

Department of State Releases September 2010 Visa Bulletin

August 12, 2010

The U.S. Department of State (DOS) has released its September 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 September 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: May 8, 2006 (forward movement of two months and one week)

India: May 8, 2006 (forward movement of two months and one week)

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: October 22, 2003 (forward movement of one month)

India: January 1, 2002 (no movement)

Mexico: Unavailable

Philippines: December 15, 2004 (forward movement of six months and two weeks)

Rest of the World: December 15, 2004 (forward movement of six months and two 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 that 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.

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 September 2010 Visa Bulletin in its entirety, please visit the DOS website at http://travel.state.gov/visa/bulletin/bulletin_5113.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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