

OCTOBER 2009 VISA BULLETIN



by

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The Department of State recently published the October 2009 Visa Bulletin which summarizes the availability of immigrant visas in the employment-based and family-based immigration categories for the month of October 2009. Click [here](#) to view the October 2009 Visa Bulletin, or visit http://www.travel.state.gov/visa/frvi/bulletin/bulletin_4575.html.

The October 2009 Visa Bulletin has been highly anticipated in the immigrant community since October 2009 marks the beginning of a new immigration fiscal year and, as a result, a fresh allotment of immigrant visas which are made available each immigration fiscal year. As a result, those categories which ran out of immigrant visas towards the end of the last immigration fiscal year are now filled with a new allotment of immigrant visas.

Once all of the immigrant visas authorized by law to be issued during the immigration fiscal year in a particular immigrant visa category are issued, the particular immigrant visa category becomes unavailable. This typically happens in many immigrant visa categories in the later months of the immigration fiscal year. At the beginning of the immigration fiscal year (October 1), immigrant visas are once again made available in all employment-based and family-based immigrant visa categories.

Highlights of the October 2009 Visa Bulletin are as follows:

- The cutoff dates in all family-based immigrant visa categories moved forward slightly from the cutoff dates in the September 2009 Visa Bulletin (with the only exception being in the 2B Family category for the Philippines);
- Cutoff dates have once again been established in the Employment-Based 3rd Preference Category (both skilled and unskilled). This means that immigrant visas are available for applicants with priority dates earlier than the listed cutoff dates. The good news is that there are once again immigrant visas for these categories since the EB-3 category has been completely unavailable (meaning no immigrant visas or green cards could be issued or approved in the entire EB-3 category) since April 1, 2009. The bad news is that the cutoff dates are in year 2002 or 2001 (depending on particular EB-3 category -- skilled or unskilled -- and the applicant's country of birth).

When the October 2009 Visa Bulletin was originally published, the EB-4 category which covers Religious Workers noted that immigrant visas were available only for Ministers. The Visa Bulletin indicated that immigrant visas were unavailable for “non-ministers” (identified in the Visa Bulletin as “Certain Religious Workers”) since the non-minister special immigrant visa program expired on September 30, 2009. However, earlier this week, a temporary extension of the non-minister special immigrant visa program was signed into law extending the program to October 31, 2009. It is hoped that during the month of October a long-term extension of the program will take place, but that has not yet been finalized at this time. As a result of the extension to October 31, 2009, immigrant visas are once again available to all religious workers (ministers and non-ministers) for the month of October 2009.

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