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Immigration News Update

January 27, 2010

Welcome to Immigration News Update, your resource for the latest developments in U.S. immigration laws, procedures, and breaking news. Immigration News Update is published bi-monthly by Bashyam Spiro, a firm committed solely to the practice of Immigration and Nationality Law. To further explore what is happening in immigration across our nation and the world follow us on [Twitter](#) and [Facebook](#).

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Bashyam Spiro LLP handles U.S. immigration cases in all 50 states and around the world. We are located at The Summit Building, 4101 Lake Boone Trail, Suite 200, Raleigh, North Carolina 27607. Telephone: 919-833-0840. Web Site: www.bashyamspiro.com.

"Our cowardly, idiot Congress left on a two-week spring break. They're the biggest bunch of do-nothings. They

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didn't do anything. They didn't come to terms with the bill. They just left and went on vacation. So apparently, Congress is also on a temporary worker program." -- Jay Leno

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Seminar on USCIS Memo Regarding Employer-Employee Relationship for H-1B Applications

Our law firm will be holding a free breakfast seminar on the recent USCIS memo that defines the employer-employee relationship for purposes of filing an H-1B application. As many of our readers already know, this memo has caused quite a stir among companies who hire foreign professional workers. In this seminar, we will provide our thoughts on the USCIS memo, as well as our initial impressions on what employers will have to do when submitting H-1B applications in the future.

Date: Wednesday, February 10th, 2010

Location: The Summit, 4101 Lake Boone Trail, Suite 200, Raleigh, NC 27607

Time: 8:30 am - 9:30 am.

This seminar is limited to employers only and seating is limited. To register, please send an email to info@bashyamspiro.com.

To read our first blog post on the USCIS memo, please click [here](#).

New Regulations Impact Visitors to India

The Indian government is implementing new visa regulations that will impact foreign nationals who travel to India as tourists. If a foreign national had been in India for more than 90 days before travel abroad or more than 180 days in the past year, these new regulations would impose a two-month gap between visits. In addition, passports will be stamped to indicate that the foreign national cannot re-enter India within two months of exit unless special permission is received from the Indian government.

Although these rules are stringent, foreign nationals can still make frequent trips to India without being subject to the two-month gap in certain situations. They will have to provide documentary evidence to the immigration officer and prove that there is a real need for their frequent visits to India on the basis of tourism.

These travelers who visit within two months must also register with the Foreign Registration Office (FRO) within 14 days of arrival, and must declare that they will only use the visitor visa to visit specified destinations. Travelers who visit India, even for less than 14 days and for business, are sometimes being asked by immigration officers to register with the FRO even when legally unnecessary. Therefore, travelers should be prepared to register with the FRO on each visit to India.

We will provide additional information at www.bashyamspiro.com as it becomes available.

TPS Registration Begins for Haitian Nationals

U.S. Citizenship and Immigration Services announced on January 21, 2009 that eligible Haitian nationals in the United States may begin the application process for Temporary Protected Status.

The TPS designation for Haiti is effective immediately and will remain in effect through July 22, 2011. The designation means that eligible Haitian nationals will not be removed from the United States and will be authorized to work in the United States. The 180-day registration period for eligible Haitian nationals to apply for TPS begins today and will end on July 20, 2010.

The designation applies only to those Haitians who resided in the United States on or before Jan. 12, 2010; TPS will not be granted to Haitian nationals who entered the United States after Jan. 12, 2010.

We will provide additional information at www.bashyamspiro.com as it becomes available.

DHS Announces Humanitarian Parole Policy for Haitian Orphans

On Jan. 18, Department of Homeland Security (DHS) Secretary Janet Napolitano announced a humanitarian parole policy allowing orphaned children from Haiti to enter the United States temporarily on an individual basis to ensure that they receive the care they need— as part of the U.S. government's ongoing support of international recovery efforts after last week's earthquake.

DHS and DOS are working together to issue travel documents (either immigrant visas or humanitarian parole authorizations) for children who fall into the two categories described below. Once these children are cleared to travel, the U.S. Embassy in Port au Prince will facilitate their evacuation to the United States so they may be united with their American adoptive parents.

The parole policy applies to the following children:

- Children who have been legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti and are being adopted by U.S. citizens.
- Children who have been previously identified by an adoption service provider or facilitator as eligible for intercountry adoption and have been matched to prospective U.S. citizen adoptive parents.

If you would like more information on this humanitarian parole policy, call USCIS at (800) 375-5283.

Stay tuned to www.bashyamspiro.com for more information as it becomes available.

DOS Releases February 2010 Visa Bulletin

The U.S. Department of State (DOS) released its February 2010 Visa Bulletin. According to the bulletin, visa availability dates moved forward by three weeks to May 22, 2005 in the employment-based second preference (EB-2) category for nationals of China. In the third employment-based preference category (EB-3) for professionals and skilled workers, immigrant visa availability dates advanced approximately seven weeks, to September 22, 2002, for China and worldwide. Unfortunately, it did not advance for India or Mexico. All other categories will remain unchanged from the January 2010 bulletin. To read the entire February Visa Bulletin, please click [here](#).

HELPFUL LINKS

To access some helpful immigration related web sites, please click [here](#).

To schedule a consultation, please send an email to info@bashyamspiro.com or click [here](#).

To learn more about Bashyam Spiro LLP, please visit www.bashyamspiro.com.

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