



Immigration News

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Immigration Lawyers

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EXPANDING HORIZONS: VIPUL JOSHI & ASSOCIATES IN SURAT

In April, as our firm proudly marked its 2nd Anniversary, I, along with my team, took an important step towards expanding our services to Surat. Over the past two months, we have been regularly visiting the city for client consultations and legal assistance on various U.S. immigration matters.

Our consultations in Surat have primarily focused on matters such as Substitution Petitions, L-1 Petitions, especially for Diamond Merchants and business owners, as well as EB-5 Petitions, which serve as an important pathway towards obtaining a U.S. Green Card through investment. Surat, being one of India's leading business hubs, especially in the diamond industry, has shown tremendous interest in global business mobility and immigration opportunities. Through these visits, we have had the opportunity to interact closely with entrepreneurs, investors, and families seeking professional guidance for their international goals.

During this time, my team operated from the Hilton Hotel, Surat, which provided a professional and welcoming environment for meetings and consultations. The experience over the past two months has been extremely positive and encouraging, and we look forward to continuing our visits and extending our services in Surat in the future as well.

At Vipul Joshi & Associates, our commitment remains to provide transparent, strategic, and client-focused immigration solutions while building lasting relationships across different cities and communities.



INCOMING ISSUES

CANADA EXPRESS ENTRY

Canada Express Entry is a points-based immigration system that selects skilled workers from a pool of applicants to apply for permanent residence.

WHY WAIT TIME IS SO LONG FOR INTERVIEW DATES

For everyone wondering why U.S. visa interview wait times are stretching endlessly, our next volume is dedicated to you. We'll uncover the real reasons behind the delays, from policy shifts to surging demand, and share practical insights to help you plan smarter.

INDIAN EMPLOYMENT VISA

An Indian Employment Visa allows foreign nationals to work in India by taking up employment with an Indian company or organization, subject to specific eligibility and documentation requirement

H-1B VISA: A KEY PATHWAY FOR SKILLED PROFESSIONALS IN THE UNITED STATES

Authored by Adv. Saakshi Bhosale

The H-1B visa is one of the most widely used U.S. work visa categories for skilled foreign professionals. It allows U.S. employers to hire qualified individuals for positions that require specialised knowledge and at least a bachelor's degree or its equivalent in a directly related field. The program was created to help American businesses fill specialised roles where suitably qualified workers may not be readily available in the domestic workforce.

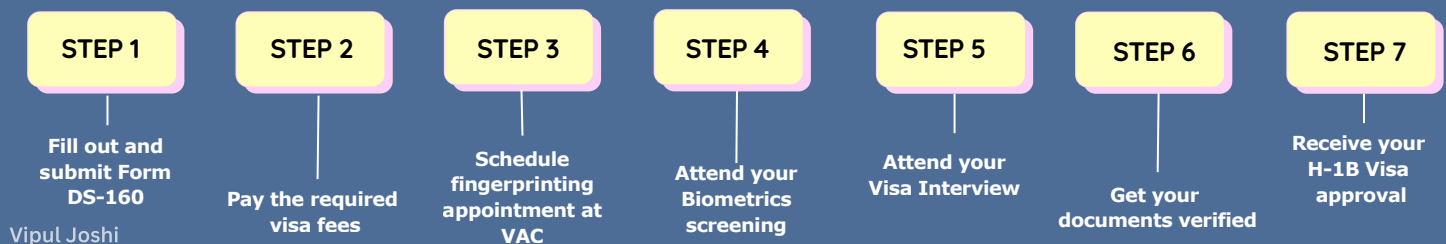


Typical H-1B occupations include software engineers, financial analysts, accountants, architects, university professors, physicians, and other highly skilled professionals. U.S. Citizenship and Immigration Services (USCIS) closely examines whether the offered position genuinely qualifies as a "speciality occupation" requiring advanced academic knowledge and specialised expertise. The H-1B visa is entirely employer-sponsored, meaning a U.S. employer must file the petition on behalf of the foreign national. Before filing the H-1B petition, the employer must obtain an approved Labour Condition Application confirming that the employee will be paid at least the prevailing wage or the actual wage paid to similarly employed workers.

To qualify for an H-1B visa, several requirements must be satisfied. The offered position must require specialised knowledge and normally demand at least a bachelor's degree in a field directly related to the job duties. The foreign worker must also possess the required educational qualifications or equivalent experience. Foreign academic credentials may require evaluation to determine their U.S. equivalency.

One of the major advantages of the H-1B category is that it permits "dual intent," meaning visa holders may pursue permanent residency without affecting their temporary non-immigrant status. Spouses and unmarried children under 21 years of age may accompany the principal applicant under H-4 status. Certain H-4 spouses may also qualify for work authorisation under specific circumstances. The H-1B category also provides flexibility for professionals changing employers. If an H-1B worker receives a new job offer, the new employer must file a fresh petition. However, portability provisions often allow the employee to begin working for the new employer once the petition has been properly filed, without waiting for final approval.

H-1B Visa Stamping Process in India



The H-1B visa continues to play a critical role in supporting U.S. businesses by providing access to global talent across specialised industries. While the process involves strict regulatory requirements, careful planning and proper documentation can help employers and professionals successfully navigate this important immigration pathway.

EB-5 VISA: INVESTMENT-BASED PATHWAY TO U.S. PERMANENT RESIDENCY

Authored by Rebecca Pereira

The EB-5 Immigrant Investor Program offers foreign nationals a direct pathway to U.S. permanent residency through investment and job creation. Introduced by the U.S. Congress in 1990, the program was designed to encourage economic growth, attract foreign capital, and generate employment opportunities in the United States.

