



EMAIL BULLETIN

U.S. DEPARTMENT OF STATE ANNOUNCES ADVANCES IN IMMIGRANT VISA AVAILABILITY FOR THE EMPLOYMENT-BASED, FIRST PREFERENCE IMMIGRANT CATEGORY

Beginning July 1, 2006, the EB-1 Category Will Be Current for Persons Born in China

20 June 06

On June 12, 2006, the U.S. Department of State published the July 2006 Monthly Visa Bulletin announcing the immigrant visa eligibility cut-off dates (current priority dates) for immigrant visa categories. The “cut-off date” listed on the Bulletin is the date before which the applicant must have an established priority date in order to file an Application to Adjust Status (“green card” application) in the United States or an Immigrant Visa Application at a U.S. Consulate abroad during the month for which the Bulletin is issued. The July 2006 Bulletin reflects a sharp advance in visa availability cut-off dates for several employment-based categories.

Beginning July 1, 2006, the Employment-Based, First Preference Category for persons born in China will be “current”, meaning qualified EB-1 Chinese applicants will be immediately eligible to file Applications to Adjust Status beginning July 1, 2006. Because there may be a future retrogression of priority dates reflected in the August 2006 or September 2006 Bulletin, applicants who qualify for application during the month of July are urged to file in July in order to get their applications on file with the CIS during what may be a narrow window of opportunity. Filing an Application to Adjust Status affords benefits for dependents, such as eligibility to apply for Employment Authorization (and thereby Social Security Numbers) while the applications are pending.

Other advances in immigrant visa availability reflected in the July 2006 Monthly Visa Bulletin include advances for the following categories:

- Employment-Based, Second Preference Category for Persons Born in China advances from July 1, 2004 to March 1, 2005. Such applicants with priority dates of February 28, 2005 or before will be eligible to file Applications to Adjust Status beginning July 1, 2006.
- Employment-Based, Third Preference Category for Persons Born in China advances from July 1, 2001 to October 1, 2001. Such applicants with

priority dates of September 30, 2001 or before will be eligible to file Applications to Adjust Status beginning July 1, 2006.

- Employment-Based, Third Preference Category for Persons Born in India advances from April 8, 2001 to April 15, 2001. Such applicants with priority dates of April 14, 2001 or before will be eligible to file Applications to Adjust Status beginning July 1, 2006.
- Employment-Based, Third Preference Category for Persons Born in the Philippines advances from July 1, 2001 to October 1, 2001. Such applicants with priority dates of September 30, 2001 or before will be eligible to file Applications to Adjust Status beginning July 1, 2006.
- Employment-Based, Third Preference Category for Persons Born in countries *other than* China, India, Mexico and the Philippines advances from July 1, 2001 to October 1, 2001. Such applicants with priority dates of September 30, 2001 or before will be eligible to file Applications to Adjust Status beginning July 1, 2006.

Applicants qualifying under the above categories who already have current priority dates, or who will have current priority dates beginning July 1, 2006, should contact their Tindall & Foster immigration attorneys as soon as possible in order to initiate the process of preparation and filing Applications to Adjust Status during the month of July.

To determine whether a new candidate may be qualified for the Employment-Based, First Preference Category for Aliens of Extraordinary Ability, Outstanding Researchers or Professors, or Multi-national Managers or Executives, or for another employment-based permanent residency category, contact your Tindall & Foster immigration attorney. Your Tindall & Foster attorney will be able to assist you in assessing a candidate's qualifications and establishing an appropriate basis for seeking permanent residency under one or more of the above-referenced, employment-based categories for qualified candidates.