

State Dept. Remarks on Outlook for Employment-Based Visa Numbers

Cite as "AILA InfoNet Doc. No. 06012664 (posted Jan. 26, 2006)"

Department of State has advised AILA DOS Liaison Chair Liam Schwartz that it has seen a decrease in demand for employment-based visa numbers for USCIS adjustment of status cases. This has resulted in the rapid advancement of the established cut-off dates. DOS does not want to be in a position where there are large amounts of numbers available for use late in the fiscal year, and not enough time to make use of them. But, when/if the USCIS demand does materialize it may be necessary to hold or retrogress (at some point) those dates. Below are DOS' comments on the outlook for employment-based numbers:

"Worldwide: Based on the current level of number use in the Employment First and Second preference categories there will be no need to impose a cut-off date for the categories. While the First preference number use is relatively close to my target, the Second preference is significantly below my target which doesn't make a lot of sense.

Third: I had been concerned that the amount of 245(i) filings during March/April 2001 would result in a large concentration of demand, and limit movement of the cut-off date. So far this has not been the case, and it may be that such cases (if they exist in large numbers) are still in the DOL backlog.

China and India: The same lack of demand comments apply to these First and Second preference cut-offs. This has resulted in the rapid advancement of the China and India cut-offs, which I expect to continue for the next several months.

China Third - Should stay at the Worldwide date.

India - This cut-off should continue to move, but such movement may become more limited. "