

Department of State Releases July 2010 Visa Bulletin

June 14, 2010

The U.S. Department of State (DOS) has released its July 2010 Visa Bulletin. The Visa Bulletin sets out per country priority date cutoffs that regulate the flow of adjustment of status (AOS) and consular immigrant visa applications. Foreign nationals may file applications to adjust their status to that of permanent resident or to obtain approval of an immigrant visa application at an American embassy or consulate abroad, provided that their priority dates are prior to the cutoff dates specified by the DOS.

What Does the July 2010 Bulletin Say?

EB-1: All EB-1 categories remain current.

EB-2: Priority dates remain current for foreign nationals in the EB-2 category from all countries except China and India.

The relevant priority date cutoffs for Indian and Chinese nationals are as follows:

China: November 22, 2005 (no movement)

India: October 1, 2005 (forward movement of eight months)

EB-3: There is continued backlog in the EB-3 category.

The relevant priority date cutoffs for foreign nationals in the EB-3 category are as follows:

China: August 15, 2003 (forward movement of seven weeks)

India: November 22, 2001 (forward movement of one month)

Mexico: Unavailable

Philippines: August 15, 2003 (forward movement of seven weeks)

Rest of the World: August 15, 2003 (forward movement of seven weeks)

The annual immigrant visa limit for the EB-3 category for Mexico remains “unavailable.” This means that no employment-based immigrant visas are available in the EB-3 category for foreign nationals from Mexico, and they may not file adjustment of status or immigrant visa applications, regardless of their priority dates. I-140 petitions may continue to be filed in the EB-3 category, however. Visa numbers should become available again in October with the start of the new fiscal year.

Department of State Predictions for the Remainder of Fiscal Year 2010

Based on current indication of demand, DOS predicts the following best case scenarios for cutoff dates for the remainder of the fiscal year:

EB-1:

Current

EB-2:

China and India: March or April 2006

All other countries should remain current.

EB-3:

China: October through December 2003

India: February 2002

Mexico: Unavailable

Philippines: June through September 2004

Worldwide: June through September 2004

Please note that the above date ranges are only estimates that are subject to fluctuations in demand during the coming months. The actual future cutoff dates cannot be guaranteed, and it is possible that some annual limits could be reached prior to the end of the fiscal year.

How This Affects You

Priority date cutoffs are assessed on a monthly basis by the DOS, based on anticipated demand. Cutoff dates can move forward or backward, or remain static and unchanged. Employers and employees should take the immigrant visa backlogs into account in their long-term planning, and take measures to mitigate their effects. To see the July 2010 Visa Bulletin in its entirety, please visit the DOS website at http://travel.state.gov/visa/bulletin/bulletin_5019.html.

We will continue to monitor the situation and update you with any new information. For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

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Now Available: *AILA's Focus on Immigration Practice Under AC21*

Written by Eleanor Pelta and A. James Vázquez-Azpiri, *AILA's Focus on Immigration Practice Under AC21* provides invaluable insight on the effect AC21 has had on the H-1B visa category. For more information, please visit www.ailapubs.org/ac21.html or call 1.800.982.2939 to order a copy.

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