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### FROM THE EDITOR'S DESK

*Hello and welcome to the September Immigration newsletter.*

As September is drawing to a close, we take a moment to remember the tragedy that was inflicted on this country and all of humanity on September 11, 2001. We also pause to remember the men, women and children who died on that fateful day and the brave men and women who have died for our country on the battlefield in the war on terror. Somber ceremonies and memorial services were held across the nation and in other parts of the world as well, as people revisited those dark moments, attempting to erase the pain and appreciate the sacrifices made, and challenges overcome in the war against terror across the world.

In other news, the state of economy continues to dominate the headlines. President Obama most recently revealed the "American Jobs Act", urging lawmakers in Congress to pass it 'right away'. The measures in the bill, which President Obama claim could create 1.9 million jobs, include tax credits for employers who hire more workers, funding to prevent additional layoffs of teachers, and more money for infrastructure and school construction projects. With opinions on the bill appearing divided (as usual) and with the Presidential elections a little over one year away, it would not be unreasonable to imagine that the administration may have to overcome some stiff opposition in Congress for the bill to pass in its current state.

In the field of immigration, one of the most notable developments this September was USCIS' announcement that Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program applicants will now be able to communicate directly with

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### YOUR OPINION

Do you think USCIS' new direct email communication with Form I-924, [EB-5](#) Regional Center applicants, initiative will significantly aid in quick resolution of issues and questions that arise during the

USCIS adjudicators via e-mail to quickly resolve issues and questions that arise during the adjudication process. USCIS indicated that implementation of enhancements to the [EB-5](#) program, which is designed to stimulate the U.S. economy through job creation and capital investment by foreign investors, is a high priority. Considering the ease with which information can be communicated through emails, it is a very welcome move and could considerably speed-up the adjudication of EB-5 Regional Center applications. Hopefully, successful implementation of the e-mail component may encourage USCIS to expand it to other adjudication categories across the board.

In another important development, a federal court in Alabama issued an order temporarily delaying the effective date of Alabama's controversial immigration law, HB 56, which was to take effect on September 1, 2011, observing that there was not enough time to address all the legal arguments from various parties over the law's constitutionality. It is reported that under the provisions of this controversial law, law enforcement officers have to check the citizenship status of any person they suspect of being an illegal immigrant. The law makes it a crime to knowingly provide transportation for or harbor an illegal immigrant, and people are forbidden from renting illegal immigrants' property or knowingly employing them. Employers have to check a suspected illegal immigrants' status through the federal E-Verify system and Public schools have to report suspected illegal immigrants to state authorities. The injunction will remain in effect until September 29, 2011, or until the court enters its ruling whichever is first, and therefore, a clearer picture on the legality of the enactment could emerge by the month-end.

In Some other immigration news:

1. The Office of Foreign Labor Certification (OFLC) issued Questions and Answers regarding the extensive and prohibitive delays in Issuing Prevailing Wage Determinations (PWD) and H-1B Labor Condition Applications (LCA). The OFLC reminded employers that they can obtain a prevailing wage on their own without the assistance of the NPWC. The OFLC observed that that DOL's regulations provide the employer with alternative sources for obtaining a prevailing wage in support of an H-1B application. OFLC mentioned that as long as the employer provides a prevailing wage in support of its [H-1B](#) application, whether through obtaining a PWD from the NPWC or through the other listed sources, there should not be any adverse consequences to the foreign worker on whose behalf the H-1B application was filed. OFLC however cautioned that if the H-1B employer selects an incorrect prevailing wage, then the employer is responsible for that wage attestation in the event of an investigation or enforcement action.
2. The Department of Homeland Security published a Business Transformation Regulation intended to promote the migration of USCIS filings from a paper-based environment to an electronic one, revising more than 50 parts of DHS regulations. The new regulations will become effective on Nov. 28, 2011.
3. USCIS issued a Policy Memorandum providing guidance regarding amendments to the Immigration and Nationality Act that extend the

adjudication process?

- 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 2011.

*I am a citizen of Romania and my husband is a U.S. citizen. I came to the U.S. on a [K-1 visa](#) last month and we got married in the U.S. last week. Does my K-1 status automatically change to permanent resident status after my marriage, or do I have to file any additional paperwork? Also, can I start working in the U.S. now?*

[Submit Your Answer](#)



### Winner of the Immigration Quiz - August 2011:

Abhinav Sinha

### The Question:

I am an Australian national and I am looking to set up a company in the U.S. Will I be eligible to apply for an [E-2 visa](#)? Can my wife and 8

ability to self-petition to battered or abused parents of U.S. citizens. USCIS observed that an abused parent, stepparent, or adoptive parent of a U.S. citizen is eligible to apply for VAWA (Violence Against Women Act of 1994) relief provided that the self-petitioner is a "parent", as defined in the Act and has or had a qualifying relationship to a U.S. citizen son or daughter. Additionally, the qualifying relationship must have been in existence at the time of the abuse and at the time of filing.

