

New Procedures Will Allow for Early Filing of Adjustment of Status Applications

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On September 9, 2015, **U.S. Citizenship and Immigration Services (USCIS)** and the **U.S. Department of State (DOS)** responded to President Obama's November 2014 executive action announcement by publishing new procedures that will allow significant numbers of foreign nationals (and their dependent family members) to file their I-485 adjustment of status applications before their priority dates become current and immigrant visa numbers are available. Previously, individuals could not file their I-485 applications (the final major step in the process of becoming a U.S. permanent resident or green card holder) until an immigrant visa number was available.

The DOS publishes a monthly [Visa Bulletin](#) indicating when statutorily limited immigrant visas are available to prospective immigrants based on their preference category, country of chargeability (country of birth in most cases) and individual priority date. Starting in October 2015, the Visa Bulletin will include two charts as follows:

1. The **Application Final Action Dates** chart will list the dates on which priority dates will become current and immigrant visas will be available to individuals. This chart includes the same information that the Visa Bulletin has historically provided.
2. The **Dates for Filing Applications** chart will list the earliest dates on which individuals may file their adjustment of status applications.

Under the new procedures, USCIS and the DOS will analyze and predict immigrant visa demand, helping to ensure that the maximum number of immigrant visas is issued annually, as Congress intended. Further, the new procedures are intended to minimize month-to-month fluctuations in Visa

Bulletin final action dates. The new Dates for Filing Applications chart will allow individuals to file their I-485 applications before their priority dates are current if USCIS and the DOS determine that there are more immigrant visas available for the fiscal year than there are known applicants for such visas. Along with their I-485 applications, these individuals (and their dependent family members) will be eligible to file applications for advance parole and employment authorization. We expect that we will generally recommend the Adjustment of Status application be filed as soon as it is possible.

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