applicant was already scheduled for an interview; or, has already been interviewed and has been requested to submit additional documentation or is pending administrative processing; or, has already submitted a valid, signed, unexpired DS-156, DS-156K and/or DS-230 or received instructions to do so.

The Online registrations for the Diversity Lottery (Green Card Lottery) **DV 2015 Program**, which began on 10/1/2013, will conclude on November 2, 2013 at 12:00 noon, Eastern Daylight Time. No late entries or paper entries will be accepted. Further, only one entry by or for each person during each registration period is allowed and if more than one entry is submitted, the applicant will be disqualified. 50,000 DV visas are available for DV-2015. Applicants have been advised not to wait till the final days of the registration period to enter, as heavy demand may result in website delays.

FY 2013 saw US bring 69,930 refugees to the U.S. The DOS announced that that number is closer to the authorized ceiling of 70,000 in 2013 than in any year since 1980. The top five nationalities resettled to the United States in 2013 were Iraqi, Burmese, Bhutanese, Somali, and Cuban. For FY 2014, President Obama has authorized the admission of up to 70,000 refugees from around the world.

Other Developments in Immigration Law:

[November 2013 Visa Bulletin: EB-2 Advances Marginally for China](#)

YOUR OPINION

With the federal government shutdown crisis now over, do you think the Obama administration and immigration reform supporters in Congress will be successful in stepping up efforts to have the Comprehensive Immigration Reform Bill or an alternative reform bill passed by the House?

- a. Yes
- b. No
- c. Not Sure

[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 2013.

I have recently come to the US on a [K-3](#) visa. I am not in a position to file for my Adjustment of Status immediately because of our financial situation. Meanwhile, can I study in the US on a K-3?

[Submit Your Answer](#)

In the recently published U.S. Department of State Visa Bulletin for November 2013, the [EB-2](#) priority dates remained current in respect to all countries other than India and mainland China. The EB-2 priority date advanced from 09/15/08 to 10/08/08 in respect to mainland China but remained at 06/15/08 for India. While [EB-3](#) priority dates advanced marginally for most countries including China, [EB-1](#), [EB-4](#) and [EB-5](#) numbers continue to remain current for all countries. The F2A priority dates for all countries remains at 09/08/13 except for the Philippines which is at 09/01/13.

[**Iraqi Special Immigrant Visa Program Extended**](#)

USCIS announced that Congress has extended the Special Immigrant Visa (SIV) program for Iraqi nationals who worked for or on behalf of the U.S. government. The President signed the bill into law on October 4, 2013. The extension permits USCIS to approve petitions or applications for visas or adjustment of status to lawful permanent resident in any Iraqi SIV case that were pending with it or with the Department of State (DOS) when the program expired on September 30, 2013. USCIS may also approve an additional 2,000 cases as long as the initial applications to the DOS Chief of Mission in Iraq are made by December 31, 2013.

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

Our 'Featured Video' for this month is "[**L-1B Visa for Specialized Knowledge Workers: A Complete Overview**](#)" in which we look at the term "Specialized Knowledge" and the L-1B Visa requirements to explain how an employer can establish a strong case for the L1B Visa. Please check out and subscribe to our YouTube channel to take advantage of another great service provided to you by VisaPro.

Check out our 'In Focus' article for this month titled "[**E-3 Extension of Status in the U.S.: Three Essential Things to Keep in Mind**](#)" to learn more about important considerations to take into account when filing an [E-3](#) extension with USCIS in the U.S.

Every month we introduce a new and interesting question for our opinion poll. Results of our previous poll indicate that a majority of respondents (**67%**) thought that NVC processing will speed up now that the DOS has transitioned to the online immigrant visa application system. We continue to appreciate that people take interest in the

Immigration
Question?

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Winner of the Immigration Quiz - September 2013:

Cindy

The Question:

I am applying for a [B-1](#) visa to visit the US on behalf of my company to attend a meeting with a client. Is there any dependent visa which I can apply for my wife so that she can travel with me to the US?

The Winning Response:

There is no dependent visa for B-1 visa holders. Your wife must qualify for a visa on her own. She could apply for a [B-1](#) or [B-2](#) depending on the purpose of her travel.

Cindy receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of November 2013.

opinion question and cast their votes to give us their feedback. Keep it up! And continue to cast your vote to express **Your Opinion**.



We also congratulate **Cindy** for winning last month's Immigration Quiz. While we received more than one correct response to the quiz question, **Cindy** gave the best answer and won a free online consultation to discuss the concerned Immigration issues. 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

JOB @ VisaPro

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Job Type: W-2 or 1099

Location: Work from anywhere in the U.S. No need to relocate.

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NEW TO VisaPro?

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#) or other work visas or Green Cards? VisaPro has answers to many of the most commonly asked immigration questions. [Click here](#) to find out more.

