

PREDICTIONS FOR OCTOBER 2007 PRIORITY DATES FOR EMPLOYMENT-BASED IMMIGRANT VISAS - GOOD NEWS!

By Jan M. Pederson

Washington, D.C., Aug. 2, 2007: Government sources have advised us that we can expect more good news when the new pool of visa numbers is released for the fiscal year which begins on October 1, 2007. The priority date information listed is to be taken as educated predictions, not carved in stone. Expect the following:

1. Worldwide, other than India and China, EB1, EB2, EB4 and EB5 immigrant visa categories will be **current** as of October 1, 2007. **It may be necessary to retrogress them later in 2007 or 2008.**
2. EB1 for India and China will likely be current in October, 2007.
3. EB2 for India and China will likely have a cut-off date in October 2007 close to the cut-off dates for January 2007, which were: **India - January 8, 2003; China -April 22, 2005.**
4. EB3 cut-off dates for October 2007 also will likely have a cut-off date close to the cut-off dates for January 2007, which were: **Worldwide (other than India and China) -August 1, 2002; India -May 8, 2001; China - April 22, 2005.**

Please note that these are predictions subject to change depending on the number of cases approved by USCIS during the next two months.

Other "Visa Gate" Factoids:

1. During fiscal year 2007 (October 1, 2006 through July 2007) USCIS processed over 18,000 EB3 cases for persons born in **India** and of that number, 8,000 were processed during June 2007 and 7,000 were processed during July 2007. This represents five years worth of allocated visa numbers. The annual limit for India is 2,800 per year in the EB3 category.
2. When the Visa Bulletin indicates that visas numbers are unavailable for an employment based category and country, H-1B applicants who have reached the six year limit in H-1B status may obtain three-year extensions under AC 21. This means if the Visa Bulletin reflects "U", the per-country limit has been reached.
3. The unofficial reports are that the Texas Service Center received approximately 40,000 I-485 applications during the first day or two in July and the Nebraska Service Center received approximately 35,000 I-485 applications during the same period of time.
4. During the first eight months of fiscal year 2007 (October 2006 through May 2007) USCIS requested 66,600 EB visa numbers. During June and July 2007 USCIS requested 66,800 numbers.

We will provide you with updates as they become available and Jan Pederson will provide a Web seminar to discuss "Visa Gate" and related issues later this month.

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Suite 601, 2001 L Street, N.W., Washington, D.C. 20036-4910
Tel: 202.785.1960 - Fax: 202.785.3815
www.usvisainfo.com