



Immigration News

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SPECIAL THANKS TO MS. PREETI GADA

Some individuals leave their mark on the legal profession not only through their achievements, but through the energy and encouragement they bring to the people around them. Ms. Preeti Gada is undoubtedly one of those individuals. A respected advocate with years of dedicated practice, she has made significant contributions to the legal field through her involvement in several landmark judgments of the High Court relating to the Rent Act and Family Court matters. Her depth of knowledge, sharp legal understanding, and commitment to justice have earned her immense respect among colleagues and peers alike.

Beyond the courtroom, she has also contributed meaningfully to legal awareness and education. She is the author of the Gujarati books *Stree-o-na-Hako* (2010) and *Lagan Vichhed Na Kayada* (2013), both of which reflect her commitment to informing and empowering people through legal knowledge.



She has been the strongest sources of motivation behind this newsletter. Her constant encouragement, enthusiasm, and persistence kept this publication moving forward even during moments of delay and doubt. Truthfully, this newsletter would not have reached publication without her support and belief in the effort behind it. We are proud to recognize her achievements, celebrate her contributions, and thank her for the inspiration and encouragement she continues to offer to all of us.

A LOOK AT U.S. BUSINESS IMMIGRATION

Business immigration to the United States broadly encompasses the legal framework that enables foreign professionals, employees, and investors to engage in work or business activities in the country through designated visa categories. Stay tuned as we break down each of these widely used U.S. business visa categories in our upcoming issues.

EB-5 VISA — CAN INVESTMENT LEAD TO A GREEN CARD?

For individuals who invest a substantial amount in a U.S. business that creates jobs for U.S. workers, offering a pathway to permanent residency.

L-1 VISA — WHO CAN TRANSFER TO THE U.S.?

For employees transferring from an overseas office to a U.S. branch of the same company, typically in managerial or specialized roles.

H-1B VISA — WHO GETS TO WORK IN THE U.S.?

For professionals in specialized fields requiring at least a bachelor's degree or equivalent, commonly used in tech, finance, and law.

HUMANITARIAN REINSTATEMENT: WHEN COMPASSION MEETS PROCEDURE

Authored by Rebecca Pereira & Rida F. Moledina



For many families, an approved immigration petition represents far more than paperwork. It represents hope, reunion, sacrifice, and the dream of building a future together in the United States. When the petitioner sadly passes away before the immigration process is completed, families are often left not only grieving the loss of a loved one, but also fearing the loss of the immigration opportunity they waited years to achieve. Recognizing these difficult human realities, U.S. immigration law provides a form of relief known as Humanitarian Reinstatement.

Humanitarian Reinstatement is a discretionary relief exercised by the U.S. Citizenship and Immigration Services (USCIS) under INA §205 [8 U.S.C. §1155] and corresponding USCIS policy guidance. It may allow an approved family-based immigrant petition (Form I-130) to continue even after the death of the petitioner. In deserving cases, USCIS may determine that humanitarian considerations justify reinstating the revoked petition and allowing the beneficiary to continue the immigration process. This relief generally applies only where the Form I-130 petition had already been approved before the petitioner's passing. The request is submitted directly to USCIS and reviewed individually based on the humanitarian circumstances of each family. To understand this better consider the following illustration.

Imagine a mother in the United States who filed an immigration petition for her adult son abroad after waiting years to reunite with him. Tragically, she passes away before he is able to receive his immigrant visa. In many situations, the family fears the entire immigration process will end immediately despite the years of waiting, emotional investment, and the petitioner's genuine intention to bring her loved one to the United States. Humanitarian Reinstatement exists precisely for situations like these; allowing USCIS to consider whether compassion and fairness justify continuing the case.

While reviewing such requests, USCIS may consider factors such as the emotional and financial hardship surviving family members may face, the length of time the beneficiary has already waited, family ties in the United States, medical or personal hardships, and the overall humanitarian circumstances of the case. In most situations, a substitute sponsor is also required under INA §213A(f)(5)(B). This means another qualifying U.S. citizen or lawful permanent resident family member such as a spouse, sibling, parent, or adult child — may step forward and file Form I-864 (Affidavit of Support) to continue the financial sponsorship originally intended by the deceased petitioner.

A Humanitarian Reinstatement request generally includes a detailed request letter to USCIS, the approved I-130 petition approval notice, the petitioner's death certificate, evidence demonstrating humanitarian hardship and family circumstances, and financial sponsorship documents from the substitute sponsor. Behind every such request is a deeply personal story; families trying to honor the wishes of a loved one who had hoped to reunite with them in the United States. While no legal process can erase such a loss, Humanitarian Reinstatement reflects the humanitarian principles built into U.S. immigration law and, for many families, offers a meaningful second chance to continue the journey their loved one once began.



