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## EB-3 "Unavailable"

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Submitted by Chief Editor on Apr 10th 2009

#### **ANSWER:**

Correct. "Unavailable" means that it is the ESTIMATE of the State Department that visa numbers for India are exhausted for this fiscal year which ends on September 30. But the estimate may not always be accurate. DOS may go back and reopen this category if they need to (unlikely, but not impossible). Your green card can go on in your absence. That is no problem as long as we have answers to these questions: 1. Is the job really permanent? 2. Why is the employer accommodating you? 3. Who is performing the job in your absence? While these questions have never been asked, do not be surprised if they are. Our explanation must be truthful and not contrived.

#### **Green Card:**

[Form I-485](#) [2]

[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

[Form I-485](#) [2]

[General Green Card](#) [3]

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[Adjustment of Status](#) [5]

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[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

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[Adjustment of Status](#) [5]

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### **Links:**

- [1] <https://immigration.com/faq/form-i-485-general-green-card-ac21-aos-portability-adjustment-status-form-i-485-general-green>
- [2] <https://immigration.com/greencard/green-card/form-i-485>
- [3] <https://immigration.com/greencard/green-card/general-green-card>
- [4] <https://immigration.com/greencard/green-card/adjustment-status/ac21-aos-portability>
- [5] <https://immigration.com/greencard/green-card/adjustment-status>
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- [7] <http://www.immigration.com>
- [8] <https://immigration.com/JavaScript%3Avoid%280%29%3B>