

## October 2015 Monthly AILA Check-In with Charlie Oppenheim

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Charles Oppenheim, Chief of the Visa Control and Reporting Division of the U.S. Department of State, held his monthly meeting with AILA to shed light on the data in the recently-released Visa Bulletin.

Since the last AILA check-in with Charlie in September, the [October 2015 Visa Bulletin](#), which was initially released on September 9, 2015, was republished on September 25, 2015, superseding the prior bulletin.

A class action law suit was filed against the U.S. Department of Homeland Security in response to these changes. This case was [denied](#) by the court and the Revised Visa Bulletin remains in effect.

The updated October Visa Bulletin listed the same Final Action Dates as the September 9 version of the Bulletin, but changed the Filing Dates in the following categories:

In this check-in with Charlie, the differences between the [November 2015](#) and [revised October Visa Bulletin](#) are compared, and Charlie offers his predictions below:

Category (9/9/15)	Filing Date NEW (9/25/15)	Filing Date	Difference
EB-2 China	5/1/2014	1/1/2013	1 year, 5 months
EB-2 India	7/1/2011	7/1/2009	2 years
EB-3/OW Philippines	1/1/2015	1/1/2010	5 years
FB-1 Mexico	7/1/1995	4/1/1995	3 months
FB-3 Mexico	10/1/1996	5/1/1995	1 year, 5 months

**Final Action Dates and Family-Based Preference Categories:** The family-based categories

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continued to progress slowly and steadily, advancing approximately one month in most cases. F-1 Philippines jumped ahead one year from June 1, 2001 in October to June 1, 2002 in November. However, this advancement is somewhat deceptive, since F-1 Philippines retrogressed towards the end of this past fiscal year, moving from February 1, 2005 in May 2015 to dates in 2000 from June through September 2015. The October and November advancements merely represent a recovery from that retrogression. Charlie predicts that this category will likely continue to advance for the next month or so, depending on the level of demand that materializes.

**Final Action Dates and Employment-Based Preference Categories:** The EB-5 Regional Center Pilot Program and “certain religious workers” categories were originally listed as “unavailable” in the October Bulletin while Congress considered an extension of these programs. On September 30, 2015, both programs were temporarily reauthorized (until December 11, 2015), which resulted in those cut-off dates immediately becoming “Current” (with the exception of EB-5 China) for October. China EB-5 advanced to November 22, 2013, up from October 8, 2013 in the October Bulletin. (AILA Doc No. 15081203)

**China EB-2 will advance one month in November from January 1, 2012 to February 1, 2012.** China EB-3 will advance approximately two and a half months in November from October 15, 2011 to January 1, 2012. China EB-3 Other Workers will also move forward three months to April 2006.

**India EB-2 will move forward 15 months from May 1, 2005 in October to August 1, 2006 in November.** While this appears to be a big leap, it is largely the result of a correction based on the retrogression of this category late last fiscal year as the number of available visa numbers dwindled: The Final Action Date for EB-2 India reached December 15, 2013 in August 2015, but then retrogressed to January 1, 2006 in September. Charlie predicts that this category will likely continue to move forward.

**The Final Action Dates for India EB-3 and EB-3 Other Workers will advance less than one month in November to April 1, 2004.** Usage in this category has been particularly high and it is too early in the fiscal year for unused numbers from other categories to trickle down. Forward movement in this category should remain limited.

Final Action Dates for all Mexico EB categories will remain the same in November, with all categories current except for EB-3 and EB-3 Other Worker which are almost current at August 15, 2015. Charlie is watching these categories closely to see whether the forward movement during the last fiscal year will spur demand and impact these cut-off dates.

Philippines EB-3 and Other Workers categories will advance five and a half months in November to June 15, 2007. All other Philippines EB categories remain current.

### **Filing Dates**

All of the employment-based Filing Dates listed in the Revised October 2015 Visa Bulletin are the same for November. The family-based Filing Dates also remain the same with the exception of:

<b>Category</b>	<b>October Visa Bulletin Filing Date</b>	<b>November Visa Bulletin Filing Date</b>	<b>Difference</b>
F-2B Mexico	1/1/1996	4/1/1996	3 Months
F-4 Mexico	5/1/1998	6/1/1998	1 Month
F-2B Philippines	1/1/2005	5/1/2005	4 Months

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