

SEPTEMBER 27, 2016 BULLETIN TO ALL IMMIGRATION CLIENTS

October 2016 Visa Bulletin Update

The Department of State (DOS) has issued a Visa Bulletin update for the month of October 2016 and, for the first time since November 2015, the United States Citizenship and Immigration Services (USCIS) has announced permission to use the Dates for Filing Visa Applications chart (DF Chart) for employment-based cases.

About the Visa Bulletin

The DOS publishes current immigrant visa availability information in a monthly Visa Bulletin, which indicates when statutorily limited visas are available to prospective immigrants based on their individual priority date. The priority date is generally the date when the applicant's relative or employer properly filed the immigrant visa petition on the applicant's behalf with USCIS. If a labor certification is required to be filed with the applicant's immigrant visa petition, the priority date is when the labor certification application was accepted for processing by the Department of Labor. Availability of an immigrant visa means that eligible applicants are able to file Form I-485, Application for Adjustment of Status (AOS), as the final step in the process of becoming a U.S. permanent resident.

In 2015, the DOS issued a dual Visa Bulletin chart system with the addition of the DF chart. The USCIS previously only permitted use of the Application for Final Action Dates chart (FA chart) as a basis for filing an AOS application. The priority dates in the DF chart could only be utilized if the USCIS authorized its use for that particular month, which has not been permitted for employment-based cases since November 2015. The USCIS, however, recently announced that **for the month of October 2016, applicants for all family-sponsored and employment-based preferences may use the DF chart**, with the exception of certain employment-based fourth preference (EB-4) non-minister religious workers and for employment-based fifth preference (EB-5) Regional Center Program participants. These two groups must continue to use the Application Final Action Dates chart.

October 2016 Visa Bulletin- Dates for Filing (DF) Chart

As a result of the recent USCIS decision to allow use of the DF chart for the month of October 2016, many family and employment-based immigrant applicants' priority dates have advanced and they are now eligible to file AOS applications. Please also note that the employment-based first preference (EB-1) category is once again current for all areas of chargeability, including Chinese and Indian nationals (who were previously cut-off for the months of August and September 2016).

October 1, 2016 is the start of a new fiscal year (FY 2017), carrying with it a new supply of visa numbers. We will continue to monitor all employment and family-based cases to determine whose priority dates are now current and who is able to file for adjustment of status based on the priority dates listed in the DF chart.

Please contact any member of the Cohen & Grigsby Immigration Department to discuss your/your employees' cases or if you have any questions regarding the above at 412.297.4900. To receive future bulletins, please send an e-mail to bulletins@cohenlaw.com

Copyright © 2016 by Cohen & Grigsby, P.C. (No claim to original U.S. Governmental material.)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of Cohen & Grigsby, P.C. and is intended to alert the recipients to new developments in the area of immigration law. The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about Cohen & Grigsby's qualifications and experience.