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ALERT

JULY 2, 2007

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U.S. State Department Announces No Employment- Based Immigrant Visas Available until October

On Monday, July 2nd, the U.S. State Department reversed its previously issued July Visa Bulletin, which had announced that visas would be available for the entire month of July for all employment-based immigrant preferences. The revised July Visa Bulletin now states:

The sudden backlog reduction efforts by Citizenship and Immigration Services Offices during the past month have resulted in the use of almost 60,000 Employment numbers. As a result of this unexpected action it has been necessary to make immediate adjustments to several previously announced cut-off dates. All Citizenship and Immigration Services Offices have been notified of the following:

Effective Monday July 2, 2007 there will be no further authorizations in response to requests for Employment-based preference cases. All numbers available to these categories under the FY-2007 annual numerical limitation have been made available. Employment preference numbers will once again be available to these chargeability areas beginning October 1, 2007, under the FY-2008 annual numerical limitation.

What is most troubling about this action is that the State Department would claim that the use of all available visa numbers was “unexpected.” Clearly, they should have anticipated the turmoil that their actions created.

Practically speaking, this means that no new I-485 Applications for

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Adjustment of Status can be filed for any employment-based preference matters until at least October 1st. Furthermore, we expect that all applications sent by overnight mail on Friday and Saturday for filing at U.S. Citizenship and Immigration Services this morning will be rejected.

We will not know the precise availability of visas for October 1, 2007 until the State Department issues its October Visa Bulletin in mid-September 2007. We will keep our clients informed of any information that comes from the State Department.

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If you would like more information on any immigration matter, please contact your immigration attorney at Mintz Levin or go to www.mintz.com.

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