

Visa Bulletin: Employment Based Green Card Categories Has Jumped Again

Written by U.S Immigration News
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In the last few months, there have been significant forward movement in both the family based and employment based immigrant visa categories. By now, there is a mad rush to file adjustment of status applications by those immigrants who have waited for many years checking the Visa Bulletin every month to see if their priority dates are current.

In the past three months, the employment based categories experienced a dramatic forward movement that many immigrants with approved I-140 petitions will now be eligible to apply for adjustment of status. If you are an immigrant in any of these categories, it is time to speak to your attorney and file immediately. My Office is filing for those eligible now before the Visa Bulletin moves the dates backward again.

For those who are not familiar with how the Visa Bulletin works, apart from immediate relatives of U.S. citizens who are parents, spouse and children under the age of 21, every alien seeking to obtain permanent resident status in the U.S. through family based or employment based petition can only be granted a green card when his or her priority date is current. For example, if your petition is filed by your brother or if your petition is filed by your employer and you are only a bachelor's degree holder, the visas in these categories are limited and those who filed before you will be taken care of first. The Visa Bulletin tells you when it is your turn. The Bulletin comes out monthly and it is usually published on page 3 of this newspaper.

As far as employment based third category where the bulk of the employment based applicants are is concerned, for many months in the past, it was at a either a standstill or practically crawling, but in the past three months the forward movement in the category has been unbelievable. Nurses who have been waiting for years should be glad at this development.

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It is now very important for those who are still eligible to apply for adjustment of status using their I-140 petition approvals to do it immediately because there is no guarantee that the bulletin will not retrogress. It has happened before and it can happen again in the future.

For the upcoming month, according to the U.S. Department of State responsible for managing the Visa Bulletin, there will be "no additional movement". This cut-off date has advanced 18 months during the past three months. Such rapid movement can be expected to generate a significant amount of new demand, with the impact not being felt for three to five months. Therefore, the cut-off date will be held until it can be determined what level of demand is to be expected, and whether it is likely to be sustained."

The only major problem some of the immigrants in the U.S. with approved I-140 petition will face is that many of them will be out of status already. You cannot adjust your status under the employment based categories unless you are in status or you are eligible under Section 245(i) of the Immigration and Nationality Act to pay \$1000 as penalty for overstaying your visa. To be eligible, you must have resided in the United States before December 21, 2000 and must have an approval petition filed for your benefit on or before April 30, 2001.

Another problem encountered by many nurses, my office currently represent is that many of the employers particularly those big hospitals are no longer willing to employ as those vacancies were filled during the economic downturn by retired nurses who returned to work.

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If your employer is still willing to employ you, it is now time to file the application to obtain your permanent resident status in the United States.

This article is for your information only; it is not a legal advice and should not be substituted for a legal counsel that could only be obtained from an attorney after evaluating your case. If you have any immigration problems, please feel free to contact Attorney Famuyide at 718-647-6767 or send your e-mail to jfamuyide@aol.com .

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