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EMPLOYMENT-BASED IMMIGRANT VISA AVAILABILITY ADVANCES SIGNIFICANTLY FOR MOST OF THE BACKLOGGED IMMIGRANT VISA CATEGORIES

Prepare Now to File Applications to Adjust Status (“Green Card” Applications) for Qualified Applicants Beginning June 1, 2007

The U.S. Department of State has announced in its June 2007 Monthly Visa Bulletin that immigrant visa availability will advance significantly for applicants under most Employment-based Immigrant Visa Categories.

Beginning June 1, 2007, immigrant visas will become available under the Employment-based, Second Preference Category for persons born in India with a priority date prior to April 1 2004. A priority date is established by the filing of an Application for Permanent Employment Certification or an Immigrant Visa Petition. Beginning June 1, 2007, for at least the full month of June, persons born in India for whom an Application for Permanent Employment Certification or Immigrant Visa Petition was filed prior to April 1, 2004, will be eligible to file an Application to Adjust Status to U.S. Lawful Permanent Resident (“green card” application).

Similarly, due to a significant advance in visa availability for persons born in China, beginning June 1, 2007, persons born in China for whom an Employment-based, Second Preference (EB-2) Application for Permanent Employment Certification or Immigrant Visa Petition was filed prior to January 1, 2006, will be eligible to file an Application to Adjust Status to U.S. Lawful Permanent Resident.

The Employment-based, Third Preference Category has advanced for all countries of birth. Beginning June 1, 2007, persons born in India, China, or Mexico for whom an Employment-based, Third Preference (EB-3) Application for Permanent Employment Certification filed prior to June 1, 2003, will be eligible to file an Application to Adjust Status to U.S. Lawful Permanent Resident. Persons born in all other countries who are the beneficiaries of an Employment-based, Third Preference (EB-3) Application for Permanent Employment Certification filed prior to June 1, 2005, will be eligible to file an Application to Adjust Status to U.S. Lawful Permanent Resident.

Finally, immigrant visas will become available again in June under the Employment-based, Third Preference, “Other Worker” Category, after temporary unavailability during the month of May. Persons born in any country, with an EB-3 Other Worker priority date earlier than October 1, 2001, will be eligible to file an Application to Adjust Status to U.S. Lawful Permanent Resident beginning June 1, 2007.

Immigrant visa numbers remain immediately available for the Employment-based, First Preference (EB-1) category for all countries of birth, and for the Employment-based, Second Preference (EB-2) category for persons born in all countries other than China or India.

For additional information or to initiate the process of preparing and filing Applications to Adjust Status for qualified candidates under any of these employment-based categories, please contact your Tindall & Foster, P.C. immigration attorney as soon as possible. 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 month of June, and such a large number could force further retrogression of immigrant visa availability later in the fiscal year, 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 June 2007.