



JUNE VISA BULLETIN - CHINESE EB-3 RETROGRESSION

The Department of State (DOS) has published the [June 2014 Visa Bulletin](#) announcing that the priority date for the China employment-based third preference (EB-3) category will move backwards to October 1, 2006, which is a six-year retrogression over the May Visa Bulletin cut-off date of October 1, 2012. This means that it may be several more years before an immigrant visa is available and so permanent residence can be sought and granted. EB-2 China will move forward one month to May 22, 2009 and will no longer be a longer wait than China EB-3.

The EB-3 category for the rest of the world and Mexico retrogressed over one year from October 1, 2012 to April 1, 2011, while the Philippines advanced two months from November 1, 2007 to January 1, 2008 and EB-2 and EB-3 India remained mostly unchanged.

An individual who qualifies for EB-3 classification whose priority date is current under the May 2014 Visa Bulletin but whose priority date will retrogress in June may still file an application for adjustment of status (Form I-485) through May 30th. Because May 31st is a Saturday, the application must be received by USCIS by Friday, May 30th, if the priority date will retrogress in June. Adjustment of status applications timely submitted to the USCIS in the EB-3 category will not be returned once visa retrogression sets in but will be retained by the USCIS. While final approval must await a return to immigrant visa availability, interim companion benefits such as advance parole and employment authorization documents, will continue to be granted.

For individuals of Chinese birth who filed an EB-2 to EB-3 downgrade petition, either preference category is available to be used, and the adjustment of status application can be filed when one's priority date in either category becomes current.

Applicants with current priority dates should contact their FosterQuan immigration attorney now for additional information regarding application for Adjustment of Status with 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](#).