



## FROM THE EDITOR'S DESK

As we move closer to the beginning of fiscal year 2011, we mark the start of another U.S. Department of State's Diversity Immigrant Visa Lottery Program (DV lottery). U.S. Department of State (DOS) has announced the launch of DV lottery for the fiscal year 2012. Foreign nationals who want to enter the DV lottery for fiscal year 2012 can submit their applications from Tuesday, October 5, 2010 at 12:00pm EDT (GMT -4) until 12:00pm EDT (GMT -4) on Wednesday, November 3, 2010.

U.S. Citizenship and Immigration Services (USCIS) on September 23, 2010, announced a final rule adjusting fees for immigration applications and petitions. The final rule will increase fees for many immigration filings, including premium processing cases, by a weighted average of about 10 percent but will not increase the fee for the [Naturalization](#) application. The new fee schedule will take effect from November 23, 2010. Petitions and applications postmarked on or after November 23 must include the new fees.

Employers will see higher fees for most employment-based filings, though some fees will be lowered. The following chart shows the revised fee structure for some of the applications:

### IN THIS ISSUE

- [Latest News](#)
- [In Focus](#)
- [Immigration Article](#)
- [Processing Times](#)
- [Discussion Corner](#)
- [Questions and Answers](#)
- [Success Stories](#)

### DOWNLOAD

[Download](#) this Newsletter in PDF Format.

### SUBSCRIPTION

- [Subscribe](#)
- [Modify Subscription](#)

Form	Current Fee	New Fee
Form <a href="#">I-129</a> Petition for Nonimmigrant Worker	\$320	\$325
Form <a href="#">I-140</a> Immigrant Petition for Alien Worker	\$475	\$580
Form <a href="#">I-485</a> Application to Adjust Status	\$930	\$985
Form <a href="#">I-765</a> Application for Employment Authorization	\$340	\$380
Form <a href="#">I-131</a> Application for Travel Document	\$305	\$360
Form <a href="#">I-539</a> Application to Extend/Change Nonimmigrant Status	\$300	\$290

Here is another tough month for H-1B and L-1 employers after the previous month when the senate passed the U.S.-Mexico border security, which increased the H-1B and L-1 filing fee. In the first week of September, the U.S. employers with pending H-1B and L-1 petitions began to receive requests for evidence (RFEs) concerning the newly-implemented border security fee to employers who have pending H-1B and L-1 petitions for fifty or more employees. The RFEs require employers to submit the new fee or explain why they are not subject to it. The RFEs are likely to slow the adjudication of pending petitions, including those that were submitted with a request for premium processing. This has certainly become a cause of worry for employers filing H-1B or L-1 petitions especially when they are in an immediate need of the foreign national employee.

Employers and their immigration counsel have been experiencing technical slowdowns with the Department of Labor's iCERT online portal. The technical problems have impeded some employers' ability to file the Labor Condition Applications (LCAs) that are required for any petition or application for H-1B, [H-1B1](#) and [E-3](#) status. Department of Labor has informed that the E-Verify photo tool will soon be upgraded to allow participating employers to verify the photograph in an employee's U.S. passport against government databases.

### Other Developments in Immigration Law

#### [USCIS Final Rule On Adjusting Fees for Immigration Benefits](#)

USCIS has announced a final rule adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed version of the rule, which USCIS published in the Federal Register

### YOUR OPINION

Do you favor the USCIS decision to increase the fees for many immigration filings, including premium processing cases?

- Yes
- No
- Can't say

[Cast Your Vote](#)

[View Results](#)

### 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 September 2010.

*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?*

[Submit Your Answer](#)

on June 11, 2010. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The rule will also reduce fees for six individual applications and petitions and will expand the availability of fee waivers to new categories. The new fees will go into effect from November 23, 2010.

[Effects of Invalid Puerto Rico Birth Certificates on the Form I-9 Process](#)

On July 1, 2010, the Vital Statistics Office of the Commonwealth of Puerto Rico began issuing new, more secure certified copies of birth certificates to U.S. citizens born in Puerto Rico because of a new Puerto Rico birth certificate law. After Sept. 30, 2010, all certified copies of birth certificates issued prior to July 1, 2010, will become invalid. This new law does not affect the U.S. citizenship status of individuals born in Puerto Rico. It only affects the validity of certified copies of Puerto Rico birth certificates.

