

Department of State Releases April 2013 Visa Bulletin

Article By:

Eleanor Pelta

Eric S. Bord

A. James Vázquez-Azpiri

EB-2 category for all chargeable areas other than China and India remains current, with minor forward movement in the EB-3 category.

The U.S. Department of State (DOS) has released its April 2013 Visa Bulletin. The Visa Bulletin sets out per country priority date cutoffs that regulate the flow of adjustment of status (AOS) and consular immigrant visa applications. Foreign nationals may file applications to adjust their status to that of permanent resident or to obtain approval of an immigrant visa at a U.S. embassy or consulate abroad, provided that their priority dates are prior to the respective cutoff dates specified by the DOS.

What Does the April 2013 Visa Bulletin Say?

EB-1: All EB-1 categories remain current.

EB-2: Foreign nationals in the EB-2 category from all countries other than China and India remain current. A cutoff date of April 1, 2008, reflecting minor forward movement, has been imposed for foreign nationals in the EB-2 category from China. A cutoff date of September 1, 2004, remains in effect for foreign nationals in the EB-2 category from India.

EB-3: There is continued backlog in the EB-3 category for all countries.

The relevant priority date cutoffs for foreign nationals in the EB-3 category are as follows:

China: April 22, 2007 (forward movement of 90 days)

India: December 8, 2002 (forward movement of 16 days)

Mexico: July 1, 2007 (forward movement of 61 days)

Philippines: September 8, 2006 (forward movement of 7 days)

Rest of the World: July 1, 2007 (forward movement of 61 days)

Developments Affecting the EB-2 Employment-Based Category

Mexico, the Philippines, and the Rest of the World

In November, the EB-2 category for individuals chargeable to all countries other than China and India became current. This meant that EB-2 individuals chargeable to countries other than China and India could file an AOS application or have the application approved on or after November 1, 2012. The April Visa Bulletin indicates that the EB-2 category will continue to **remain current** for these individuals through April 2013.

China

The April Visa Bulletin indicates a cutoff date of **April 1, 2008**, for EB-2 individuals chargeable to China. This means that EB-2 individuals chargeable to China with a priority date prior to April 1, 2008, may file an AOS application or have the application approved on or after April 1, 2013.

India

In February, the cutoff date for EB-2 individuals chargeable to India was September 1, 2004. This meant that EB-2 individuals chargeable to India with a priority date prior to September 1, 2004, could file an AOS application or have the application approved on or after February 1, 2013. The April Visa Bulletin indicates **no movement** of this cutoff date.

Developments Affecting the EB-3 Employment-Based Category

The March Visa Bulletin indicated a cutoff date of January 22, 2007, for EB-3 individuals chargeable to **China**. The April Visa Bulletin indicates a cutoff date of **April 22, 2007**, for these individuals, reflecting forward movement of 90 days. This means that EB-3 individuals chargeable to China with a priority date prior to April 22, 2007, may file an AOS application or have the application approved on or after April 1, 2013.

Additionally, the March Visa Bulletin indicated a cutoff date of November 22, 2002, for EB-3 individuals chargeable to **India**. The April Visa Bulletin indicates a cutoff date of **December 8, 2002**, for these individuals, reflecting forward movement of 16 days. This means that EB-3 individuals chargeable to India with a priority date prior to December 8, 2002, may file an AOS application or have the application approved on or after April 1, 2013.

The March Visa Bulletin also indicated a cutoff date of May 1, 2007, for EB-3 individuals chargeable to the **Rest of the World**. The April Visa Bulletin indicates a cutoff date of **July 1, 2007**, for these individuals, reflecting forward movement of 61 days. This means that individuals chargeable to all countries other than China and India with a priority date prior to July 1, 2007, may file an AOS application or have the application approved on or after April 1, 2013.

How This Affects You

Priority date cutoffs are assessed on a monthly basis by the DOS, based on anticipated demand. Cutoff dates can move forward or backward or remain static. Employers and employees should take the immigrant visa backlogs into account in their long-term planning and take measures to mitigate their effects. To see the April 2013 Visa Bulletin in its entirety, please visit the DOS website [here](#).

National Law Review, Volume III, Number 71

Source URL: <https://natlawreview.com/article/department-state-releases-april-2013-visa-bulletin>