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**This Immigration Update® from FosterQuan, LLP contains important information regarding the following:**

**U.S. CIS ANNOUNCES CONTINUED VALIDITY OF FORM I-9 BEYOND THE FORM EXPIRATION DATE OF AUGUST 31, 2012**

The current Form I-9 Employment Eligibility Verification form will remain in effect after the stated expiration date of August 31, 2012, according to a recent CIS announcement. A proposed new Form I-9 was published earlier this year, but the new form is not yet effective. The existing form will remain in effect until further notice from the CIS.

As always, FosterQuan will continue to monitor developments impacting on an employer's Form I-9 Employment Eligibility Verification obligations and will make future updates available via [FosterQuan's website](#) and in future Immigration Updates®.

**EB-3 IMMIGRANT VISA AVAILABILITY ADVANCES MODESTLY IN SEPTEMBER; EB-2 AVAILABILITY REMAINS UNCHANGED**

On Monday, August 13<sup>th</sup>, the Department of State published the [September 2012 Visa Bulletin](#), indicating modest advances under the Employment-Based, Third Preference (EB-3) category and "Other Worker" categories.

The EB-3 and Other Worker categories advanced one week to a "cut-off" date of October 8, 2002 for persons born in India. The same categories advanced to a cut-off date of August 1, 2006 for persons born in the Philippines, October 1, 2006 for persons born in Mexico and all other countries except for China. For persons born in China, the EB-3 category advanced several weeks to a new cut-off date of December 15, 2005, and the Other Worker category advanced one week to June 22, 2003.

In order to file an I-485 Application to Adjust Status to a U.S. Lawful Permanent Resident, or have a pending application approved, the applicant's "priority date" must be after the published cut-off date for the applicant's immigrant category and country of birth. The priority date is ordinarily the date that a PERM Application for Permanent Employment Certification was filed on the applicant's behalf, or if labor certification is not required under the category, the date the I-140 Immigrant Visa Petition was filed.

To initiate the preparation and filing of an Application to Adjust Status for individuals who will be eligible to file applications under the EB-3 immigrant category in September, contact your FosterQuan immigration attorney. As always, FosterQuan will continue to monitor changes in immigrant visa availability under the annual immigrant quota system and will make future updates available via our firm's [website](#), and in future Immigration Updates®.