X-1 VISA - VISA MADE FOR FOREIGNERS WITH AN INDIAN CONNECTION

Sometimes, immigration is not about business, employment, or tourism; it is simply about families wanting to stay together. India's X-1 Entry Visa is designed for such situations and is commonly granted to foreign nationals who have close family ties in India or need to remain in the country for personal or long-term family reasons.

The X-1 Visa is often issued to spouses, dependent children, or family members of Indian citizens, Overseas Citizen of India(OCI) cardholders, or foreign nationals already residing in Indian valid visas. Unlike a Tourist Visa, the X-1 Visa is generally meant for individuals who require a longer and more stable stay in India due to genuine personal or family circumstances.

For example, a foreign national married to an Indian citizen may initially enter India on an X-1 Visa while the couple begins building their life together in India. Similarly, dependent children or elderly parents may also rely on this category to remain close to their family members during important stages of life.

Applicants are usually required to provide documents proving their relationship with the Indian sponsor or family member, along with valid travel documents and supporting evidence explaining the purpose of their stay. In some cases, long-term visa holders may also need to complete registration formalities with the Foreigners Regional Registration Office (FRRO).

Remember when to use X-1!

If your real purpose is to stay with your spouse or family in India for an extended period, a Tourist Visa may not always be the right fit. In many such situations, the X-1 Entry Visa is the more appropriate and legally suitable option. Choosing the correct visa category from the very beginning can save families from unnecessary stress, travel interruptions, and future immigration complications.

Immigration processes can often feel overwhelming for families, especially when different countries, cultures, and legal systems are involved. While the X-1 Visa category is relatively straightforward, proper documentation and careful preparation remain important to ensure a smooth and stress-free process for families hoping to remain together in India.

CANADIAN VISITOR VISA: VISITING FAMILY, BUSINESS, OR TOURISM

A Canada Visitor Visa, also known as a Temporary Resident Visa (TRV), is intended for individuals who wish to travel to Canada temporarily for purposes such as tourism, short family visits, or limited business-related activities. It is not a work permit or an immigration pathway, but rather a visa designed for temporary travel with the expectation that the visitor will leave Canada at the end of their authorized stay.



For example, an individual may travel to Canada for sightseeing, to briefly visit relatives, attend a wedding or family gathering, participate in a business conference, or explore potential commercial opportunities. In certain situations, business owners may visit Canada temporarily to attend meetings or assess whether future investment or expansion opportunities may exist. However, any long-term employment or permanent relocation would generally require a separate and appropriate immigration category.

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Remember! Canada Visitor Visa is NOT a Long- term stay allowance

A Canada Visitor Visa is meant for temporary travel – not long-term stay or employment. The stronger your reasons to return home after your visit, the stronger your application is likely to appear before the visa officer.

Canadian immigration authorities carefully review whether an applicant genuinely intends to remain in Canada only temporarily. As a result, strong ties to the home country, including employment, business responsibilities, financial stability, family obligations, or property ownership; often play a very important role during the visa assessment process.

COMMON FAQ'S: REAL QUESTIONS. CLEAR ANSWERS.

Q. What if I get a bad Consulate officer?

A. No such thing as a "bad" Consulate officer, they are simply looking to see if you have hidden intent to misuse the visa. If you are a genuine applicant, don't worry about it! Make sure you dress smart and listen carefully to the questions and answer them.

Q. Why am I not getting the Interview slots?

A. Due to the current political environment in the US and the ongoing War with Iran, there have been changes with visa regulations which has resulted in a backlog. We hope this resolves soon!

Q. If my visa gets refused, would it affect future applications?

A. If you were rejected for a violation of an immigration law, then yes potentially it makes it a little difficult. That aside, in most cases you can get an approval by applying again with better evidence.

Q. Should I hide previous refusals?

A. Absolutely not, it hurts your credibility and damages your chances to go abroad. Immigration authorities often have access to prior application history. Honest disclosure is extremely important, as failing to mention previous refusals may create concerns regarding credibility or misrepresentation.

Q. Does having relatives abroad guarantee visa approval?

A. No. While family connections may support the purpose of travel in certain cases, applicants must still independently satisfy the visa requirements and demonstrate compliance with immigration laws.

Q. Does a visa approval guarantee entry into a country?

A. Not always. In many countries, the final decision regarding entry is made by border or immigration authorities at the port of entry.