



Friday, July 18, 2008

## **U.S. DEPARTMENT OF STATE ANNOUNCES PROGRESSION OF IMMIGRANT VISA AVAILABILITY IN THE EMPLOYMENT-BASED, SECOND (EB-2) PREFERENCE CATEGORY FOR INDIA AND CHINA BEGINNING AUGUST 1, 2008;**

### **Immigrant Visas under the Employment-Based, Third (EB-3) Preference Category Remain Temporarily Unavailable**

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 August for the Employment-based, Second (EB-2) preference category for persons born in India and China, with a new cut-off date of June 1, 2006. Immigrant visas under the Employment-based, Third (EB-3) preference category remain temporarily unavailable for all applicants, regardless of country of birth. The Department of State projects a return to visa availability with the new fiscal year, beginning October 1, 2008. It is expected that EB-3 visa availability will then return to the cut-off date published in the May 2008 Visa Bulletin, with an EB-3 cut-off date of January 1, 2003.

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 [Tindall & Foster web site](#) and in future Email Bulletins.