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Immigration Law Update

Current Developments in Immigration

Dear Julie,

This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties.

U.S. Government Revises Procedures on When Adjustment of Status Applications Can Be Filed for Those in the Immigrant Visa Quota Backlog.

With the release of the [October 2015 Visa Bulletin](#), the U.S. State Department and U.S. Citizenship & Immigration Services have revised their procedures which expedite when I-485, Adjustment of Status Applications can be filed for those who are in the Immigrant Visa Quota Backlog. This rule change will substantially affect intending immigrants from China and India who are most affected by the large quota backlogs. The rule change will have the practical effect of allowing these intending immigrants to obtain unrestricted employment authorization and travel documents for themselves and dependent family members, as well as greater job mobility while in the permanent residence process.

As of October 2015, the Visa Bulletin will now have two different charts:

Application Final Action Dates (dates when immigrant visas may be issued); and

Dates for Filing Applications (earliest possible dates when applicants may be able to apply)

<http://travel.state.gov/content/visas/english/law-and-policy/bulletin/2016/visa-bulletin-for-october-2015.html>.

The priority cut-off dates in the Dates for Filing Applications chart are much later than the final action cut-off dates. For instance, under the employment-based second preference category for Indian nationals, the final action cut-off priority date is May 1, 2005; whereas, the filing cut-off priority date for the same category is July 1, 2011. While USCIS cannot approve I-485 applications that have priority dates after the date indicated in the Application Final Action Dates chart, there are significant benefits of having an I-485 pending with USCIS as noted above.

This change results from President Obama's November 2014 executive actions on immigration, and is aimed at improving DOS's ability to predict overall immigrant visa demand. Additional information on this change can be found [here](#).

If you believe you or one of your employees, relatives or friends are eligible to file your I-485 based on the published filing date cut off, or if you have any questions regarding your eligibility to apply for an immigrant visa, please contact us to discuss your case in detail.

For additional information about any of the topics presented here, please contact us. If you would prefer not to receive future e-mails of this nature, please unsubscribe on the link below.

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