

FROM THE EDITOR'S DESK

After a glorious summer, it's time to go back to school. At noon on Tuesday, September 8th the President welcomed America's students back to school - after all, sometimes they need a little extra motivation after a long summer.

Labor Day, a tribute to workers: The first Monday of September, i.e. September 7, 2009, was celebrated as Labor Day. The first Labor Day holiday was celebrated in 1882 to pay tribute to American workers. Today, for many people, Labor Day means two things: a day off and the end of summer. But if it's not that...then what actually is Labor Day? **Labor Day is a day when we recognize and pay tribute to all workers in the US - both documented and undocumented - who work hard everyday to contribute to the country.** We all need to remember this each year as we enjoy this day.

Recovery Act Milestone - The First 200 Days



In late May the Obama administration set out an ambitious plan aimed at spurring the economic stimulus, including benchmarks for ten specific agencies. On September 3 the Recovery Act reached the 200 day mark. Vice President Joe

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Biden, in a letter to the President, reported on the status of the plan. In his letter Vice President Biden remarked: "I am pleased to report to you that all ten agencies have met or exceeded their commitments."

Highlights of the accomplishments include:

- The Department of Health and Human Services exceeded its goal of providing expanded service at 1,129 Health Centers in 50 states and 8 territories - providing that expanded service to approximately 500,000 patients.
- The Department of Education kept more educators in our schools - meeting their goal of funding over 135,000 education positions across the nation.
- The Department of Justice put more officers in our communities - funding 4,699 law enforcement officers' salaries and benefits for three years.
- The Department of Veterans Affairs met their goal of beginning improvements at 90 Veterans Medical Centers across 38 states.

"In 200 days, the Recovery Act has made significant progress in revitalizing our communities and providing the basis for economic growth," said Treasury Deputy Secretary Neal Wolin. "Through innovative programs established by the Recovery Act, the Treasury Department has provided tax relief to millions of families, supported increased development of affordable housing and clean energy projects, and provided new tools for states and communities to fund much needed infrastructure projects."

Immigration Reform, not this year?



Another hot topic, which so far has been largely kept out of the news, is immigration reform. However, we may soon be

YOUR OPINION

Do you think the Recovery Act has made significant progress?

- Yes
- No
- 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 2009.

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 3 years. Is it advisable for me to accept this job offer? What are my chances of losing my green card?

[Submit Your Answer](#)

hearing much more about it. During a recent trip to Mexico, President Barack Obama expressed his hope for action on a comprehensive immigration bill. While he would like to see action this year he is not hopeful that will happen.

"I would anticipate that, before the year is out, we will have draft legislation along with sponsors potentially in the House and the Senate who are ready to move this forward and, when we come back next year, that we should be in a position to start acting," he said.

President Obama will find support for his immigration proposals among the Hispanic voters. An April ABC News/Washington Post poll showed 61 percent favored giving illegal immigrants the right to stay legally if they paid a fine and met other requirements. But the main reason for seeking action is that it's one of those big issues Obama promised to address. His recent moves indicate he recognizes that, despite the perils of an ambitious agenda, he needs to take advantage of this opportunity to seek important changes.

In what many are calling a political success President Obama's first nomination to the US Supreme Court, was Sonia Sotomayor. Justice Sotomayor is the Supreme Court's first Hispanic justice. Many believe this move reinforced the President's standing with a key voter group.

Recent polls show Hispanics strongly supports President Obama and the Democratic Party. In stark contrast the polls give the GOP and its leadership stunningly low single-digit support.

Moving back to our immigration updates, there is no change in the count of the [H-1B](#) and [H-2B](#) visas. A comprehensive immigration reform is soon required to make our broken immigration system, fall in place.

Other Developments in Immigration Law

[CBP Debuts Global Entry Program at Seattle Airport](#)

On September 1, 2009 CBP and the Port of Seattle demonstrated Global Entry, a new clearance system for international air travelers at Seattle-Tacoma International Airport. Global Entry applicants present their machine-readable passport, submit their fingerprints for biometric verification and make a declaration at the kiosk.

