



July 18, 2007

**Special Immigration Alert:
USCIS Reinstates Original July 2007 Visa Bulletin!**

The U.S. Citizenship and Immigration Services (“USCIS”) announced on July 17, 2007 that it will immediately accept employment-based permanent residence applications (Form I-485) from foreign nationals whose priority dates were current under the initial July 2007 Visa Bulletin. These foreign nationals will be given a 31-day grace period (from July 18, 2007 through August 17, 2007) to file their I-485 applications. Applications already properly filed will be retained and accepted. This was done to provide the same filing window people would have had if the July 2, 2007 revised Visa Bulletin had never been issued at the insistence of the USCIS. In addition, the current fee schedule will apply to all applications filed under this extended filing period under the July 2007 Visa Bulletin even if they are filed after the new fee schedule goes into effect.

At the same time, the Department of State (“DOS”) issued its new August 2007 Visa Bulletin. This new Visa Bulletin shows that all employment-based cases current under the July Visa Bulletin are unavailable for August 2007. This means that those eligible to file under this new grace period must file in July 2007 because they will not be able to file in August.

Those contemplating filing an I-485 application under this grace period should keep in mind, among other things, the following:

1. Any application filed must be complete, and thus contain photos, sealed medical examination results and all of the other requirements for filing an I-485.
2. I-485 applications can only be filed by foreign nationals in the United States. If the principal foreign national is eligible to file and does file during the grace period, the dependent family also must be in the United States and file during this period. Dependents do not receive priority dates derivative of the principal. There must be a visa available to them when they file. Thus, they will not be able to file dependent applications after July even if the principal’s application is timely filed and accepted.
3. Foreign nationals who elect to file I-485 applications during this grace period should plan on spending a considerable amount of time in the United States until they receive permission to

IMMIGRATION ALERTS

travel. We anticipate that the USCIS will receive a tremendous volume of I-485 and related applications in July and thus expect that the USCIS will be extremely slow in issuing the receipts and/or advance parole approvals that permanent residence applicants need before they can travel abroad.

4. Those who file these I-485 applications should not anticipate prompt approval. Under USCIS rules, there must be a visa number available both at the time the I-485 application is filed and when it is approved. Based on the August Visa Bulletin, it appears quite likely that the supply of visa numbers will be exhausted by these filings. Indeed, we believe that there may be a significant regression in visa availability, and that it may take a substantial amount of time for visa numbers to be available in the future. For this reason, filers can anticipate lengthy delays in the adjudication of these applications.

This is another major reversal in policy for the USCIS. As a result of the recent actions of this agency, the rules applying in this situation and the proper application of these rules to specific cases can be difficult to ascertain. We recommend that you contact the contact the EBG Attorney handling your case if you want more specific information. If you want more information about this or any other area of immigration law, please contact the nearest EBG attorney:

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If you have questions about these issues or any other developments in the immigration area, contact:

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