

## **INDIA EB-2 HAS RETROGRESSED**

As the readers will observe from the Visa Bulletin for June 2009, the employment-based second preference for India now has a cut-off date as far back as January 1, 2000. What this means is that all **candidates with** approved second preference petitions filed by their employers in their behalf, who are chargeable to India and have **priority dates anywhere between 2000 and 2009**, will now **not be able to apply for their immigrant visa abroad or apply for adjustment of status [to lawful permanent resident] with the Citizenship and Immigration Services in the United States.**

The Department of State conveys in the June Visa Bulletin that at this time, it is not possible to estimate whether or not this retrogression for EB-2 for India will apply throughout the remainder of the fiscal year.

The Department of State also delivers a cautionary remark for employment-based categories for all countries:

Applicant demand for numbers, primarily for adjustment of status cases at Citizenship and Immigration Services offices, has been extremely heavy throughout the year. As a result, visa availability during the final quarter [ending September 30, 2009] could become limited as categories approach their annual numerical limits. Therefore, visa availability throughout the remainder of the year cannot be guaranteed, and the establishment of cut-off dates, or retrogression of existing cut-off dates, cannot be ruled out.