

Business Immigration Weekly for December 11, 2015

12/11/2015

Practices: Immigration

JANUARY 2016 VISA BULLETIN UPDATE

The Department of State (DOS) released the monthly Visa Bulletin and below is a summary of green card Final Action Dates and Dates For Filing for employment-based immigrant visa categories for the month of January.

PLEASE NOTE: Per a new USCIS policy, a week after the Department of State (DOS) issues its monthly Visa Bulletin indicating immigrant visa availability for the next month, the USCIS will make its own separate determination on green card availability. If green cards are available for a certain category, the USCIS will post its own notice on its website at: www.uscis.gov/visabulletininfo to alert immigrants applying in those categories with more availability, that they may use the Dates for Filing chart and not the Final Action Date chart. Thus immigrants may no longer rely on the DOS Visa Bulletin, but must wait one week after its publication and then look to the USCIS to see whether a green card is available to them.

GREEN CARD "DATES FOR FILING"

Individuals with priority dates prior to the dates listed in the chart below are eligible to file their green card applications during the month of January.

| Employment-Based | All Chargeability Areas Except Those Listed | CHINA-mainland born | INDIA | MEXICO | PHILIPPINES |
|------------------|---|---------------------|---------|---------|-------------|
| 1st | Current | Current | Current | Current | Current |
| 2nd | Current | 01JAN13 | 01JUL09 | Current | Current |
| 3rd | 01JAN16 | 01OCT13 | 01JUL05 | 01JAN16 | 01JAN10 |
| Other Workers | 01JAN16 | 01JAN07 | 01JUL05 | 01JAN16 | 01JAN10 |

| | | | | | |
|-------------------------------------|---------|---------|---------|---------|---------|
| 4th | Current | Current | Current | Current | Current |
| Certain Religious Workers | Current | Current | Current | Current | Current |
| 5th Non-Regional Center (C5 and T5) | Current | 01MAY15 | Current | Current | Current |
| 5th Regional Center (I5 and R5) | Current | 01MAY15 | Current | Current | Current |

GREEN CARD APPROVAL "FINAL ACTION DATES"

Individuals with priority dates prior to the dates listed in the chart below have a green card available to them during the month of January, therefore, the US government may take final action on their case.

| Employment-Based | All Chargeability Areas Except Those Listed | CHINA - mainland born | INDIA | MEXICO | PHILIPPINES |
|-------------------------|--|------------------------------|--------------|---------------|--------------------|
| 1st | Current | Current | Current | Current | Current |
| 2nd | Current | 01FEB12 | 01FEB08 | Current | Current |
| 3rd | 01OCT15 | 01JUL12 | 15MAY04 | 01OCT15 | 01NOV07 |
| Other Workers | 01OCT15 | 01DEC06 | 15MAY04 | 01OCT15 | 01NOV07 |
| 4th | Current | Current | Current | Current | Current |

| | | | | | |
|-------------------------------------|--------------|--------------|--------------|--------------|--------------|
| Certain Religious Workers | Unauthorized | Unauthorized | Unauthorized | Unauthorized | Unauthorized |
| 5th Non-Regional Center (C5 and T5) | Current | 08JAN14 | Current | Current | Current |
| 5th Regional Center (I5 and R5) | Unauthorized | Unauthorized | Unauthorized | Unauthorized | Unauthorized |

BELOW IS A SUMMARY OF CHANGES FROM THE VISA BULLETIN FOR LAST MONTH FOR FINAL ACTION DATES:

- The EB-2 China category remains stalled at February 1, 2012
- The EB-2 India category has advanced from June 1, 2007 to February 1, 2008
- The EB-3 World and Mexico categories advance from September 1, 2015 to October 1, 2015
- The EB-3 China category advances several months from April 15, 2012 to July 1, 2012
- The EB-3 India category advances several weeks from April 22, 2004 to May 15, 2004
- The EB-3 Philippines category advances several months from August 1, 2007 to November 1, 2007
- The EB-5 China (Non-Regional Center) advances slightly from December 15, 2013 to January 8, 2014
- The EB-5 China (Regional Center) has become unavailable *pending congressional extension*

Month-to-month availability of immigrant visas varies and depends on many factors. These forecasts do not guarantee future availability. If you have any questions regarding the Visa Bulletin, contact Esther Contreras at 847-734-8811 or econtreras@masudafunai.com.