[CBP Reminder: New ESTA Fee to Begin from September 8 September 7, 2010](#)

CBP reminds VWP travelers about the \$14 fee for the Electronic System for Travel Authorization applications that will begin on Wednesday, Sept. 8. A fee of \$4 will recover the costs incurred by CBP of providing and administering the ESTA system and is in addition to the mandatory \$10 travel promotion fee established by the Travel Promotion Act of 2009. The total fee for a new or renewed ESTA will be \$14.

## Immigration Articles and Other Fun Stuff

Now for the regulars – this month's **Immigration Article** entitled '*H1B Visa for Fashion Models: An Overview*' aims to address the most common queries regarding H1B visa for fashion models and provide an overview of the eligibility requirements and the various steps involved in obtaining an H1B visa for fashion models. Also check out our **In Focus** section for this month, *Marriage Based Green Card Interview Questions*, where we have put together some common marriage based Green Card interview questions asked by USCIS officers and tips on how to better prepare for the interview.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **56.52%** of the respondents believe that Senate's approval to the Border Security Bill that increased the [H-1B](#) Visa and [L-1](#) Visa fees by \$2000 is not a favorable verdict. We

Immigration  
Question?

Consult Our  
Experienced  
Attorneys

Click Here



### Winner of the Immigration Quiz - August 2010:

Neelam Kheer

#### The Question:

*Sonia is getting married to Paul who is a French citizen. Paul is currently in the U.S. on an [E-2](#) Investor Visa. Sonia is a citizen of India, which is not a treaty country. Does it mean that she cannot accompany Paul to the U.S. on E-2 dependant visa?*

#### The Winning Response:

Sonia will be able to accompany Paul to the U.S. since the requirement of a treaty country applies to the E-2 visa recipient, not to the spouse. Thus, Sonia being Paul's wife, can accompany Paul on a E-2 dependent visa.

Neelam Kheer receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2010.

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 **Neelam Kheer** 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 **Neelam Kheer** 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.

**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 ▶](#)

## **JOBS @ VisaPro**

- **Full-Time**
- **Part-Time**
- **Semi-Retired**

**Job Type:** W-2 or 1099

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

▶ [Immigration Attorney](#)

▶ [Immigration Paralegal](#)

## **NEW TO VisaPro?**

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...](#)

### [USCIS Update the H-1B Cap Count](#)

As of September 24, 2010, USCIS received 39,600 H-1B cap subject petitions and approximately 14,400 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.

### [Diversity Visa Lottery for FY2012 Starts October 5, 2010](#)

Foreign nationals who want to enter the Fiscal Year (FY) 2012 Diversity Visa Lottery (DV Lottery) can begin to submit their applications beginning Tuesday, October 5, 2010 at 12:00pm EDT (GMT -4) until 12:00pm EDT (GMT -4) on Wednesday, November 3, 2010.

### [DOS Released the Visa Bulletin for October 2010, the First Bulletin for the Fiscal Year](#)

The Department of State (DOS) has recently released the Visa Bulletin for October 2010, which is the first Visa Bulletin for the new FY2011 fiscal year.

[Read More News](#)

## IN FOCUS



### [H1B Visa for Fashion Models: An Overview](#)

Foreign fashion models intending to work temporarily in the US are often unsure about the visa options available to them. While H1B visa remains a most sought after visa for fashion models, questions like do they require a bachelor's degree to qualify for an H1B fashion model visa, what are the requirements and eligibility standards to qualify for the H1B visa, how they compare with eligibility standards of O-1 visa etc. continue to be asked regularly. In this article we aim to address the most common queries regarding H1B visa for fashion models and provide an overview of the eligibility requirements and the various steps involved in obtaining an H1B visa for fashion models.

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

## IMMIGRATION ARTICLE

---

### [Marriage Based Green Card Interview Questions](#)

The Green Card marriage interview is a major step in the process of obtaining a Green Card through marriage. With some applicants faking marriage to gain immigrant status, the immigration officers are cautious to thoroughly examine the bona fides of a marriage and do not make the marriage based Green Card interview an effortless process. Hence once should not

presume the Green Card marriage interview to be easy, or a mere formality. Thorough preparation is sure to limit the stress and anxiety generally associated with the USCIS marriage interview. For the benefit of our readers, we have put together in this article some common Green Card interview questions asked by USCIS officers and tips on how to better prepare for the interview.

