

Latest Revision to the October 2015 Visa Bulletin

Updated: September 25, 2015

This article summarizes the latest developments in the Department of State's ("DOS") issuance of the October 2015 Visa Bulletin.

I. Background - The New Visa Bulletin Format

In the first version of the October 2015 Visa Bulletin, issued two weeks ago, the Department of State (DOS) completely revamped the format for its visa bulletin system.

The new system creates two categories: a "Date for Filing Visa Applications" and an "Application Final Action Date." In many visa categories the "Date for Filing Visa Applications" cutoff is earlier than the "Application Final Action Date." The new system applies for both family-based and employment-based green card cases.

In certain designated months, a prospective I-485 applicant will be able to file an adjustment application if his/her priority date is earlier than the "Date for Filing Visa Applications." In other months, the applicant will have to wait until his/her priority date is current under the "Application Final Action Date." *USCIS has previously designated October 2015 as a month in which the "Date for Filing Visa Applications" will apply.* More information on the new visa bulletin format can be found here: <http://www.tewary.com/articles/NewVisaBulletinFormat.pdf>

II. The Latest Change to the Visa Bulletin

When the October 2015 Visa Bulletin was first announced, it established a "Date for Filing Visa Applications" cutoff for EB-2 India of **July 1, 2011**. Many prospective applicants began processing their cases in anticipation of an October 1, 2015 filing.

In a stunning volte-face, on September 25, 2015, the Department of State issued a revised October 2015 Visa Bulletin, listing a new EB-2 India cutoff of **July 1, 2009**. The sudden revision to the bulletin generated a lot of web traffic to the Department of State's website, which promptly crashed.

The reason for DOS's issuance of revised cutoff dates is not clear yet, but it appears to be as a result of pressure from USCIS, which was likely unprepared for an influx of additional filings. Also, the impending government shutdown over Planned Parenthood funding may have played a part in the decision.

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Thousands of prospective applicants have been negatively affected by this sudden change, and a prospective class action lawsuit may soon be filed. In the meantime, applicants should proceed assuming that a filing cutoff of **July 1, 2009** for EB-2 India will remain in effect.