

## MAY 2008 VISA AVAILABILITY

The bulletin issued by the Visa Office of the Bureau of Consular Affairs of the U.S. Department of State gives the following availability position for issuance of immigrant visas during May 2008:

### Persons Chargeable to India

#### Family-Sponsored Preferences

1st Preference	Mar 08, 2002
2nd Preference	
2A	Jun 08, 2003
2B	Jun 01, 1999
3rd Preference	Jun 08, 2000
4th Preference	Jun 01, 1997

#### Employment-Based Preferences

1st Preference	Current
2nd Preference	Jan 01, 2004
3rd Preference	Nov01, 2001
Other Workers	Jan 01, 2003
4 <sup>th</sup> Preference	Current
Certain Religious Workers	Current
5 <sup>th</sup> Preference	Current
Targeted Emp Areas	Current

### Persons Chargeable to Other Countries

For other chargeability areas, including Pakistan, Bangladesh, Sri Lanka, United Kingdom, and the nations of Africa, the cut-off dates for May 2008 are:

#### Family-Sponsored Preferences

1st Preference	Mar 08, 2002
2nd Preference	
2A	Jun 08, 2003
2B	Jun 01, 1999
3rd Preference	Jun 08, 2000
4th Preference	Aug 08, 1997

### Employment-Based Preferences

1st Preference	Current
2nd Preference	Current
3rd Preference	Mar 01, 2006
Other Workers	Jan 01, 2003
4th Preference	Current
Certain Religious Workers	Current
5th Preference	Current
Targeted Emp Areas	Current

### Interim Final Rule Extending OPT Period

Until recently, foreign students in F-1 nonimmigrant status who have been enrolled on a full-time basis for at least one full academic year in a college or university, certified by U.S. Immigration and Custom Enforcement's (ICE's) Student and Exchange Visitor Program (SEVP) are eligible for 12 months of OPTIONAL PRACTICAL TRAINING (OPT) to work for a U.S. employer in a job directly related to the student's major area of study.

On April 8, 2008, the Department of Homeland Security (DHS) published an interim rule extending period of Optional Practical Training by 17 months for F-1 nonimmigrant students who have completed a science, technology, engineering, or mathematics (STEM) degree and accept employment with employers enrolled in U.S. Citizenship and Immigration Services' (USCIS') E-Verify employment verification program. It also expanded Cap-Gap Relief for All F-1 Students with Pending H-1B Petitions.

This rule especially ameliorates the so-called "cap-gap" problem by extending the authorized period of stay for all F-1 students who have a properly filed H-1B petition and change of status

request (filed under the cap for the next fiscal year) pending with USCIS. If USCIS approves the H-1B petition, the students will have an extension that enables them to remain in the United States until the requested start date indicated in the H-1B petition takes effect [which is October 1 for almost all such beneficiaries]. Thus, those whose OPT expires prior to October 1, 2008 will be able to stay in the United States and continue to work for their present employers if their H1-B petitions are picked up in the random selection and are approved. Those who have asked for consular processing will need to request USCIS for change of status once the receipt for the respective H1-B petition is issued by USCIS.