

Department of State Releases January 2012 Visa Bulletin

December 12, 2011

The U.S. Department of State (DOS) has released its January 2012 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 January 2012 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: January 1, 2009 (forward movement of nine and one-half months)

India: January 1, 2009 (forward movement of nine and one-half months)

U.S. Citizenship and Immigration Services (USCIS) has reported that the rate of new filings is currently far below that which had been anticipated, prompting an even more aggressive movement of the cutoff date for January and possibly beyond. While this action greatly increases the potential for an eventual retrogression of the cutoff at some point during the year, it also provides the best opportunity to utilize all numbers available under the annual limit.

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 15, 2004 (forward movement of five weeks)

India: August 8, 2002 (forward movement of one week)

Mexico: February 1, 2006 (forward movement of two weeks)

Philippines: February 1, 2006 (forward movement of two weeks)

Rest of the World: February 1, 2006 (forward movement of two weeks)

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 January 2012 Visa Bulletin in its entirety, please visit the DOS website at

http://www.travel.state.gov/visa/bulletin/bulletin_5630.html.

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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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