



USCIS and Department of State Announce New Procedures for Determining Immigrant Visa Availability and Eligibility to File for Adjustment of Status

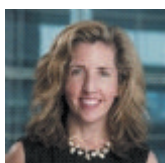
On September 9, 2015, the U.S. Citizenship and Immigration Services (USCIS) and the U.S. Department of State (DOS) announced revised procedures for determining eligibility to file an application for an immigrant visa and an application to adjust status to permanent residence. Starting in October 2015, the DOS Visa Bulletin will list two separate cut-off dates for each preference category and country: (1) the “Application Final Action Dates”, which is the cut-off date when a visa is actually available to be issued and USCIS or DOS may approve an application to adjust status; and (2) the “Dates for Filing Applications”, which is the cut-off date when applicants may file an application for an immigrant visa. Under the first list, an immigrant visa is immediately available for issuance to applicants whose priority date is current or is earlier than the cut-off date listed. Under the second list, applicants whose priority date is current or earlier than the cut-off date may assemble and submit the required documents for an immigrant visa. Significantly, in some months, the government will also allow applications for adjustment of status for cases whose priority date has been reached on the Dates for Filing Applications list. This will be decided on a month-to-month basis. October 2015 has been designated as a month in which adjustment of status applications may be filed under these circumstances.

The revised procedures provide numerous benefits to applicants from countries with immigrant visa backlogs. For immigrant visa applicants, the new procedures allow the documents to be submitted and the processing period to begin in advance of the application actually becoming approvable.

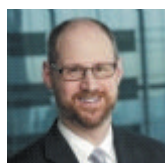
For adjustment of status applicants, applicants and their dependents will be more quickly eligible to apply for and be issued employment and travel documents. Further, applicants may be eligible for green card “portability” once the adjustment of status application has been pending for more than six months. However, the applicant’s priority date will need to be current in the first category (“Application Final Action Dates”) before the application to adjust status can be adjudicated and a green card issued.

Foreign nationals who are “current” in either category, meaning that they are eligible for either final visa issuance or for filing an application for adjustment of status, are urged to file an application during October 2015. It is not yet clear what the cut-off dates will be for either category after October 2015, or how the new process will work in the long-term.

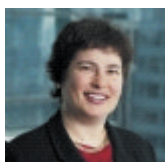
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