

Immigration Alert

MAY 16, 2012

Employment-Based Second Preference (EB-2) Unavailable for China and India

The [Visa Bulletin for June 2012](#) has recently been published and shows unavailability of immigrant visas in the employment-based second preference (EB-2) category for individuals who are born in China or India. The EB-2 preference category is for prospective immigrants filling positions that require either an advanced degree or a bachelor's degree and at least five years of experience. The immediate impact of this development is that natives of India and China in the EB-2 category may not be issued immigrant visas or granted adjustment of status. Additionally, qualified individuals from India and China who are in the EB-2 category will be unable to file an I-485 (Adjustment of Status) application until more visa numbers are available.

According to our latest information, the US State Department anticipates that green card numbers in the EB-2 category for China and India will be unavailable through the end of the fiscal year (September 30, 2012). At the beginning of the new fiscal year, we will likely see visa numbers available in the EB-2 category, but are uncertain about the priority date cut-offs for India and China. The State Department is optimistic that by early 2013 it can return the EB-2 cut-off dates to what they were immediately prior to the unavailability.

Please do not hesitate to contact a member of Mintz Levin's Immigration Section for additional information regarding this development or any other immigration issues you may have.

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