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October 2015 Visa Bulletin Confusion

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Submitted by Rajiv S. Khanna on Sep 9th 2015

Please sign and have others sign the petition to prohibit USCIS from revising Visa Bulletin dates:

<http://wh.gov/iQ66L> ^[2]

28 September 2015

American Immigration Lawyers Association has written to the State Department (Secretary Kerry) asking for a roll back of the priority dates as originally announced. The letter is attached at the bottom.

25 September 2015

Visa bulletin for October 2015 has been revised. I am noting only the changes from the last Visa Bulletin. Rest of the dates remain the same. Both the bulletins are attached to this article. Now, the following employment-based applicants can file for Adjustment of Status all through the month of October. If your priority date for an employment-based case is EARLIER than the following dates, you can file for AOS (Form I-485):

Employment-Based

China, EB-2: 01 January 2013

India, EB-2: 01 July 2009 :-(

Philippines, EB-3 AND Other Workers: 01 January 2010

Family-Based

Mexico, F-1: 01 April 1995

F-3: 01 May 1995

WHAT IS GOING ON?

If you are filing for AOS, always go to this link: <http://www.uscis.gov/visabulletininfo>^[3]

USCIS has created a new methodology to calculate who can file for Adjustment of Status. This will NOT hasten the approval of the green card. It will hasten only the date you can file for AOS. So the overall speed of the approvals has not improved. But because employ-based applicants can take advantage of AC21 job portability after 180 days AND all applicants and their eligible derivative beneficiaries can obtain Employment Authorization (EAD) within appx. 90 days of the AOS filing, this can still be a substantial advantage.

The theory behind this change is that the visa counting system did not adequately and timely account for all the AOS applications that were denied, abandoned, withdrawn, etc. USCIS is supposed to report these cases to the State Department, who then issues the Visa Bulletin based upon PROJECTED ESTIMATES of when visa numbers will be available counting both AOS and green cards issued in the consulates.

9 September 2015 (OLD NEWS BY NOW -- SEE THE ENTRIES ABOVE)

Folks, generally speaking, visa dates chart that all AOS (I-485) applicants should refer to is the Table "A. Employment Final Action Dates for Employment-Based Preference Cases" (Currently showing 01MAY05 and 08MAR04 for India, EB-2 and EB-3):

We have received a bunch of calls from clients and community thinking EB-2 for India priority dates have moved on to 2011 from now on. That is not true, except, so far, for the month of October 2015. The additional table B. ("Dates for Filing Employment-Based Visa Applications") in this visa bulletin simply tells you that you should submit your information to National Visa Center, IF, you received notification to do so.

However, ONLY FOR THIS MONTH (BEGINING 1 OCTOBER), WE CAN USE THE PRIORITY DATES MENTIONED (01JULY2009 FOR EB-2 AND 01JULY2005 FOR EB-3 FOR INDIA). China, Mexico and Philippines dates are in the attached bulletin as well. Refer to table "B. Dates for Filing Employment-Based Visa Applications."

I think the Bulletin is quite confusing. But this is what I see.

Bear in mind, we cannot file applications to reach USCIS before 1 October. All applications received by USCIS between 1-31 October are considered timely and properly filed.

The Visa Bulletin for October 2015 is attached.

I will keep updating this blog entry as more information emerges.

Update 6:30 PM EST, 9 September 2015

Essentially, going forward, we will not be looking at the Visa Bulletin for any I-485, aka, AOS case (both family and employment-based). Instead, we will be looking at USCIS prediction of the AOS numbers. If USCIS says you are current in the following month, you can file AOS.

This page is where you will go: <http://www.uscis.gov/visabulletininfo>^[3]

Image not found

http://www.uscis.gov/sites/default/files/USCIS/Green%20Card/AoS_WebGraphic_V5.jpg



Green Card:

Form I-485 ^[4]

Attachments:

<https://immigration.com/sites/default/files/Visa%20Bulletin%20For%20October%202015.pdf>

<https://immigration.com/sites/default/files/VisaBulletinRevisedOctober2015.pdf>

https://immigration.com/sites/default/files/AILA_VisaBulletin_Letter.pdf

Source URL (retrieved on 24 Sep 2020 - 19:33): <https://immigration.com/blogs/form-i-485/october-2015-visa-bulletin-confusion>

Links:

[1] <https://immigration.com/blogs/form-i-485/october-2015-visa-bulletin-confusion>

[2] <http://wh.gov/iQ66L>

[3] <http://www.uscis.gov/visabulletininfo>

[4] <https://immigration.com/greencard/green-card/form-i-485>