



Monday, April 8, 2008

IMMIGRANT VISA AVAILABILITY ADVANCES SIGNIFICANTLY FOR MOST EMPLOYMENT-BASED IMMIGRANT VISA CATEGORIES

Each month the U.S. Department of State publishes the Monthly Visa Bulletin, reporting current immigrant visa availability under the annual quota system for U.S. immigration. Visa availability is expressed in terms of “cut-off” dates for each category. An employment-based applicant’s “priority date,” most often the date an Application for Permanent Employment Certification was filed on his or her behalf, determines the applicant’s place in line for an immigrant visa number.

Visa availability has advanced for the month of April, with new priority date cut-offs for most employment-based immigrant visa categories.

EB-2 Advances for Applicants Born in India

During the month of March 2008, immigrant visas were unavailable for applicants under the EB-2 preference category who were born in India. During the month of April 2008, applicants born in India who have EB-2 priority dates before December 1, 2003 may file Applications to Adjust Status to U.S. Lawful Permanent Resident. Those who have previously filed such applications prior to the retrogression in visa availability earlier this year will now be eligible for final adjudication of their applications by CIS. Backlogs in CIS adjudications may still impact ultimate adjudication date, as applications currently remain pending for approximately one year.

EB-3 Advances for All Applicants

During the month of March 2008, immigrant visas were over-subscribed for applicants under the EB-3 preference category regardless of the applicant’s country of birth. While over-subscription backlogs continue for all EB-3 applicants, priority dates have advanced for all applicants. EB-3 applicants born in China with a priority date earlier than December 1, 2002 may now file Applications for Adjustment of Status, and such applications already pending may now be approved by CIS. EB-3 applicants born in India with priority dates earlier than August 1, 2001 may now file applications or have applications approved. For applicants born in Mexico, the priority date must be earlier than May 1, 2001, and for all other EB-3 applicants, the priority date must be earlier than January 1, 2005.

For more information on any of these employment-based classifications, or to initiate the permanent residency process and establish a priority date for a foreign national employee, contact your Tindall & Foster immigration attorney. Your Tindall & Foster attorney will be able to assist you by developing a case-specific strategy for pursuit of permanent residency

under an appropriate employment-based category for your company's employees. As always, Tindall & Foster, P.C. will continue to monitor changes in immigrant visa availability and will make future updates available via the and in future Email Bulletins.