



SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS MAY FILE FOR PERMANENT RESIDENCE IN AUGUST

On July 9, 2013, the U.S. Department of State released the [August Visa Bulletin](#), publishing the “cut-off dates” for immigrant visa availability during the month of August 2013. For the second time in recent years, the F-2A category has become current for the spouses and minor children of Lawful Permanent Residents (LPRs). This category traditionally has a backlog, or waiting period, of at least a year for visa availability but for the immediate future these visas are immediately available.

Beneficiaries in the F-2A category who are physically present in the United States and who have been maintaining lawful nonimmigrant status may apply for adjustment of status on August 1, 2013 and throughout the month. They may also concurrently apply for temporary employment authorization and advance parole travel authorization while the adjustment of status application is being processed. Beneficiaries who remain outside of the United States may continue processing of their immigrant visa applications with the National Visa Center (NVC) and ultimately with the appropriate U.S. consulate abroad.

The last time the F-2A category became current, it only remained so for a short window of time so FosterQuan recommends that beneficiaries immediately seek to apply for benefits while the category remains current. If the window closes (retrogresses) while a beneficiaries’ adjustment of status application remains pending, the adjustment of status application may remain open and the beneficiary may be eligible to renew their employment authorization and advance parole travel authorization until their priority date becomes current, the adjustment of status approved, and permanent residence granted.

EB-2 INDIA ADVANCEMENT

The Visa Bulletin also contained significant advancement of the priority date for the Indian employment-based second preference (EB-2) category by more than three (3) years from September 1, 2004 to January 1, 2008. There will be no significant movement for other employment based classifications.

Applicants with current priority dates, or priority dates that will become current in the near future should contact their FosterQuan immigration attorney for additional information regarding application for an immigrant visa at a U.S. Embassy/Consulate abroad, or application for Adjustment of Status with USCIS in the United States.

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