

## SEPTEMBER VISA AVAILABILITY

The bulletin issued by the Visa Office of the Bureau of Consular Affairs of the U.S. Department of State gives the following availability position for issuance of immigrant visas during September 2005:

### Persons Chargeable to India

#### Family-Sponsored Preferences

1st Preference	Apr 15, 2001
2nd Preference	
2A	Sep 22, 2001
2B	Apr 01, 1996
3rd Preference	Mar 15, 1998
4th Preference	Jun 01 1993

#### Employment-Based Preferences

1st Preference	Current
2nd Preference	Current
3rd Preference	Unavailable
Schedule A Workers	Current
Other Workers	Unavailable
4 <sup>th</sup> Preference	Current
Certain Religious Workers	Current
5th Preference	Current
Targeted Emp Areas	Current

### Persons Chargeable to Other Countries

For other chargeability areas, including Pakistan, Bangladesh, Sri Lanka, United Kingdom, and the nations of Africa, the cut-off dates for September 2005 are:

#### Family-Sponsored Preferences

1st Preference	Apr 15, 2001
2nd Preference	
2A	Sep 22, 2001
2B	Apr 01, 1996
3rd Preference	Mar 15, 1998
4th Preference	Dec 15, 1993

## Employment-Based Preferences

1st Preference	Current
2nd Preference	Current
3rd Preference	Unavailable
Schedule A Workers	Current
Other Workers	Unavailable
4th Preference	Current
Certain Religious Workers	Current
5th Preference	Current
Targeted Emp Areas	Current

## CONTINUED UNAVAILABILITY OF EMPLOYMENT-BASED VISA NUMBERS

Recent applicants of permanent labor certification under the new PERM rules have experienced mixed emotions. Those few who received labor certifications within a few months of the PERM rules taking effect are overjoyed that their labor certifications came thorough so quickly as opposed to two years or more it used to take in the pre-PERM era.

However, some have found that their joy is short-lived. With the labor certification in hand, their employers were able to file I-140 petitions for them and these employees were able to submit, concurrently with the filing of I-140, their application for adjustment of status to a lawful permanent resident. But that was when visa numbers for 3<sup>rd</sup> preference professionals were current. At present, the third preference visa numbers are unavailable for persons born anywhere in the world. So, applications for green card cannot be submitted by such applicants who have secured labor certifications so quickly.

Even when a fresh supply of visa numbers becomes available on October 1, 2005, it is not at all likely that the visa numbers in the employment based 3<sup>rd</sup> preference for India, China, and Philippines will become current.