



EB-3 IMMIGRANT VISA AVAILABILITY ADVANCES MODESTLY IN FEBRUARY; EB-2 AVAILABILITY ADVANCES FOR CHINA

On January 9, 2013, the U.S. Department of State released the February Visa Bulletin, publishing the “cut-off dates” for immigrant visa availability during the month of February 2013. There are modest advances under the Employment-Based, Third Preference (EB-3) category and “Other Worker” categories.

The EB-3 and “Other Worker” categories advanced six weeks to a “cut-off” date of March 15, 2007, for persons born in Mexico and all chargeability areas except China, India, and the Philippines. The same categories advanced one week for applicants born in India and the Philippines. For persons born in China, the EB-3 Category advanced three weeks, but the “Other Worker” category remained unchanged.

The EB-2 Category remains the same except for a five week advance to a new cut-off date of January 15, 2008 for persons born in China. The February 2013 Visa Bulletin for employment-based categories is provided below:

Preference	All Chargeability Areas Except Those Listed	CHINA-Mainland Born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	15JAN08	01SEP04	C	C
3rd	15MAR07	15NOV06	15NOV02	15MAR07	22AUG06
Other Workers	15MAR07	01JUL03	15NOV02	15MAR07	22AUG06
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/Regional Centers	C	C	C	C	C

In order to file an Application for Adjustment of Status, have a pending application approved, or be issued an immigrant visa at a U.S. Embassy or Consulate, the applicant’s “priority date” must precede the cut-off date listed for his or her country of birth and employment-based immigrant preference category. For employment-based permanent residency processes, the priority date is normally the date that a PERM labor certification application was filed, or if exempt from the labor certification process, the date that an immigrant petition was filed.

To initiate new applications for employees whose priority dates will become current in February 2013, contact your FosterQuan immigration attorney. As always, FosterQuan will

continue to monitor the availability of immigrant visas under the annual quota system and will provide additional updates via our firm's [website](#) and in future Immigration Update[®] bulletins.