RECENT IMMIGRATION EVENTS



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FEATURED VIDEO

L-1B Visa for Specialized Knowledge Workers: A Complete Overview

The video player shows a man in a dark shirt and tie speaking. A large red play button is overlaid on his face. The video content includes:

- TODAY'S TOPIC :**
L1B Visa for Specialized Knowledge Workers : A Complete Overview
- VisaPro is among the leading Immigration Law Firms in the U.S.*
- VisaPro has highly experienced lawyers practicing in all areas.*
- 1. Proving "essential skills" or "specialized knowledge"**
- 2. Be specific about the nature of the specialized knowledge.**
- 3. Recognize that the definition of specialized knowledge has two alternatives.**
- VisaPro** logo and contact information:
Tel: 202-787-1944
Karen@VisaPro.com
www.VisaPro.com

The video player interface at the bottom shows a play button, a volume icon, a progress bar at 00:00 / 26:22, and the YouTube logo.

The L1B visa for specialized knowledge workers with advantages like no annual cap, no prevailing wage requirements, dual intent, and employment authorization for spouses outweigh many of the alternatives available. Let's take a look at the term "Specialized Knowledge" and the L-1B Visa requirements that help an employer establish a strong case for the US L1B Visa..

[More Videos...](#)

LATEST NEWS

[CW-1 Visa Classification: DHS Sets Limit of 14,000 for FY 2014](#)

The Department of Homeland Security (DHS) has recently announced a limit of 14,000 nonimmigrants for fiscal year (FY) 2014 for the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW-1) program. The CW-1 program allows employers in the CNMI to apply for temporary permission to employ foreign nationals who are ineligible for any existing employment-based nonimmigrant category under the Immigration and Nationality Act (INA). The numerical limit applies only to CW-1 principals and does not directly affect persons currently holding CW-2 status.

[EB-5 Scams: USCIS Issues Investor Alert](#)

USCIS and the Securities and Exchange Commission (SEC) have jointly issued an Investor Alert to warn individual investors about investment scams that target foreign nationals who seek to become permanent lawful residents through the [EB-5](#) Immigrant Investor Program. The alert cautions investors that designation of a business as a regional center by USCIS does not mean that any government agency has approved the investments and advises investors to research thoroughly any offering that purports to be affiliated with EB-5 Green Card program. Read more to learn about the steps you can take to protect your investment under the EB-5 program.

IN FOCUS

XML

E-3 Extension of Status in the U.S.: Three Essential Things to Keep in Mind

Although many of the E-3 requirements are similar to that of H-1B, the E-3 extension procedure involves significant and peculiar considerations that highlight the differences in the two visa classifications. Learn about the important considerations to take into account when filing an E-3 extension with USCIS in the U.S. and why employers planning to file an E-3 extension petition with USCIS must plan ahead to ensure that the extension petitions are timely filed.

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QUESTIONS AND ANSWERS

Q1. I am currently in the US on L-1A. I recently changed status to L-1A from L-1B after maxing out at 5 years on L-1B. I have got 20 more months in the US in my current L-1A managerial status. Can I apply for EB-1C Green Card?

Ans. To qualify for an EB-1C Green Card in your situation, you must have been employed by the related company outside the US as an executive or manager (not as a specialized knowledge personnel) outside the US, for at least 1 year out of the 3 year period prior to when you first came to the US on the L-1B. If your employment in your foreign company before you came here on your L-1B was not as a manager or executive, you do not qualify for the EB-1C. Please consult an immigration attorney to review your situation and your role in the foreign company outside the US prior to your admission into the US on L-1B to evaluate your eligibility for the EB-1C Green Card as a multinational manager or executive.

Q2. I have completed a 2 year associate degree in nursing. I am currently working on OPT as an RN in Texas. My OPT card expires coming February. What can I do to continue employment on H-1?

Ans. You have mentioned that you have a 2-year associate degree in nursing, but it is not clear if you have any previous experience as a nurse, and if yes, for how many years. In order to qualify for an [H-1B](#), you must have at least a 4-year bachelor's degree in a professional field or its equivalent, and the job that is being offered to you must require a 4-year bachelor's degree in a professional field as a minimum qualification. You only have a 2-year degree. Hence it would appear that you may not be qualified to seek an H-1B unless you have prior experience in nursing that could make up for the missing 2 years of education, and the job that is being offered to you is in one of the highly complex and technical areas of nursing where the minimum requirement would be a 4-year bachelor's degree in nursing. You should therefore consult an immigration attorney to review your situation and explore what suitable visa options you may have to continue working in the US beyond your OPT period.

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](#)

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SUCCESS STORIES

"VisaPro is a wonderful company that offers immigration services on line. Immigration forms can be confusing and if not done correctly along with the proper documentation the delay can be many months and possibly years. 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 fiancée's [K-1 visa](#). My fiancée now has her visa and will be coming to join me in September and we will use VisaPro for the rest of the immigration process. I would recommend VisaPro to anyone who wants to make sure their immigration is done correctly. Thanks VisaPro and a big thanks to [the VisaPro legal team]. [The VisaPro legal team] is the greatest!"

Robert Bergmann
Yulee, Florida

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