



All Employment-Based Visas Allocated For Fiscal Year 2009

Posted on September 24, 2009 by [Robert A. Kraft](#)

The U.S Department of State (DOS) has advised that there are no more employment-based visa numbers available for fiscal year 2009, which concludes September 30, 2009. This affects all employment based categories, but particularly applicants in the employment-based non-ministerial fourth category (EB-4). The EB-4 non-ministerial category includes religious occupation, vocation and professional categories (but not the ministerial category).

The non-ministerial EB-4 category is set to expire September 30, 2009 and individuals in this category must have their adjustment of status applications approved or if they applied via consular processing, they must be admitted into the United States by midnight by September 30, 2009. Unless Congress extends the sunset provision, individuals in the EB-4 non-ministerial category are unable to file Form I-485 Adjustment of Status Applications or consular processing applications after September 30, 2009.

While the I-360 religious worker petitions (ministerial and non-ministerial categories) may still be filed before September 30, 2009, given the unavailability of visas in the EB-4 category the month of September, the Applications to Adjust Status (Form I-485) or applications for consular processing will not be accepted this month. Thus, adjustment of status applications that remained pending will not be approved unless a visa number had already been captured.

Individuals in the EB-4 ministerial category are eligible to file Adjustment of Status applications until October 1, 2009, when visas in the EB-4 category become available. Please visit the [visa bulletin](#) available at the DOS's Web site.