

## Department of State Releases October 2014 Visa Bulletin

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**The bulletin shows slight forward movement in all employment-based preference categories, with the exception of the EB-2 India category, which will remain unchanged.**

The U.S. Department of State (DOS) has released its October 2014 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 statuses to that of permanent residents or to obtain approval of immigrant visas 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 October 2014 Visa Bulletin Say?

The October Visa Bulletin shows moderate advancement of the cutoff dates in all of the employment-based categories other than EB-2 India, which will remain unchanged from September because of significant demand in this category.

The cutoff date for F2A applicants from all countries will advance slightly in October.

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

**EB-2: The cutoff date for applicants in the EB-2 category chargeable to India will remain unchanged at May 1, 2009.** The cutoff date for applicants in the EB-2 category chargeable to China will advance by 38 days to November 15, 2009. The EB-2 category for all other countries will remain current.

**EB-3:** The cutoff date for applicants in the EB-3 category chargeable to India will advance by seven days to November 15, 2003. The cutoff date for applicants in the EB-3 category chargeable to China will advance by 151 days to April 1, 2009. The cutoff date for applicants in the EB-3 category chargeable to the Philippines, Mexico, and the worldwide category will advance by six months to October 1, 2011.

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

**China:** April 1, 2009 (forward movement of 151 days)

**India:** November 15, 2003 (forward movement of seven days)

**Mexico:** October 1, 2011 (forward movement of 183 days)

**Philippines:** October 1, 2011 (forward movement of 183 days)

**Rest of the World:** October 1, 2011 (forward movement of 183 days)

## Developments Affecting the EB-2 Employment-Based Category

### Mexico, the Philippines, and the Rest of the World

The EB-2 category for applicants chargeable to all countries other than China and India has been current since November 2012. The October Visa Bulletin indicates no change to this trend. This means that applicants in the EB-2 category chargeable to all countries other than China and India may continue to file AOS applications or have applications approved through October 2014.

### China

The September Visa Bulletin indicated a cutoff date of October 8, 2009 for EB-2 applicants chargeable to China. The October Visa Bulletin indicates a cutoff date of November 15, 2009, reflecting forward movement of 38 days. This means that applicants in the EB-2 category chargeable to China with a priority date prior to November 15, 2009 may file AOS applications or have applications approved in October 2014.

### India

The September Visa Bulletin indicated a cutoff date of May 1, 2009 for EB-2 applicants chargeable to India. The October Visa Bulletin indicates a cutoff date of May 1, 2009, reflecting **no movement**. This means that applicants in the EB-2 category chargeable to India with a priority date prior to May 1, 2009 may file AOS applications or have applications approved in October 2014.

The September Visa Bulletin indicated that the use of potentially “otherwise unused” employment-based visa numbers prescribed by section 202(a)(5) of the Immigration and Nationality Act had allowed the cutoff date in the EB-2 India category to advance rapidly in recent months. The September Bulletin warned that continued forward movement of this cutoff date could not be guaranteed. The October Visa Bulletin indicates no movement of the cutoff date in the EB-2 India category in October in order to regulate demand. It further notes that increased demand will require the retrogression of the cutoff date, possibly in November, to hold number use within the fiscal year 2015 annual limit.

## Developments Affecting the EB-3 Employment-Based Category

### China

The September Visa Bulletin indicated a cutoff date of November 1, 2008 for EB-3 applicants chargeable to China. The October Visa Bulletin indicates a cutoff date of April 1, 2009 reflecting forward movement of 151 days. This means that applicants in the EB-3 category chargeable to China with a priority date prior to April 1, 2009 may file AOS applications or have applications approved in October 2014.

## India

The September Visa Bulletin indicated a cutoff date of November 8, 2003 for EB-2 applicants chargeable to India. The October Visa Bulletin indicates a cutoff date of November 15, 2003, reflecting forward movement of seven days. This means that EB-3 applicants chargeable to India with a priority date prior to November 15, 2003 may file AOS applications or have applications approved in October 2014.

## Rest of the World

The September Visa Bulletin indicated a cutoff date of April 1, 2011 for EB-3 applicants chargeable to the worldwide category. The October Visa Bulletin indicates a cutoff date of October 1, 2011, reflecting forward movement of 183 days. This means that applicants in the EB-3 category chargeable to the worldwide category with a priority date prior to October 1, 2011 may file AOS applications or have applications approved in October 2014.

## Developments Affecting the F2A Family-Sponsored Category

The September Visa Bulletin indicated a cutoff date of April 22, 2012 for F2A applicants from Mexico. The October Visa Bulletin indicates a cutoff date of July 22, 2012, reflecting forward movement of 91 days. This means that applicants from Mexico with a priority date prior to July 22, 2012 will be able to file AOS applications or have applications approved in October 2014.

The September Visa Bulletin indicated a cutoff date of January 1, 2013 for F2A applicants from all other countries. The October Visa Bulletin indicates a cutoff date of February 1, 2013, reflecting forward movement of 31 days. This means that F2A applicants from all other countries with a priority date prior to February 1, 2013 will be able to file AOS applications or have applications approved in October 2014.

## 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. [See the October 2014 Visa Bulletin in its entirety](#) at the DOS website.

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