

USCIS To Accept Certain I-485 Applications Before Priority Date Becomes Current

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U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) announced that beginning with the visa bulletin effective October 1, 2015, USCIS will accept for filing I-485 applications to adjust status to Permanent Resident according to a separate filing date chart.

This new filing date chart will be published in DOS's Visa Bulletin alongside the usual chart outlining which Priority Dates are current and therefore eligible for adjudication that month. This change applies to both Family Based ("FB") and Employment Based ("EB") immigrant visa cases. The adjudication of all I-485 applications will still be subject to the same per country and per category quotas, and therefore backlogs for those oversubscribed countries and categories. However, this new policy will allow many FB and EB principals and their qualified dependents who have approved immigrant petitions, but have been waiting for their Priority Dates to become current, to file their I-485s with attendant applications for employment authorization and travel authorization.

For example, beginning October 1, those chargeable to India with approved EB-2 I-140 petitions and their qualified dependents may file I-485 applications if they have a Priority Date earlier than July 1, 2011, even though adjudication of such an I-485 in October requires a Priority Date earlier than May 1, 2005. USCIS and DOS believe that this policy will make for more accurate calculation of those cases in the pipeline and of the resulting cut-off dates. This new policy will provide some relief to those facing daunting backlogs in the adjustment of status process.

[Click here to see the October Visa Bulletin](#) and view the new charts.

Authors