



**ATTORNEYS AT LAW**

Stephen C. Trow (DC)  
Linda A. Rahal (DC/MD)  
Cynthia B. Hemphill (DC/NY)  
Norma Briscoe Hoffpauir (DC/MD/PA)

**Immigration Update – July 20, 2007**

**Employment-Based Immigrant Visa Numbers Now Available Until August 17, 2007**

In a dramatic about-face, the Department of State (DOS) and U.S. Citizenship & Immigration Services (USCIS) have announced that the original July Visa Bulletin issued on June 12, 2007 (No. 107) is now valid once again, and they have extended its validity until August 17, 2007. This allows foreign nationals who were eligible to file adjustment of status applications on July 2, 2007 to file now and it extends their eligibility to file until August 17, 2007. Visa Bulletin No. 107 can be found at [http://travel.state.gov/visa/frvi/bulletin/bulletin\\_3258.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_3258.html). The USCIS announcement can be found at <http://www.uscis.gov/files/pressrelease/VisaBulletinUpdate17Jul07.pdf>.

As background, on June 12, 2007, the DOS issued the Visa Bulletin for the month of July (No. 107), indicating that all employment-based preference categories with the exception of “other workers” were “current”. This meant that anyone (other than unskilled workers) who had an approved labor certification or was exempt from labor certification would be eligible to file an application to adjust status to permanent residence during the month of July. Then, on July 2, 2007, in an unprecedented move, the DOS released a revised July Visa Bulletin (No. 108) reversing its original July Visa Bulletin, and announced that effective immediately, all employment-based preference categories would be unavailable until further notice. As a result, USCIS announced that it would suspend acceptance of all employment-based adjustment of status applications received on or after July 2, 2007.

The latest announcements from DOS and USCIS now allow any foreign national who was eligible to file an application to adjust status under the original July Visa Bulletin to do so through August 17, 2007. This effectively extends the application period and provides those applicants with the same amount of time to file their applications that they would have had if the July 2 actions had not occurred. USCIS also announced that the large increase in filing fees that takes effect on July 30, 2007, will not apply to employment-based adjustment applications filed through August 17, 2007. All other filing fee increases will take effect as scheduled on July 30.

We urge all clients who are now eligible to file employment-based adjustment applications to do so by August 17, 2007. We expect that substantial backlogs will develop in the EB-2 and EB-3 categories after August 17.

## Questions

If you have any questions about the information in this newsletter, please contact one of the Trow & Rahal attorneys listed below.

Steve Trow	<a href="mailto:strow@TrowLaw.com">strow@TrowLaw.com</a>
Linda Rahal	<a href="mailto:lrahal@TrowLaw.com">lrahal@TrowLaw.com</a>
Cynthia Hemphill	<a href="mailto:chemphill@TrowLaw.com">chemphill@TrowLaw.com</a>
Norma Hoffpauir	<a href="mailto:nhoffpauir@TrowLaw.com">nhoffpauir@TrowLaw.com</a>
Laurie Volk	<a href="mailto:LaurieVolkLaw@aol.com">LaurieVolkLaw@aol.com</a>

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