Meanwhile, the [H-1B](#) cap count continues to move forward and has almost reached its half-way mark. As of September 9, 2011, USCIS has received 32,200 regular cap eligible cases out of 65,000, and 16,700 master's cap cases out of 20,000. With the number of H-1B applications filed seeming to accelerate towards the cap limit, employers who intend to employ foreign workers should not assume anything or leave things to the last moment. Make sure to [contact VisaPro](#) to discuss all options as soon as a position is offered.

### Other Developments in Immigration Law

#### [USCIS issues Policy Memoranda on Changes of Status to B-2 and Extensions of B-2 Status for Cohabiting Partners and other Nonimmigrant Household Members](#)

USCIS has recently issued a Policy Memoranda on Changes to B-2 Status, and Extensions of B-2 Status, for Cohabiting Partners and Other Nonimmigrant Household Members, clarifying that a cohabiting family member's relationship to the nonimmigrant principal alien in another status will be considered a favorable factor in allowing them to obtain or remain eligible for B-2 classification, and that a change to and/or one or more extensions of B-2 classification is appropriate in the exercise of discretion for household members of a principal nonimmigrant visa holder, when other eligibility requirements are met. This policy memo seeks to bring USCIS into line with Department of State policy regarding the issuance of B-2 visa for cohabiting family members. It is important to remind our readers that cohabiting partners, regardless of their marital relationship, may also avail themselves of B-2 status or the visa.

#### [USCIS publishes Final Rule establishing Transitional Worker Classification for workers in CNMI](#)

USCIS has recently published a final rule that establishes a Transitional Worker (CW) classification for workers in the Commonwealth of the Northern Mariana Islands (CNMI). The CW classification allows employers in the CNMI to hire nonimmigrant workers who are otherwise ineligible to work. A limited number of CW visas are available each fiscal year and the numerical limitation for FY 2011 is 22,417 and for FY 2012 will be 22,416. The final rule also provides for the grant of derivative CW status to spouses and minor children of CW workers.

### Immigration Articles and Other Fun Stuff

Coinciding with the start of the school year across much of the United States and Teacher's Day celebrations in India, our In Focus section for this month, titled 'U.S. Visa for Teachers: H1B, O-1, TN, P-3, And More..' presents a snapshot of the various nonimmigrant visa options that are available to foreign national teachers and professors desirous of coming to teach in the U.S.,

year old son, both of whom are citizens of China, accompany me to stay in the U.S. as my dependents? Will my son be able to attend school in the U.S.?

#### The Winning Response:

For the purposes of the E-2 visa, Australia is a treaty country. Provided your investment satisfies all the requirements of the E-2 visa regulations, as a citizen of Australia, you may be eligible for an [E-2 visa](#). As far as your wife and son are concerned, their nationality need not be the same as yours and they should be able to accompany you as your dependent as long as they are otherwise eligible for a visa. They will be granted the same period of stay as you. Also, while your son may attend a school in U.S., your wife could also apply for a work authorization and be employed in the U.S. once she receives the appropriate employment authorization.

Abhinav Sinha receives a **FREE Online Consultation** from an Experienced VisaPro Immigration Attorney during the month of September 2011.

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#### NEW TO VisaPro?

Do you have questions regarding the [H-1](#), [L-1](#), [E-1](#), other work visas or green cards? VisaPro has answers to commonly asked immigration questions. [Click here](#) to know more.

including the H1B, O-1, TN and P-3 classifications.

Every month we introduce a new and interesting question for our opinion poll. Last month's poll results indicate that **42.86%** of the respondents think USCIS' new entrepreneur and investor initiatives will actually promote startup enterprises and spur job creation in the U.S. 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 **Abhinav Sinha** for winning last month's Immigration Quiz. We received a significant number of responses from our readers who came up with some creative solutions to support their position, but **Abhinav Sinha** 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](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*

**We are pleased to share that the VisaPro team was a part of the Presidential Executive Mission to India.**



Mr. Ramineni (standing on the extreme right, holding the President's hand) from our DC office is interacting with President Obama.

