

USCIS and DOS Announce Revised Procedures for Determining Visa Availability for Applicants Waiting to File for Adjustment of Status

September 10, 2015

Practices

Immigration

On September 9, 2015, U.S. Citizenship and Immigration Services (“USCIS”) and the Department of State (“DOS”) announced new procedures for determining visa availability for applicants waiting to file adjustment of status applications. These revisions are intended to implement executive actions by President Barack Obama.

Prior to this change, DOS had published a single chart in its visa bulletin each month indicating “Final Action Dates For Employment-Based Preference Cases.” This chart determined both when an application could be filed as well as when pending applications could be adjudicated. Commencing with the October 1, 2015, visa bulletin, there will be a second chart published each month, which relates to existing DOS procedures for processing immigrant visas abroad. This second chart will now govern which cases are eligible to file for adjustment of status in the U.S.

These new procedures will allow individuals to apply for adjustment of status much earlier than would normally be the case, and with those applications, obtain ancillary benefits for themselves and their families such as work authorization and travel permission. The second preference category for India and the third preference category for the Philippines highlight the significance of this change, with the dates for each of those advancing by several years. Excerpts from both bulletins follow:

Application final action dates for employment-based preference cases (normal chart):

Employment-Based	All Chargeability Areas Except Those Listed	CHINA – mainland born	INDIA	MEXICO	PHILIPPINES
2nd	C	01JAN12	01MAY05	C	C
3rd	15AUG15	15OCT11	08MAR04	15AUG15	01JAN07

Dates for filing of employment-based visa applications (new chart):

Employment-Based	All Chargeability Areas Except Those Listed	CHINA – mainland born	INDIA	MEXICO	PHILIPPINES
2nd	C	01MAY14	01JUL11	C	C
3rd	01SEP15	01OCT13	01JUL05	01SEP15	01JAN15

As with prior visa bulletins, dates may change on a monthly basis as DOS calculates visa demand. Individuals whose priority dates are close are advised to monitor the bulletin each month and be prepared to file when their dates become current on the new chart.

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