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EMPLOYMENT-BASED VISA AVAILABILITY IN SEPTEMBER AND OCTOBER 2007

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by
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After the July 2007 visa bulletin fiasco (*See July 2007 VISA BULLETIN FIASCO: A POST-MORTEM*), the Department of State has announced in its September 2007 bulletin that there will be limited visa availability in several of the Employment-Based Preferences. The current August 2007 Visa Bulletin shows no visa availability in any Employment-Based preference. In the September 2007 bulletin, the Employment-Based First (EB-1) Preference category shows a January 1, 2007 cut-off date for all countries. In the Employment-Based Second (EB-2) Preference, the worldwide cut-off date is January 1, 2007, along with Mexico and the Philippines. For India, it is April 1, 2004 and for China it is January 1, 2006. In the Employment-Based Third (EB-3) Preference category, the worldwide cut-off date is August 1, 2002 along with the Philippines. It continues to remain unavailable for India, Mexico and China. The EB-3 "Other Worker" category is unavailable for all countries of the world. The Employment-Based Fourth and Fifth Preferences show a cut off date of January 1, 2007.

Previously, the State Department announced that there would be no availability whatsoever in the EB preferences until October 2007. The rationale for limited visa availability for September 2007, according to the State Department, is due to the return of unused July numbers by consular posts abroad, and the limited amount of pending demand eligible for final processing at consular posts. Thus, the State Department has been able to re-establish movement in many categories.

This is indeed a positive development. It is hoped that the October 2007 visa bulletin demonstrates even further movement. Jan M. Pederson, a Washington

DC immigration attorney, has predicted, based on government sources, that the worldwide category, other than India and China, in the EB1, EB2, EB4 and EB5 immigrant visa categories will be current again in October 2007, although it may be necessary to retrogress them later in 2007 or 2008. The EB-1 category for India and China is likely to be current in October 2007. The EB-2 category for India and China will have the same cut-off dates as they did in the January 2007 bulletin, which was January 8, 2003 for India and April 22, 2005 for China. The EB-3 category will likely have a cut-off date in October 2007 also close to the cut-off dates for January 2007, which was August 1, 2002 for the worldwide, May 8, 2001 for India, and April 22, 2005 for China.

Ms. Pederson's predictions can be found at www.bibdaily.com or www.usvisainfo.com. The September Visa bulletin is available at http://travel.state.gov/visa/frvi/bulletin/bulletin_3761.html.

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