



## OUR COOL BIMONTHLY IMMIGRATION UPDATE!

*Posted on September 19, 2016 by Cyrus Mehta*

In addition to our blog, we also regularly post immigration updates twice a month on our website at [www.cyrusmehta.com](http://www.cyrusmehta.com). The latest Mid-September 2016 Immigration Update is available at <http://blog.cyrusmehta.com/blog/2016/09/15/mid-september-2016-immigration-update/>. While our blogs provide an interesting insight into an interesting contemporary immigration issue, our immigration updates comprehensively cover many significant developments twice a month. We extract, and adapt for the blog, the first two news items from the Mid-September 2016 Immigration Update regarding the State Department Visa Bulletin, which should be of interest to our readers.

### **State Dept. Announces Potential Visa Availability In The Coming Months**

The Department of State's Visa Bulletin for the month of October 2016 provided an overview of potential visa number availability in the coming months:

EB-1: Current

EB-2: Worldwide: Current China: Up to three months India: Up to four months

EB-3: Worldwide: The rapid forward movement of this final action date during the past year should generate a significant amount of demand for numbers. When such demand begins to materialize, the Visa Bulletin notes, it will be necessary to limit movement of this final action date.

China: Up to three months India: Up to one week Mexico: Will remain at the worldwide date Philippines: Up to three weeks

EB-4: Current for most countries El Salvador, Guatemala, and Honduras: up to two months

EB-5: Current for most countries China-mainland born: Slow forward movement

The Visa Bulletin notes that the above projections indicate what is likely to happen on a monthly basis through January based on current applicant demand patterns. However, determinations of the actual monthly final action dates are subject to fluctuations in applicant demand and a number of other variables, so the Visa Bulletin warns that these dates are not guaranteed.

At this time, the USCIS has not yet announced whether the filing dates would be applicable for purposes of filing adjustment of status applications. It should be noted, though, that for some inexplicable reason, the EB-2 filing date for India moved back from July 1, 2009 to April 22, 2009, and the EB-2 filing date for China moved from June 1, 2013 to March 1, 2013, even though the USCIS has put on hold adjustment filings under the filing date start for several months.

The Visa Bulletin for October 2016 is at

<https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2017/visa-bulletin-for-october-2016.html>.

### **State Dept. Announces Expiration of Two Employment-Based Visa Categories**

The Department of State's Visa Bulletin for the month of October 2016 announced the expiration at the end of September of the employment fourth preference "Certain Religious Workers (SR)" category and the I-5 and R-5 employment fifth preference categories.

Employment fourth preference SR. The non-minister special immigrant program expires on September 30, 2016. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight on September 29, 2016. Visas issued before that date will only be issued with a validity date of September 29, 2016, and all individuals seeking admission as non-minister special immigrants must be *admitted* into the United States by midnight on September 29, 2016.

The final action date for this category has been listed as "Unavailable" for October. The Visa Bulletin notes that if there is legislative action extending this category for FY 2017, the final action date would immediately become "Current" for October for all countries except El Salvador, Guatemala, and Honduras, which would be subject to a June 15, 2015, final action date.

Employment fifth preference I5 and R5. I5 and R5 visas may be issued until the “close of business” on September 30, 2016, and may be issued for the full validity period. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases, after September 30, 2016.

The final action dates for the I5 and R5 categories have been listed as “Unavailable” for October. If there is legislative action extending them for FY 2017, the final action dates would immediately become “Current” for October for all countries except China-mainland born I5 and R5, which would be subject to a February 22, 2014, final action date.

Congress is expected to extend the EB-4 special religious worker and EB-5 immigrant investor categories as part of a bill to fund the federal government temporarily past September 30. The temporary extension is likely to last until early December. Stay tuned.

Please continue to read the rest of the news stories in our [Mid-September 2016 Immigration Update](#).