[Federal Contractors Required to Use E-Verify Beginning Sept. 8, 2009](#)

Effective September 8, 2009, federal contractors and

Immigration
Question?

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Winner of the Immigration Quiz - August 2009:

Keila Felts

The Question:

I am outside the US on an advance parole but my Advance Parole will expire very soon. What should I do? Must I return to the US before my Advance Parole expires?

The Winning Response:

Advance Parole is permission for certain aliens, who do not have a valid immigrant visa, to re-enter the United States after traveling abroad. Such aliens must be approved for Advance Parole before leaving the United States. If they have not obtained Advance Parole prior to traveling abroad, they will not be permitted to re-enter the United States upon their return (ed. note: the foreign national may be allowed to enter if they can qualify for a valid nonimmigrant status; they just won't be allowed to re-enter the US to resume a pending application). The two purposes of obtaining

subcontractors will be required to use the E-Verify system to verify their employees' eligibility to work in the United States.

Immigration Articles and Other Fun Stuff:

Now for the regulars - this month's **Immigration Article** on 'Affidavit of Support' is a must read if you are applying or intend to apply for a [K-1](#) or [K-3](#) visa. The article gives you a detailed insight about the Affidavit of Support and also holds a comparison between **forms I-134 and I-864**. Also check out our **In Focus** section for this month, where we are going to explore the differences between 'Visa' and 'Status'.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **70.21%** of the respondents believe that President Obama's decision of postponing the immigration reform is not worthwhile. 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 **Keila Felts** 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 **Keila Felts** 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

Advance Parole are that it enables you to come back to the U.S. after traveling abroad without obtaining a visa to the U.S., and it preserves the status of your application pending at the USCIS. If your Advance Parole validity ends and you have not returned to the US, you will be refused entry. Therefore, if you wish to preserve your immigration application, you must travel to the US before your re-entry permit expires.

Keila Felts receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2009.

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NEW TO VisaPro?

Have you always been waiting to know your visa process status? Do you want to know the usual visa processing time taken at your USCIS district office? [Click here](#).

RECENT IMMIGRATION EVENTS



VisaPro Attorney
Mr. Thomas Joy
at Bangalore



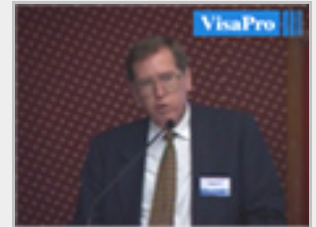
Consular Interview
Mock Session



Seminar Attendees
at Hyderabad

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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...](#)

LATEST NEWS

[DOS Released the Visa Bulletin for October 2009](#)

The Department of State has released Visa Bulletin for October 2009. The October 2009 visa bulletin still shows employment based third preference (EB-3) visas as oversubscribed while the employment based second preference (EB-2) is current for all areas of chargeability except for China and India.

[Expiration Date of Employment Eligibility Verification Form I-9](#)

USCIS announced that OMB has extended its approval of the I-9 Employment Eligibility Verification form to August 31, 2012. An amended version of the Form I-9 is available. Employers may use either the current form or the new one with a revision date of August 7, 2009.

[CBP Notice to Postpone H-2A and H-2B Temporary Worker Visa Exit Pilot Program](#)

CBP announces the postponement of the commencement date of the H-2A and H-2B Temporary Worker Visa Exit Program Pilot, originally set for August 1, 2009. The pilot program will require temporary workers within H-2A and H-2B nonimmigrant classifications that enter the United States at either the port of San Luis, Arizona or the port of Douglas, Arizona, to depart from one of those ports and to submit certain biographical and biometric information at one of the kiosks established for this purpose.

[Read More News](#)

Do you know the difference between 'Visa' and 'Status'?

