

### Department of State Releases May 2010 Visa Bulletin

April 14, 2010

The U.S. Department of State (DOS) has released its May 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 May 2010 Visa 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 Chinese and Indian nationals are as follows:

**China:** September 22, 2005 (forward movement of one month)

**India:** February 1, 2005 (no movement)

***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:** April 22, 2003 (forward movement of 11 weeks)

**India:** October 1, 2001 (forward movement of three weeks)

**Mexico:** Unavailable

**Philippines:** April 22, 2003 (forward movement of 11 weeks)

**Rest of the World:** April 22, 2003 (forward movement of 11 weeks)

Due to continued heavy demand, the annual immigrant visa limit for the EB-3 category for Mexico has become "unavailable." This means that no employment-based immigrant visas are available in the EB-3 category for foreign nationals from Mexico and that they may not file AOS 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.

#### 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 May 2010 Visa Bulletin in its entirety, please visit the DOS website at

[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_4805.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_4805.html).

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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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](http://www.ailapubs.org/ac21.html) or call 1.800.982.2939 to order a copy.

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