

DOS UPDATE: Visa Bulletin for September 2016.

DOS reports that the infusion of FY 2017 visa numbers will make **EB-4 India** and **EB-4 Mexico** current in October. The final action date for **EB-4 El Salvador/Guatemala/Honduras** should move to a date sometime in the summer of 2015, and possibly beyond. Given the high applicant demand in this category for El Salvador relative to the other two countries, it is possible that we will see a more advanced final action date for Guatemala and Honduras.

EB-2 and EB-3. Presently, the **EB-2 Worldwide** final action date lags behind **EB-3 Worldwide**, but this should not create the same EB-3 downgrade phenomenon we have witnessed in recent years in the China EB categories. According to DOS, members should expect **EB-2 Worldwide** to become current again in October. Despite the uncharacteristically low demand in **EB-3 Worldwide**, members should not expect it to become current. DOS is concerned that there is demand in this category that has not yet materialized.

As predicted last month, the final action date for **EB-2 China** and **EB-3 China** will remain the same through the remainder of this fiscal year. In October, **EB-2 China** is expected to advance to a date in late 2011 or early 2012. **EB-3 China's** final action date is expected to reach late 2012 or early 2013. Therefore, it is likely that we will once again see the EB-3 downgrade phenomenon next fiscal year, at least until the increase in **EB-3 China** demand generated by the downgrades levels out demand between the two categories.

In October, **EB-2 India** will likely move to a date in early 2007. Slow movements of a few weeks at a time are anticipated for **EB-3 India**, which is likely to remain at a 2005 date in October. **EB-3 India** is the last category in which DOS still has strong visibility (from the summer 2007 adjustment of status filings) into pre-adjudicated demand. As a result, there has not been any erratic movement in the final action date for this category in recent years.

EB-5 China. DOS is unable to make any predictions at this time as to where **EB-5 China** dates will fall in the next fiscal year. DOS expects to have better information by late September to mid-October.

EB-1. It is expected that **EB-1 India** and **EB-1 China**, which both had final action cut-off dates imposed late this fiscal year, will become current in October.

Family-Based Projections. There are some favorable modifications to last month's predictions for September in the family-based categories. While DOS thought the final action dates for **F-2A** and **F-4** might require retrogression in September, an increase in returned unused visa numbers in July, and weak demand for these categories has allowed DOS to hold these dates for the remainder of the fiscal year.

Consistent with DOS's predictions last month, **F-4 Worldwide** advanced slightly. There were also minor advances in all of the family Worldwide categories, and all of the F-2B categories with the exception of **F-2B Mexico**. **F-3 and F-4 Mexico** and **F-3 and F-4 Philippines** also crept slightly ahead to close out the fiscal year.

As noted in prior columns, the family-based categories tend to advance more consistently as the majority of demand in these categories materializes at consular posts. While we expect movements into the next

fiscal year to also remain relatively steady, DOS will continue to comply with the Administration's Visa Modernization Proposal by advancing the dates as aggressively as possible in the first three quarters of the fiscal year. While doing so helps to ensure that number use is maximized, it also results in few numbers being available for use in the final quarter, which can cause retrogressions, such as those experienced in the **F-4 China and India** preference categories.

Filing Dates. As we approach the one year anniversary of the new Visa Bulletin format, DOS did not have any predictions in terms of "filing dates" as DOS had not yet met with the CIS Ombudsman's Office at the time of this discussion. Stay tuned for the October Visa Bulletin!

For more information, or to speak to one of our immigration and nationality lawyers or attorneys, please feel free to e-mail us at info@visaserve.com or to call us at 201-670-0006 (x107).