It has vitally important for all foreign nationals coming to the U.S. to maintain their status at all times. People often get confused between the visa and status and this is the reason why many people fall out of status without being realized that they have fallen out of status. Falling out of status can endanger your future travel to the US. In order to maintain your status while in the U. S., you must understand the difference between the two legal terms — 'Visa' and 'Status'. In this article we will explore the differences between visa and status.

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

IMMIGRATION ARTICLE XML

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 XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

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DISCUSSION CORNER

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

By Sillybilly

[H1B - layoff, status, transfer to L2](#)

By Raiden

[INS Officer wrote IN MY PASSPORT AT INTERVIEW: A#..... I:485 PENDING F16 SEC.245](#)

By FriendlyElse

[Birth Certificate VS NO Entry Certificate](#)

By Shnaveed

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2009 H-1B Cap Strategies
How to beat the Cap?

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QUESTIONS AND ANSWERS

1. **I have applied to change my status from F2 to F1 through the USCIS in January but I had to withdraw the petition in May to go back to my country. Right now I would like to reopen the case (F2 to F1) what should I do and what the things I need to submit and do I have to pay the \$200 again and how long does it take to receive the decision?**

Once an application filed with the USCIS is withdrawn and the USCIS acknowledges the withdrawal, then all actions related to that application is concluded with that withdrawal. Although it is possible to file a motion to reopen within 33 days of the withdrawal, the better option is to simply file a new application because adjudication of the new application generally will be without reference to the withdrawn application.

Given the circumstances you described, I suggest that you simply file a new application for the [Change of Status](#) from [F-2](#) to [F-1](#) visa with new fees.

2. **I am a Kenyan citizen who is a green card holder. I got my green card via DV Lottery. My girlfriend is in USA at the moment on visitor's visa. Her visa expires on 30th October 2009. She too is a Kenyan citizen. Should I marry her before she leaves and then file an I 130 for her, or should I wait till I become a citizen and then either go to Kenya to marry her and bring her as a wife of a Citizen or on fiancée visa? What option would be better? Would it be quicker to file for I 130 now and then upgrade the petition once I become a citizen or would it be better to just apply for her once I become a USA citizen? Can we get married while she is in the US on her tourist visa?**

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](#)

Right now with the Green Card you can file an [I-130](#) for a spouse, however all that it is going to do is put her on a family 2A quota waiting list which is backed up by 5 -6 years now. She can wait until her place in that waiting line is reached may be 6 years from now or until you become a citizen, whichever occurs first. Just filing the I-130 does not allow her to stay and work here and also does not allow her to go in and out of the US.

K-1 Visa: For a fiancée visa, you would file a petition. You have to prove that you are a citizen and you have to file that you are legally able to get married when she comes here. And you have to prove that you have met each other in person at least 1 time in a 2 year period. Once filed, it gets approved in US and sent to the US Embassy in Nairobi. She will be processing her [K-1](#) visa in Nairobi. When she gets it, she comes to the US.

K-3 Visa: You have to go to Kenya to marry her and then you come back to US and file a [K-3](#) petition. The K-3 petition will allow her to come to US and finish her Green Card process while she is present in US. It is legal to come to the US on a tourist visa for a purpose of getting married to a US citizen as long as you remain a tourist and you go back to her home country and finish her Green Card process in Kenya. If she chooses to overstay on her tourist visa then, she may face problem by violating the law. If she is caught then she can be deported. If she doesn't get caught then, you become a citizen and get married to her then you can file for her Green Card.

[More Q&A](#)

SUCCESS STORIES

Hello [VisaPro legal team],

"I would like to thank all of you for working with us to get [P-3](#) visas for 2 of my dancers. It was really wonderful to work with [VisaPro legal team] and I am very happy with the way you guided us through the entire process.

The dancers have arrived in the US and we have been having successful performances. Thanks to your hard work and persistence. If I need to apply for any visa ever again I will definitely use your excellent service. I have been recommending your company to my friends as well."

Thanks again.

Regards,

Aparna Sindhoor, Artistic Director
Navarasa Dance Theater

[More Success Stories](#)

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