

Priority Date Updates from DoS: EB-1 Backlogs for India and China

By [Andrew M. Wilson](#)

April 16, 2018 | **IMMIGRATION**

Here is the latest from Charles ("Charlie") Oppenheim, Chief of the Visa Control and Reporting Division, U.S. Department of State, on current trends and future projections for the various immigrant preference categories. As expected, the high volume of EB-1 filings for India and China has created a priority date backlog for those preferences.

It used to be that individuals trying to move up from EB-3 to EB-2 created a backlog for EB-2. Now those trying to escape the EB-2 backlog by transitioning into an EB-1 have also created retrogression for EB-1.

The overall wait for EB-1, however, will be much less than EB-2 for Indian and Chinese nationals. We are working on more and more EB-1 matters for Indian and Chinese nationals because of the EB-2 wait. Please contact us any time with any questions about an EB-1 option for you.

Here is an excerpt from the DoS update:

"EB-1. Last month, we reported that EB-1 India and EB-1 China were expected have final action dates imposed as early as late spring. Both will have a January 1, 2012, final action date imposed starting in April. EB-1 Worldwide demand has been high, and a high volume of EB-1 India and EB-1 China cases were adjudicated to completion. Charlie imposed a final action date to allow EB-1 Worldwide to remain current for all other countries which had not yet reached the per-country annual limit.

EB-2 and EB-3 China. In April, EB-2 China advances almost eight months to August 1, 2014, and EB-3 China advances six and a half months to June 1, 2015. In making this advancement, Charlie has depleted all requests for visa numbers from his pending demand file. This dramatic forward movement is the result of having utilized all pre-adjudicated EB-2 China demand and ensuring that sufficient demand is generated to use all available visa numbers this fiscal year. If significant demand materializes, these categories could be at risk of retrogression.

EB-2 India. Unlike the lack of visibility into EB-2 China demand, Charlie has significant visibility in his pending demand file for India. Members should therefore expect intermittent holding of the final action date coupled with continued gradual movement without volatility. Charlie is unable to advance EB-2 India more aggressively due to concerns about EB-3 to EB-2 upgrades. If there are otherwise unused EB-2 Worldwide numbers later this fiscal year, it may allow EB-2 India to advance further. The EB-2 India final action date advances one week in April to December 22, 2008. Charlie remains hopeful that the final action date in this category will get to early 2009."

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*