



Tuesday, July 17, 2007

This Email Bulletin from Tindall & Foster, P.C. contains important information regarding the following topic:

U.S. DEPARTMENT OF STATE (DOS) RESCINDS JULY 2nd UPDATE ON VISA AVAILABILITY AND REINSTATES THE ORIGINAL JULY 2007 VISA BULLETIN;

U.S. Citizenship & Immigration Services Announces Resumption of Adjustment of Status Filings through August 17, 2007

The U.S. Department of State published its July 2007 Monthly Visa Bulletin in mid-June, indicating that all Employment-Based Immigrant Categories (except for the EB-3 “Other Worker” sub-category) would be current beginning July 1, 2007. [Initial July 2007 Visa Bulletin](#).

Subsequently, in an unprecedented move, on July 2, 2007, the U.S. Department of State announced an update in visa availability, indicating that all employment-based immigrant visa numbers for the remainder of the Fiscal Year had been exhausted. U.S. Citizenship & Immigration Services (CIS) then, in an equally unprecedented move, announced intentions to reject filings for applicants for whom there was no visa number immediately available pursuant to the *revised* July Visa Bulletin. [CIS Announcement Concerning Rejection Plan](#).

Today, July 17, 2007, the U.S. Department of State withdrew the *update* to the original July Visa Bulletin, and reinstated the *original* July Visa Bulletin published mid-June. The CIS has followed this DOS action with an announcement that the CIS will accept Applications to Adjust Status filed on behalf of those who would have been eligible under the original July Visa Bulletin, *through August 17, 2007*. The CIS has confirmed that all applicants eligible to file pursuant to the original July Visa Bulletin will pay filing fees under the existing fee schedule rather than the higher fee schedule that will go into effect on July 30, 2007, whether or not the Application is filed before July 30, 2007, or between July 30 and August 17, 2007. [CIS Announcement Regarding Resumption of Adjustment of Status Filings through August 17, 2007](#).

In the CIS Press Release issued today, Director Emilio Gonzalez acknowledged the CIS failure in handling the matter of visa availability during the month of July. “The public reaction to the July 2 announcement made it clear that the federal government’s management of this process needs further review,” said Director Gonzalez. “I am committed to working with Congress and the State Department to implement a more efficient system in line with public expectations.”

Tindall & Foster, P.C. is extraordinarily pleased with the outcome of what appeared on the afternoon of July 2nd to be an unmitigated catastrophe. Since that day, even as Tindall & Foster was applying pressure on the CIS via contact with members of Congress, the American Immigration Lawyers Association (AILA), American Immigration Law Foundation (AILF), and other immigration advocacy groups were pursuing all viable avenues for redress, including litigation. The end result of the collective efforts, which included both public protests and legal maneuvering, is a satisfactory result that will enable our clients to proceed with the continued preparation and filing of Applications to Adjust Status based on the original July Visa Bulletin, published mid-June.

According to the original July Visa Bulletin, which has been reinstated, Applicants under all Employment-Based Visa Categories except the “Other Worker” category are now eligible to proceed with filing their Applications to Adjust Status.

This dramatic return to the July Visa Bulletin means that means that all EB-2 and EB-3 beneficiaries, except those in the “Other Worker” category, with an approved Application for Permanent Employment Certification are immediately eligible to file Applications to Adjust Status to U.S. Lawful Permanent Resident (“green card” applications).

To resume, or initiate, the preparation and filing of an Application to Adjust Status on behalf of an Employment-Based Applicant for whom a certified Application for Permanent Employment Certification has been obtained, please contact your Tindall & Foster, P.C. immigration attorney. Applicants should act now, as the window of opportunity will close on August 17, 2007, and will not reopen for the remainder of the Fiscal Year.

As always, Tindall & Foster, P.C. will continue to monitor visa availability and will make new information available to our clients via the Tindall & Foster, P.C. web site at www.tindallfoster.com, and, when appropriate, via future Email Bulletins.