

Update for Visa Retrogression for EB-2 Immigrant Visa Category (India and China)

April 4, 2012

As we reported in our March 26, client alert, the Chief of Immigrant Visa Control for the United States Department of State issued a statement that the May Visa Bulletin (effective date May 1) will retrogress to August 15, 2007 for the EB-2 immigrant visa category for China-mainland and Indian born foreign nationals. That statement set April 30, 2012 as the last day the Department of State would accept immigrant visa applications for EB-2 China-mainland and Indian born applicants with priority dates of May 2, 2010 (the priority date established by the April Visa Bulletin for EB-2 China-mainland and Indian born applicants) or earlier. In addition, applications that were pending could continue to be adjudicated up until May 1.

Today, April 4, 2012, Charlie Oppenheim, Chief of Visa Control at the U.S. Department of State, augmented that prior statement indicating that effective March 23, 2012, no additional EB-2 applications will be granted for China-mainland and Indian applicants with priority dates of August 15, 2007 or later. Immigrant visas being processed at U.S. Consulates abroad were already allocated and are not affected. USCIS will however continue to accept and process EB-2 I-485 adjustment of status applications from China-mainland and Indian born applicants with priority dates of May 2, 2010 or earlier, through April 30, 2012. All pending I-485 applications with priority dates that are no longer "current" will remain pending until new visas are available sometime in fiscal year 2013 which starts in October 2012.