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## **EB-2 IMMIGRANT VISA AVAILABILITY BACKLOGGED FOR ALL COUNTRIES OF BIRTH STARTING JULY 1, 2012**

On Monday, June 11th, the Department of State published the July 2012 [Visa Bulletin](#), establishing a “cut-off date” of January 1, 2009, for EB-2 applicants born in countries other than India and China. EB-2 immigrant visas remain unavailable for persons born in India and China until at least the beginning of Fiscal Year 2013, which begins on October 1, 2012.

With an EB-2 “cut-off date” of January 1, 2009, beginning July 1, 2012, employment-based applicants born in countries other than India and China must have a “priority date” that is *earlier than* January 1, 2009, in order to file or be approved for Adjustment of Status to U.S. Lawful Permanent Resident under the EB-2 immigrant category. Applications that are already filed and pending cannot be approved until the applicant’s priority date becomes “current” again. In most EB-2 cases, the “priority date” is the date that an Application for Permanent Employment Certification (PERM labor certification) was filed with the U.S. Department of Labor.

The Department of State has also indicated the possibility that further demand under the EB-2 category could result in the complete worldwide unavailability of EB-2 immigrant visa numbers until the beginning of the next fiscal year (October 1, 2012). The Department of State expects that EB-2 immigrant visa availability will return to “current” on October 1st for all countries other than India and China.

Eligible EB-2 applicants should file their Applications to Adjust Status with U.S. Citizenship & Immigration Services (CIS) for receipt by the CIS before the end of June 2012. To initiate the preparation and filing of an Application to Adjust Status for individuals who are currently eligible to file applications under the EB-2 immigrant category, contact your FosterQuan immigration attorney as soon as possible. As always, FosterQuan will continue to monitor changes in immigrant visa availability under the annual immigrant quota system and will make future updates available via our firm’s [website](#), and in future Immigration Updates<sup>®</sup>.