



Wednesday, June 13, 2007

EMPLOYMENT-BASED SECOND AND THIRD PREFERENCE IMMIGRANT VISA CATEGORIES WILL BE CURRENT IN JULY

All EB-2 and EB-3 Beneficiaries with an Approved Labor Certification May File Applications to Adjust Status to U.S. Lawful Permanent Resident (“Green Card” Applications) in July 2007

The U.S. Department of State has announced in its July 2007 Monthly Visa Bulletin that the Employment-based Second (EB-2) and Third (EB-3) Preference immigrant visa categories will become *current* in July 2007. This dramatic increase in immigrant visa availability in July means that all EB-2 and EB-3 beneficiaries with an approved Application for Permanent Employment Certification will become eligible to file Applications to Adjust Status to U.S. Lawful Permanent Resident (“green card” applications) beginning July 1, 2007.

The significant advance in visa availability published in last month’s Monthly Visa Bulletin resulted in the eligibility of thousands of applicants to apply for Adjustment of Status. The “currency” of the July Bulletin for all countries of origin under the EB-2 and EB-3 categories means that many more thousands are now eligible to file applications, without regard to their “priority date”, or the on which Applications for Permanent Employment Certification or Immigrant Visa Petitions were filed on their behalf.

This enormous advance is not expected to last. For planning purposes, applicants must assume it is a one month window of opportunity. As many thousands of applicants file their Applications, and the CIS begins to adjudicate them, the demand against the immigrant visa quota should result in oversubscription, and lead to retrogression in visa availability again perhaps as the very next month. All eligible applicants should apply in July in order to secure critical benefits for dependent family members, such as employment authorization and eligibility to apply for Social Security Numbers. For example the H-4 dependent spouse of an H-1B employee is not authorized for employment; however, as an Applicant for Adjustment of Status, he or she may apply for an Employment Authorization Document (EAD), which can be used for employment and to apply for a Social Security Card.

For additional information or to initiate the process of preparing and filing Applications to Adjust Status for qualified candidates under these employment-based categories, please contact your Tindall & Foster, P.C. immigration attorney as soon as possible. All EB-2 and EB-3 beneficiaries with approved labor certifications (the first step in the permanent residency process) are eligible and should act now to secure important benefits.

Your Tindall & Foster attorney will be able to provide you with a comprehensive list of required documents and information as well as information concerning the particular requirements for Applications to Adjust Status and how those requirements may impact a

particular case. Because a large number of filings under the significantly advanced employment-based categories is anticipated during the remainder of June as well as in the month of July, and because such a large number of filings will likely force further retrogression of immigrant visa availability, and may create a one month window of opportunity, we recommend that applicants begin now to collect the documents and information needed for the preparation and filing of Applications to Adjust Status under these categories during the month of July 2007.