

One Minute Memo™



Department of State Restores Immigrant Visa Availability

In a stunning reversal of policy, the Department of State (DOS) retracted its earlier announcement regarding visa availability. On July 17, 2007, DOS announced that all employment-based immigrant visa categories (other than the "other worker" category) are available for the month of July. Moreover, United States Citizenship and Immigration Services (USCIS) announced a grace filing period until August 17th. USCIS will accept I-485 Adjustment of Status applications until August 17, and those applications will be accepted with the current (lower) filing fees through that date. (For more information regarding the USCIS filing fee increase, please see our [ImmSTAR Alert](#) dated June 14, 2007.)

As described in our [ImmSTAR Alert](#) of July 2, DOS previously announced that, effective July 2, 2007, there were no longer any immigrant visa numbers available in any employment-based category. This reversed the previous DOS announcement that all employment-based categories were "current" for the month of July, and as a result most green card applicants who had been awaiting a visa number were in the process of preparing to file their I-485 adjustment of status applications during July 2007.

Yesterday's announcements from DOS and USCIS appear to be a result of the substantial backlash raised by immigrant rights advocates, based on the unfairness of the July 2 announcement that visa numbers were no longer available.

In light of the July 2 announcement, Seyfarth Shaw had advised clients to stop preparing I-485 documents. Based on this most recent announcement, foreign nationals who are eligible to file for Adjustment of Status should resume preparing documents and forms in order to file. USCIS warns that it will reject incomplete I-485 applications, so all applicants must schedule medical examinations and gather all required documents as quickly as possible.

If you have any questions regarding visa availability, please contact the Seyfarth Shaw attorney with whom you work or any of the immigration attorneys on our website, www.seyfarth.com.

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