



EB-3 VISA AVAILABILITY ADVANCES 6 MONTHS FOR MOST COUNTRIES

Effective January 1, 2014, visa availability under the Employment-Based, Third Preference (EB-3) category advances six months to a new cutoff date of April 1, 2012, for applicants born in all countries other than India and the Philippines. The EB-3 category for India remains at September 1, 2003, and the EB-3 category for the Philippines advances five weeks to February 15, 2007.

In order to file an Application to Adjust Status, or to have a pending application approved, or to be issued an immigrant visa at a U.S. Consulate abroad, the applicant's priority date must be earlier than the published cutoff date. The priority date for employment-based permanent residency processes is normally the date the PERM labor certification application was filed with the U.S. Department of Labor. If no labor certification is required for the individual's permanent residency process, the priority date is the date the I-140 Immigrant Visa Petition was filed.

Applicants under the EB-3 category are encouraged to proceed quickly with Adjustment of Status Applications as soon as they are eligible to do so. Currently visas under the EB-3 category are more readily available under the EB-3 category than the EB-2 category for applicants born in China. Many applicants with EB-2 priority dates may seek to file EB-3 petitions recapturing their EB-2 priority date to enable immediate application for adjustment of status. This practice is expected to increase the demand under the EB-3 category. In order to file applications in advance of the expected increase in EB-3 China filings, applicants should file their applications as soon as they are eligible.

Applicants with current priority dates should contact their FosterQuan immigration attorney now for additional information regarding application for an immigrant visa at a U.S. Embassy/Consulate abroad, or application for Adjustment of Status with U.S. CIS in the United States. As always, FosterQuan will continue to monitor visa availability and will provide additional information via future Immigration Updates® and on our firm's [website](#).