

Department of State Releases February 2012 Visa Bulletin

DOS Visa Bulletin includes forward movement of one year in the EB-2 category for China and India, and USCIS indicates that the rate of new applications for adjustment of status in recent months has been extremely low.

January 9, 2012

The U.S. Department of State (DOS) has released its February 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 February 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, 2010 (forward movement of one year)

India: January 1, 2010 (forward movement of one year)

U.S. Citizenship and Immigration Services (USCIS) has indicated that the rate of new filings of AOS applications in recent months has been extremely low in the EB-2 category, and much lower than in the EB-3 category. This has led to continued rapid forward movement of EB-2 cutoff dates in this category for China and India. It is important to note that, if the level of new AOS filings increases significantly, it will be necessary to slow or stop the movement of the cutoff dates. It is possible that such cutoff dates may also retrogress (i.e., move back in time to dates earlier than the ones now in the bulletin).

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: December 1, 2004 (forward movement of six weeks)

India: August 15, 2002 (forward movement of one week)

Mexico: February 22, 2006 (forward movement of three weeks)

Philippines: February 22, 2006 (forward movement of three weeks)

Rest of the World: February 22, 2006 (forward movement of three 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 February 2012 Visa Bulletin in its entirety, please visit the DOS website at http://travel.state.gov/visa/bulletin/bulletin_5640.html.

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Now Available: *AILA's Focus on Immigration Practice Under AC21*

Written by Eleanor Pelta and A. James Vázquez-Azpíri, *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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