Under the program, investors may qualify for a Green Card by investing in a new commercial enterprise that creates jobs for

U.S. workers. The minimum investment amount is generally USD 800,000 for projects located in Targeted Employment Areas (TEAs), including rural or high-unemployment regions, and USD 1,050,000 for projects located elsewhere. The investment must remain "at risk," meaning there can be no guaranteed return or redemption of funds. Eligible commercial enterprises may include corporations, partnerships, limited liability companies, joint ventures, holding companies, and other for-profit business structures.

Qualifying employees include U.S. citizens, permanent residents, conditional residents, refugees, asylees, and other authorised workers. The investor and their immediate family members are not counted toward the job requirement. One of the most scrutinised aspects of an EB-5 application is the source of funds requirement. Investors must clearly demonstrate that the investment capital was obtained lawfully and provide extensive documentation tracing the origin of the funds.

A key requirement of the EB-5 program is job creation. The investment must create or preserve at least 10 full-time jobs for qualifying U.S. workers. In direct EB-5 projects, these jobs must be created directly by the business, while Regional Centre projects may count both direct and indirect employment generation.

Lawful sources may include:

- Salary or employment income
- Business profits
- Sale of property or investments
- Inheritance
- Gifts
- Loans secured against personal assets



For Indian investors, the Liberalised Remittance Scheme (LRS) permits individuals to remit up to USD 250,000 abroad annually. In many cases, eligible family members may combine their individual remittance limits to meet the required investment amount, provided all transfers are properly documented.

Many Indian nationals already residing in the United States on student or work visas also benefit from concurrent filing, which allows eligible applicants to file the EB-5 petition and adjustment of status application simultaneously. This can provide interim work and travel authorisation while the case remains pending.

Although the EB-5 program offers significant long-term immigration benefits, applicants must also prepare for extended processing timelines. Due to visa backlogs, Indian applicants may face waiting periods of several years before obtaining permanent residency. Families must also carefully consider age-out risks for dependent children during the waiting period.

After approval, investors initially receive conditional permanent residency for two years. To obtain permanent unconditional residency, they must later file Form I-829 and demonstrate that the investment remained active and that the required jobs were successfully created or maintained. The EB-5 visa remains one of the few U.S. immigration pathways that does not require employer sponsorship. However, success under the program depends on careful planning, proper financial documentation, regulatory compliance, and selecting a suitable investment structure.

L-1 VISA: FACILITATING GLOBAL WORKFORCE MOBILITY FOR BUSINESSES

Authored by Rida Fatema Moledina

The L-1 visa is one of the most widely used U.S. employment-based non-immigrant visa categories for multinational companies. It allows businesses to transfer executives, managers, and specialised knowledge employees from a foreign office to a related office in the United States.

The visa is commonly used by large multinational corporations, expanding startups, and family-owned businesses with international operations. It also provides opportunities for foreign companies seeking to establish a new office in the United States.

To qualify, the employee must have worked for the foreign company for at least one continuous year during the previous three years in an executive, managerial, or specialised knowledge capacity. The U.S. and foreign entities must also maintain a qualifying corporate relationship, such as a parent company, subsidiary, branch, or affiliate structure.

The L-1 category is divided into two classifications:

L-1A Visa:

THE L-1A VISA IS DESIGNED FOR EXECUTIVES AND MANAGERS TRANSFERRING TO A U.S. OFFICE OF THE SAME ORGANISATION.

THIS CATEGORY IS PARTICULARLY BENEFICIAL BECAUSE IT MAY LATER PROVIDE A PATHWAY TO PERMANENT RESIDENCY UNDER THE EB-1C IMMIGRANT CATEGORY.

L-1B Visa:

THE L-1B VISA APPLIES TO EMPLOYEES WITH SPECIALISED KNOWLEDGE RELATING TO THE COMPANY'S PRODUCTS, SERVICES, TECHNOLOGY, RESEARCH, SYSTEMS, OR OPERATIONAL PROCEDURES.

The application process begins when the U.S. employer files Form I-129 with U.S. Citizenship and Immigration Services (USCIS). The petition must include supporting evidence establishing the corporate relationship between the entities, the employee's prior qualifying employment, and the nature of the proposed U.S. position. Employees transferred to an existing U.S. office are generally granted an initial stay of up to three years. Employees entering the United States to establish a new office typically receive an initial stay of one year. Extensions are available, with a maximum stay of seven years for L-1A employees and five years for L-1B employees.

One of the significant advantages of the L-1 visa is that it permits dual intent, allowing individuals to pursue permanent residency while maintaining valid L-1 status. Unlike the H-1B category, the L-1 visa is not subject to an annual cap or lottery system. The L-1 category also offers flexibility for multinational businesses because it does not require a labour market test, labour certification, or prevailing wage determination. USCIS instead focuses on the employee's actual job responsibilities and the company's organisational structure. Spouses and unmarried children under 21 years of age may accompany the principal applicant under L-2 status. One of the major benefits of L-2 status is that spouses are generally permitted to work in the United States.

The visa can also be particularly useful for entrepreneurs who already operate businesses outside the United States and intend to expand operations into the U.S. market through a related entity. For larger multinational organisations, USCIS also provides a Blanket L petition process. The L-1 visa continues to serve as an important immigration pathway for international businesses seeking to strengthen U.S. operations through internal talent mobility. With proper planning, documentation, and corporate structuring, the visa offers companies an efficient mechanism for expanding operations and deploying key personnel globally.