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FROM THE EDITOR'S DESK

Thank you for your overwhelming response to the anniversary issue of **Immigration Monitor**, and your wonderful emails congratulating us and letting us know how much you appreciate our efforts to update you on the latest from the immigration world. I really feel so special striking a personal chord with so many friends month after month.

Our entire team is busy preparing for our upcoming seminars on **U.S. Immigration Strategies** in India during the month of October. These would be followed by another Seminar in London later during the year. Our seminars in India started in 2003 when we hosted two events in Hyderabad, the Hitech city of India. In 2004, we planned them on a larger scale and conducted seminars in Mumbai, Bangalore and Chennai, and a workshop in Hyderabad. This year we are hosting seminars in New Delhi and Pune, followed by workshops in Bangalore and Chennai. [Click here](#) to read more details about these upcoming events and to view photographs and videos from our previous seminars.

This month we travel to the beautiful European country – Poland through our In Focus article that explains the fiancée visa processing at the U.S. Embassy in Warsaw. During the past few months, we have received a lot of enquiries from Japanese nationals regarding investor visa processing in their country. So in this issue of **Immigration Monitor**, we travel thousands of miles across Asia to the Far East for the benefit of our readers in Japan, to explain E-2 visa processing at the U.S. Embassy in Tokyo in our Immigration Article.

The winner of last month's Immigration Quiz is **Sandy Ryan**. I thought the question was quite simple but I was in for a surprise to find that almost half of the answers were incorrect. Congratulations to Sandy for winning a FREE online consultation with a VisaPro attorney, plus... a special customized coffee mug with a photograph of

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[Latest News](#)

[In Focus](#)

[Immigration Article](#)

[Processing Times](#)

[Discussion Corner](#)

[Questions and Answers](#)

[Success Stories](#)

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YOUR OPINION

Which of the following sections of the Immigration Monitor do you find the most interesting?

- From the Editor's Desk
- Immigration and In Focus Articles
- Questions and Answers
- Immigration News

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Sandy with her family! Don't forget to send in your responses for this month's question to win a FREE online consultation.

Continue [sharing your feedback](#) on how to improve your **Immigration Monitor**. I will catch you next month with some more excitement from our preparations for our seminars... and more news from the immigration front.

Christine

LATEST NEWS XML

[12-month extension of TPS for nationals of Burundi](#)

Those who have already been granted TPS are eligible to live and work in the United States for an additional 12 months and continue to maintain their status. DHS also automatically extended the validity of EADs held by eligible Burundians for an additional six months until May 2, 2007.

[USCIS FAQ on new process for EAD to Asylees](#)

USCIS issued a Q&A discussing the new process, effective October 1, 2006, for issuing secure Employment Authorization Documents (EADs) to applicants who are granted asylum by a USCIS Asylum Office.

[H-2B Update: Cap Count as of August 25, 2006](#)

U.S. Citizenship and Immigration Services (USCIS) has reported that it has received 9,002 H-2B petitions counting towards the H-2B Cap for the first half of FY 2007.

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IN FOCUS

XML

Fiancée visa processing in Poland

The K-1 Visa, also known as the Fiancé(e) Visa, is used by United States citizens who wish to bring their fiancé(e)s to the United States for the purpose of getting married. The visa application processes and policies followed by Consular Offices vary according to the local requirement. In this article we discuss the K-1 consular processing in Warsaw, Poland.

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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 2006.

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?

[Submit Your Answer](#)

Immigration Issue?

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Winner of the Immigration Quiz - August 2006:

Sandy Ryan

The Question:

I hold a 5-year multiple-

IMMIGRATION ARTICLE [XML](#)

E-2 Treaty Visa Processing in Japan

E-2 Treaty Investor visas are authorized to aliens entitled to enter the United States on the basis of treaties of commerce, navigation or bilateral agreements between the United States and the foreign state of which he/she is a national. In this article we cover the basic steps involved in applying for an E-2 Treaty Investor visa at the U.S. embassy in Japan, which is a treaty country.

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[H1B quota query](#)

By Murakris

[EB3 Premium Processing](#)

By marie

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entry B-2 visa which is expiring in October 2006. I need to travel to the U.S. in September 2006 and will need to stay for 5 months. Should I get a new visa because my old one will expire in two months or can I use the current one to visit the U.S.? Will I be allowed to stay only till October if I use my old visa?

The Winning Response:

A person should hold a valid visa at the time of entry into the U.S. The period of stay in the U.S., however, is not determined by the validity of the visa. At the Port-of-Entry the officer will ask you a few questions regarding the purpose of your visit and will stamp a date on the Arrival / Departure card (I-94 card). The date on that card will determine how long you are authorized to stay in the U.S., irrespective of whether your visa continues to be valid or not. Officers generally authorize 3 to 6 month of stay on B-2. Thus you do not need to get a new visa. If the officer initially authorizes a stay for less than 5 months, you may file for extension later.

Sandy Ryan receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2006.

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QUESTIONS AND ANSWERS

1. **Will my [K-1](#) status automatically change to permanent resident status after I marry my U.S. citizen fiancé? Will I have to give up my British passport after I get my Green Card?**

No, your K-1 status does not automatically change to legal permanent resident after your marriage with your U.S. citizen fiancé. You need to file for Adjustment of Status to become a legal permanent resident after you marry your U.S. citizen fiancé. No, you do not have to give up your passport on becoming a legal permanent resident. Your nationality doesn't change on getting a Green Card. You may apply to become a U.S. citizen after having a Green Card and being married to a U.S. citizen for three years.

2. **What do you mean by '[H-1B](#) dependent employer'? What happens when an employer becomes H-1B dependent?**

An employer runs the risk of becoming an 'H-1B dependent employer' if he hires too many H-1B employees. Employers are considered to be H-1B dependent if they fall into any one of the following three categories:

- An employer has 25 or fewer full time employees of which more than seven are H-1B employees
- An employer has between 26 to 50 full time employees of which more than 12 are H-1B employees
- An employer has more than 50 full time employees of which 15% or more are H-1B employees

While filing a Labor Condition Application (LCA), an H-1B dependent employer must attest to the following three additional elements addressing non-displacement and recruitment of U.S. workers:

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](#)

- The employer will not displace any similarly employed U.S. worker within 90 days before or after applying for H-1B status, or an extension of status for any H-1B worker;
- The employer will not place any H-1B worker employed pursuant to the LCA at the worksite of another employer unless the employer first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within 90 days before or after the placement of the H-1B worker; and
- The employer, before applying for H-1B status for any alien worker pursuant to an H-1B LCA, took good faith steps to recruit U.S. workers for the job for which the alien worker is sought, at wages at least equal to those offered to the H-1B worker. Also, the employer will offer the job to any U.S. worker who applies and is equally or better qualified than the H-1B worker.

[More Q&A](#)

SUCCESS STORIES

We would like to recommend Visapro to anyone who desires professionalism, courtesy and peace of mind. It has been a great experience working with them. They guided us through the full process from start to finish, including the guide to documentation, and requirements. This was also aided by the quick responses to our questions from [the VisaPro legal team], whose professional attitude and personal attention made our application for the [[L-1](#)] visa a very easy process. We highly recommend them and will always continue to work with them for our future visa needs

Kishin Bhavnani, Managing Director
Afro International Ltd Inc

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