

Business Immigration Weekly for June 11, 2014

6/11/2014

Practices: Immigration

EB-2 INDIA CATEGORY ADVANCES FOUR YEARS AND OTHER JULY VISA BULLETIN CHANGES

To the delight of Indian nationals in the EB-2 category, the Department of State (DOS) has advanced this category four years from November 15, 2004 to September 1, 2008 in the Visa Bulletin for the month of July. The EB-3 and Other Workers categories for the Philippines also showed a strong advancement of one year from January 1, 2008 to January 1, 2009. Immigration attorneys know that forecasting the availability of green cards via the Visa Bulletin is notoriously difficult. What we can bet our money on is that a growing number of applicants are competing for the 140,000 immigrant visas allowed under employment-based immigration cap set in 1990. Next month's Visa Bulletin illustrates the challenges immigration attorneys, employers and foreign nationals face when making decisions today that will come to fruition many, many years down the road.

The last time we saw any advancement in the EB-2 Indian category was in the Visa Bulletin for the month of December 2013 when the date for this category came to a complete halt at November 15, 2004. Every few months the DOS will give us a taste of any coming changes in a category called "Visa Availability." In the March 2014 Visa Bulletin, the DOS indicated that there would be **no further advancement** for this fiscal year which ends on September 30th. The June Visa Bulletin indicated that the US Citizenship and Immigration Services (USCIS) had experienced an "unexpected and dramatic increase in demand" and that we could expect the DOS to rein in the EB-3 categories for the World, China and Mexico and that they hoped that "readers are not caught off guard by these retrogressions." It's safe to say that everyone was caught off guard.

Any nationals with current priority dates should contact their employers and immigration attorneys immediately to begin the preparation of their green card application process. The preparation of a green card application can take several weeks since it entails the gathering of many documents such as birth certificates, medical exams, etc. We do not expect the EB-2 India category to remain current for very long, however, as shown by the July Visa Bulletin, the DOS may have more surprises for us yet. Below is a summary of other updates in next month's bulletin:

- The EB-3 China category remains at October 1, 2006 after it retrogressed from October 1, 2012 in the May Visa Bulletin.
- The EB-3 and Other Workers categories for the World and Mexico remain at April 1, 2011.
- The EB-2 China category had a more serious advancement from May 22, 2009 to July 1, 2009.
- The EB-3 Indian category advanced from October 15, 2003 to November 1, 2003.

Comparison to Prior Months

The following is a comparison of priority date movement since the inception of the current retrogression in 2007:

	Dec 2007	Jun 2008	Aug 2009	Sept 2012	Mar 2014	June 2014	July 2014
EB-3 World	09/01/02	03/01/06	U	10/01/06	09/01/12	04/01/11	04/01/11
EB-2 China	01/01/03	04/01/04	10/01/03	U	02/15/09	05/22/09	07/01/09
EB-3 China	10/15/01	03/22/03	U	12/15/05	09/01/12	10/01/06	10/01/06
EB-2 India	01/01/02	04/01/04	10/01/03	U	11/15/04	11/15/04	09/01/08
EB-3 India	05/01/01	11/01/01	U	10/08/02	09/15/03	10/15/03	11/01/03
EB-3 Other Workers	10/01/01	01/01/03	U	10/01/06	09/01/12	04/01/11	04/01/11