

Employment-Based Immigration: August 2016 Visa Bulletin Released

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Immigration & Compliance

This week the **Department of State** released the [August Visa Bulletin](#), which contains some significant movement in certain employment-based categories.

- In its July Visa Bulletin, which we wrote about [here](#), the Department advised that it would impose cutoff dates for India and China in the EB-1 category. In the August Bulletin, the Department has imposed a cutoff date of January 1, 2010 for both countries. The Worldwide EB-1 category remains current. Individuals born in India or China should consider initiating EB-1 cases now for filing on before July 31, 2016, as retrogression will be in place on August 1, 2016.
- The July Bulletin predicted a cutoff date for Worldwide chargeability in the EB-2 category, and in the August Bulletin, that date has been set at February 1, 2014, with a predicted return to current in October, 2016. The cutoff date for India in the EB-2 category advanced by two weeks from November 1, 2004 to November 15, 2004. The Department explained in item F that “high demand for numbers for USCIS adjustment of status applicants has required the establishment of a date for August. This action has been required to hold number use within the Worldwide E2 annual limit.”
- In the EB-3 category, worldwide chargeability, along with El Salvador, Guatemala, Honduras, and Mexico, advanced two weeks from March 1, 2016 to March 15, 2016. The cutoff date for India advanced from October 22, 2004 to November 8, 2004, while the cutoff date for the Philippines advanced by three months from February 15, 2009 to May 15, 2009.
- In the EB-4 category, the Department imposed a cutoff date for India of January 1, 2010, consistent with U.S. Citizenship and Immigration Services announcement that India had reached the EB-4 visa limit for fiscal year 2016. The Department notes that the EB-4 category for India will become current in October, 2016. The Department commented as follows:

As readers were advised in the May Visa Bulletin number 92, there has been extremely high demand in the E4 and SR categories, primarily for Juvenile Court Dependent cases filed with U.S. Citizenship

and Immigration Services for adjustment of status. Pursuant to the Immigration and Nationality Act, this has now required the implementation of E4 and SR Application Final Action Dates for India, which has reached its per-country limit. This action will allow the Department to hold worldwide number use within the maximum allowed under the FY-2016 annual limits.

In the EB-5 category, the cutoff date for Mainland China remained unchanged at February 15, 2014. The EB-5 category is otherwise current.

For those seeking to adjust status, The [United States Citizenship and Immigration Service \(USCIS\) website](#) indicates that the Application Final Action Dates chart must be used for filing Form I-485.

The Department's Application Final Action Dates for the Employment-Based categories follow:

Employment based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01JAN10	C	01JAN10	C	C
2nd	01FEB14	01JAN10	01FEB14	15NOV04	01FEB14	01FEB14
3rd	15MAR16	01JAN10	15MAR16	08NOV04	15MAR16	15MAY09
Other Workers	15MAR16	01JAN04	15MAR16	08NOV04	15MAR16	15MAY09
4th	C	C	01JAN10	01JAN10	01JAN10	C
Certain Religious Workers	C	C	01JAN10	01JAN10	01JAN10	C
5th Non-Regional Center (CS and TS)	C	15FEB14	C	C	C	C
5th Regional Center (IS and RS)	C	15FEB14	C	C	C	C

Source URL: <https://natlawreview.com/article/employment-based-immigration-august-2016-visa-bulletin-released>