

Visa Unavailability in EB-3 China Category Implemented by U.S. State Department

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The new EB-3 China cut-off date for AOS applications that was set to take effect June 1 was implemented early as of May 9.

Responding to a query by the American Immigration Lawyers Association regarding the effect of the impending retrogression in certain visa categories on pending adjustment of status (AOS) applications, the U.S. Department of State (DOS) has confirmed that, as of May 9, it stopped authorizing visa numbers for AOS applications in the EB-3 China category where the applicant's priority date was current for May but due to retrogress in June. The EB-3 China cut-off date for May was October 1, 2012; that cut-off date retrogressed by six years to October 1, 2006 on June 1, 2014.

According to the DOS, cases in which a visa number was requested by U.S. Citizenship and Immigration Services (USCIS) in May, but not yet authorized by DOS, will be placed in a "pending" demand file and will be automatically authorized when the EB-3 China cut-off date advances beyond the applicant's priority date. At that point, USCIS will be able to adjudicate the application to completion. In the meantime, DOS will continue to authorize visa numbers for AOS applications with a priority date prior to October 1, 2006.

The possibility of the June cut-off date being imposed early was addressed in the June Visa Bulletin, which stated, "If it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date announced in this bulletin." The June Visa Bulletin is available [here](#).

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