

50,000 SCHEDULE A VISA AVAILABILITY

The Department of State has issued a revised version of the June 2002 Visa Bulletin indicating that Schedule A immigrant visas are immediately available:

http://travel.state.gov/visa/frvi/bulletin/bulletin_2507.html.

Pursuant to Section 502 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, which was signed into law on May 11, 2005, Congress recaptured unused employment-based visas from fiscal years 2001-2004. From the recaptured visas, Congress made 50,000 visas immediately available to beneficiaries of Schedule A occupations.

Schedule A occupations include qualifying physical therapists, certain exceptional ability individuals in the sciences or arts, and, most importantly, professional nurses.

Because the Visa Bulletin lists Schedule A visa availability as "current," the beneficiaries of Schedule A occupations are immediately eligible to Adjust Status, if in the United States, or Consular Process if abroad.

How will this affect Schedule A beneficiaries? If you are an individual born in India, mainland China, or the Philippines you will no longer be subject to the retrogression in the EB-3 category. If you are an individual born in a country that is not currently retrogressed in the EB-3 category, but which does retrogress before the end of the fiscal year, you will also not be subject to the retrogression, provided all 50,000 visas are not used up. Since visas are currently available, you can file to Adjust Status, or complete the Consular Processing interview immediately.

The Department of State Visa Office states that it is working with the National Visa Center to identify those beneficiaries of Schedule A applications who are eligible to be scheduled for a Consular interview.