[Read Full Article in Los Angeles Times](#)

## LATEST NEWS

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[Embassies in Copenhagen and Oslo will no longer process Immigrant Visa or Diversity Visa applications after 10/01/2011](#)

Effective October 1, 2011, the Embassies in Copenhagen and Oslo will no longer process immigrant visa (IV) or diversity visa (DV) applications. As of October 1, 2011, all immigrant and diversity visa interviews and adjudications for residents of Denmark, Norway, and Sweden will take place at the U.S. Embassy in Stockholm, Sweden. This change only affects immigrant visa processing, and Embassies in Oslo and Copenhagen will

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continue to process nonimmigrant visas and will continue to provide the full range of services to American citizens.

### [U.S. Consulate in Mumbai resumes H and L visa Processing](#)

The U.S. Consulate in Mumbai has announced the resumption of interviews in Mumbai for H and L visas. The Consulate announced that it would open the appointment schedule on August 26, 2011, and the first interview appointments were available on September 6, 2011. All interviews will be conducted at the Lincoln House Consulate building, located at 78, Bhulabhai Desai Road, until further notice.

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IN FOCUS

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### U.S. Visa for Teachers: H1B, O-1, TN, P-3, And More...

Foreign national teachers bring an international perspective to U.S. classrooms, benefitting not only the students they teach, but also the schools and communities that they are engaged in. Foreign national teachers who wish to come to the U.S. to teach in the U.S., have a variety of viable nonimmigrant visa options. With each visa option having its own benefits and limitations, foreign national teachers and professors, as well as the schools, institutions and universities that are desirous of engaging them in the U.S., often find it challenging to understand and select an appropriate visa for teachers, from the various nonimmigrant visa options that seem to be available. For their benefit, we present here, a snapshot of the various U.S. nonimmigrant visas that are available for teachers who want to come to and teach in the U.S.

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### QUESTIONS AND ANSWERS

**Q1. I am an Irish dancer and a UK Citizen. I wish to perform for an Irish dance company in the U.S. Please let me know how I can get a [P-3 visa](#), so that I could come to the U.S. to perform.**

**Ans.** The [P-3 visa](#) is available to foreign nationals coming temporarily to the U.S. to perform, teach, or coach as artists or entertainers, individually or as part of a group, under a commercial or non-commercial program, that is culturally unique. Irish dance is culturally unique and it is traditional. To apply for a P-3 Visa, the company that is running the dance show must file Form I-129, Petition for a Nonimmigrant Worker with USCIS, to classify you as a culturally unique performer, performing as a part of an entertainment group tour that is going to be giving culturally unique or traditional performances and that they are going to tour for certain period of time. You cannot file the petition yourself-- it has to be done by the

#### 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

company. If the USCIS approves the petition, it will issue an approval notice. You will then have to apply for a [P-3 visa](#) stamp in your passport by making an appointment for interview at the American Embassy in London. If you are successful in your interview, the American Embassy in London will stamp a P-3 visa in your passport and once you get the P-3 visa, you can come to the U.S. and perform.

provided.  
[Ask Your Question](#)

**Q2. I am a U.S. Citizen and my fiancée is a national of Chile. I am residing in the U.S. and she is currently in Chile and has never been to the U.S. before. We have known each other for about 5 years now and we recently got engaged in a ceremony in Chile. We want to now get married in the U.S. Please let us know what we could do for her to come to the U.S. so we can get married in the U.S.**

**Ans.** If you intend to get married in the U.S., she could apply for a [K-1 fiancée visa](#) with which she could travel to the U.S. and marry you in the U.S. To apply for a K-1 visa, you, as a U.S. Citizen, must file a K-1 visa petition with the USCIS. Once the petition is approved, you will get an approval notice in the mail stating that the petition has been forwarded to the National Visa Center (NVC). It will be processed at the NVC, and then sent to the American Embassy in Chile. Your fiancée will then be given forms to fill out and instructions on the medical examination that needs to be done, and a list of documents she would need to submit. An interview will be scheduled where she will need to bring all the requested documents. If all goes well at the personal interview, they will issue her a [K-1 visa](#) stamp in her passport. The K-1 visa will be single entry visa, valid for 6 months from the time it is issued. When she lands in the U.S. with it and presents it, she will be admitted into the U.S. for a period of 90 days. Once in the U.S. on the K-1 visa, she has to marry you and file for Adjustment of Status within that 90 day period, so that she can stay in the U.S. while her Green Card case is being processed. If she does not marry you and file the papers within 90 days, she must to go back to Chile.

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## SUCCESS STORIES

*"VisaPro provides great simple and quick [\[H-1B\]](#) visa processing services. Their legal team is knowledgeable, helpful and experts on their field. A really helpful professional who has helped us a lot during the process. Definitely we will keep VisaPro in mind for our future visa needs."*

**Santiago,**  
[Indra](#)

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