

IMMIGRATION ALERT: DOS Changes Visa Bulletin Processing Procedures – Many EB Green Card Applicants May Now Be Able to File AOS or IV Applications

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The U.S. Department of State (DOS) recently announced significant changes to the visa availability procedures for Employment-Based (EB) visa (green card) applicants. Under the new procedures, the DOS will publish two separate charts for EB categories. Under the chart entitled "Application Final Action Dates," the DOS will continue to publish the priority dates that are currently Available for approving cases in the applicable EB category. Under the chart entitled "Dates for Filing of Employment-Based Visa Applications," EB applicants who have a priority date earlier than the cut-off date in the chart may file a Form I-485, Adjustment of Status Application (and EAD application and Advance Parole travel document application) with the U.S. Citizenship and Immigration Services (USCIS), or Immigrant Visa Application with the DOS. It is important to note that although EB applicants may file their Adjustment of Status Applications or Immigrant Visa Applications **prior** to the priority date being Available in the "Application Final Action Dates" chart, EB applicants must continue to wait for their priority date to become Available under the "Application Final Action Dates" chart in order for the Adjustment of Status Applications or Immigrant Visa Applications to be approved. As a result, nationals of certain EB-3 and EB-2 categories may continue to experience a significant delay in the adjudication of Adjustment of Status Applications or Immigrant Visa Applications. However, during the pendency of the Adjustment of Status Applications with the USCIS, EB applicants will be able to extend their EAD cards and Advance Parole travel documents.