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Special Immigration Alert:

State Department Revises October 2015 Visa Bulletin

The U.S. Department of State (“DOS”) just issued a revised October 2015 Visa Bulletin. As we noted in our last Alert, the DOS recently changed the format of its Visa Bulletin to add cutoffs for application dates. These are dates that foreign nationals can file I-485 applications for permanent residence, even if their priority dates are not current. Starting October 1, 2015, the U.S. Citizenship and Immigration Services will accept these “early” applications but cannot adjudicate them until the actual priority date is reached.

It appears that the application dates in the initial October 2015 Visa Bulletin were not calibrated carefully enough. The revised October 2015 Visa Bulletin makes changes to certain application dates for both family-based and employment-based cases.

On the family-based side, the application dates for first preference (unmarried sons and daughters of U.S. citizens) advances from November 22, 1994, to April 1, 1995. The family-based third preference (married sons and daughters of U.S. citizens) also advances from June 8, 1994, to May 1, 1995.

On the employment-based side, the application dates in the employment-based second preference (“EB-2”) category for China and India have regressed. In the EB-2 category for China, the regression is from May 1, 2014, to January 1, 2013. In the EB-2 category for India, the regression is from July 1, 2011, to July 1, 2009. Also, the application dates for the employment-based third preference (“EB-3”) professional and unskilled worked categories for the Philippines have regressed from January 1, 2015, to January 1, 2010.

The DOS has indicated that the changes came after consultation with the Department of Homeland Security to “better reflect a timeframe justifying immediate action in the application process.” The DOS did not indicate whether additional changes can be expected.

Stay tuned. . . .

For more information or questions regarding the above, please contact:



[Robert S. Groban, Jr.](#)

New York
212/351-4689
rgroban@ebglaw.com



[Pierre Georges Bonnefil](#)

New York
212/351-4687
pgbonnefil@ebglaw.com



[Patrick G. Brady](#)

Newark
973/639-8261
pbrady@ebglaw.com



[Jang Hyuk Im](#)

San Francisco
415/399-6067
jim@ebglaw.com

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