



Worldwide Cut-Off of Employment Based Second Preference Category (EB-2) Expected in July

Recent reports indicate that the U.S. State Department may issue a priority date cut-off for the EB-2 category WORLDWIDE in July. The EB-2 cut-off date is expected to appear in the July 2012 Visa Bulletin, which should be released around mid-June. At this time it has not yet been confirmed how far back the priority dates are anticipated to retrogress. However, all individuals who qualify for EB-2 classification, and are not of Chinese or Indian birth, may still file their applications for adjustment of status (Form I-485) through June 30th. Adjustment of status applications timely submitted to the USCIS in the EB-2 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.

Prior to the end of fiscal year on September 30th, it is also anticipated that the entire EB-2 preference category may become unavailable. China and India EB-2 became unavailable at the end of May.

This is predicted to be a short term condition, as it is anticipated that when the new fiscal year begins on October 1, 2012 and new immigration visa quota numbers again become available, the India/China cut-off is expected to reflect a summer 2007 date and EB-2 worldwide should again become current.

As always FosterQuan will continue to monitor global immigration regulations and procedures and will provide additional information in future Immigration Updates®, and on our firm's website at www.fosterquan.com.