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

## PROCESSING TIMES XML

▶ [Visa Bulletin](#)

▶ [USCIS Processing Times](#)

▶ [Local USCIS Offices](#)

## DISCUSSION CORNER

[Deported can she come back?](#)

By GreenBear

[I130 Status Change](#)

By Synack

[Social Security no for F1 holders...](#)

By Khai Kohokoh

[More Discussions](#)



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

Contact  
**VisaPro Attorneys**

VisaPro

## QUESTIONS AND ANSWERS

**Q1. I'd be soon getting married to a U.S. citizen this year. Can I come to the U.S. on the Visa Waiver Program and get married? Will I be punished for doing this? Also I currently work overseas for a U.S. company. Can I still work overseas while my [I-130](#) and [I-485](#) are pending? I work 2 months over here then have 1 month off. Can I still come to the states on the VWP on that month off?**

**Ans.** If you enter the U.S. on the Visa Waiver Program (VWP) you can still get married and file for adjustment of status in the U.S. However, if you marry and file for adjustment of status within 30 days of entry there is a presumption that you had this as a preconceived intent and the USCIS, while they rarely do, could deny your adjustment of status application. To avoid the presumption we recommend that you wait for 30 to 60 days after entering before you marry and file for adjustment of status.

The drawback to this plan is that once you file for adjustment of status you have to remain in the U.S. until you are granted permanent residence or receive advance parole from the USCIS. Unfortunately the USCIS is currently taking 60-90 days to process advance parole applications (which would not fit with your current 60/30 day schedule). If you can remain in the U.S. for long enough to get the advance parole you would be able to maintain your job overseas.

Once you are married to the U.S. citizen your ability to travel to the U.S. as a visitor may be affected. As the spouse of a US citizen you are considered to be an "intending immigrant" and a US immigration officer at a port of entry could stop you from coming in. If you are chosen for questioning you would have to convince the officer that you are only visiting, based on your job outside the U.S. and that you are processing your immigrant visa in your home country (after your marriage, you can file for an adjustment of status if you are inside the U.S. or you may begin the immigrant visa process at a U.S. consulate if you are outside the U.S.). If you are able to convince the immigration officer of your nonimmigrant intent you would be able to continue your periodic visits to the U.S. If not, you would not be able to return to the U.S. until you have completed your immigrant visa processing outside the U.S.

**Q2. I am a citizen of Canada and currently I am in US on TN visa which was filed by Company A and it is valid for next six months. Now I have another job offer from Company 'B'. Can I change my employer without applying for a new TN visa? Or should my new employer file a new TN Visa? If possible can my new Company 'B' file my H-1B visa for me now?**

**Ans.** The [TN](#) visa is employer specific so you cannot change employers until you have a new TN for your new employer. You can either process the new TN at the border or you can file for a change of status with the USCIS service center. If you process at the border, you will get the approval at the time of filing. If you file for a change of employer with the service center it will take 15-75 days for a response. And yes, your new employer may file an [H-1B](#) for you now as the H-1Bs are still available.

### 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](#)

[More Q&A](#)

## SUCCESS STORIES

*"Panatda Chotison and Myself would like to thank you directly for your help in processing our [L-1] visa and be able to work for Procon in US. We just received the VISA yesterday morning and are now almost ready to leave.*

*Thanks again for your outstanding services."*

*Best regards,*

**Jean-Marc Genouvrier**, Director of Technology  
[PROCON, Inc.](#)

[More Success Stories](#)

### [Send Your Feedback](#)

Send in your suggestions on topics that you want us to cover and Tell us what you think about us.

### [Email to a Friend](#)

Share this Newsletter with your Friends.

### [Report Immigration News](#)

Do you have any interesting immigration-related news to report? We will give a **FREE Online Consultation** to whoever provides us with the best news story of the month. [Send](#) your story.

---

You are receiving this newsletter at [email] as part of your membership with VisaPro.

To **SUBSCRIBE** to this **FREE** Newsletter, visit:

<http://www.VisaPro.com/Immigration-News/Select-Immigration-Alerts.asp>

To **MODIFY** your subscription, visit:

<http://www.visapro.com/Immigration-News/Modify-Immigration-Alerts.asp>

VisaPro respects your privacy. To learn more, read our [Privacy Policy](#).

**"Immigration Monitor"** is published monthly for users and clients of VisaPro.com. Our goal is to help keep you informed of the trends and events related to US Immigration.

Copyright © 2010 VisaPro.com - All rights reserved.