

# **NSC Begins Processing Employment-Based I-485s for Which Visas Are Not Currently Available**

Source: "AILA InfoNet Doc. No. 06041067 (posted Apr. 10, 2006)"

**April 10, 2006**

**NSC Flash #41-2006**

## **Adjudication of Employment Based Applications for Adjustment**

In conjunction with Backlog Elimination efforts, on April 12, 2006, the Nebraska Service Center (NSC) will begin to process Employment-Based I-485 (EB485) cases for which visas are not currently available. These retrogressed EB485 cases will be processed in a normal fashion with officers reviewing applications for eligibility and processing the cases to the fullest extent possible up to the visa request stage. Officers may be required to issue a request for evidence (RFE) for some cases. Applicants will be expected to respond to the requests for evidence in a timely, accurate and complete fashion (as they normally do) to continue the processing of the case. Applicants that do not meet eligibility criteria, or do not respond to a request for evidence may be subject to a denial of their case. Applicants that meet eligibility criteria will have their cases forwarded to a visa staging area where the cases will be checked monthly for visa availability.

The intention of this "preadjudication" initiative is to prepare eligible cases to the greatest extent possible, short of approval, in anticipation of the availability of a visa. Security checks for these cases will be electronically maintained so it is imperative that applicants respond to both requests for evidence and/or fingerprinting appointments in a timely manner. When an eligible case is identified as having a visa available, the case will then progress through a final phase review and formal visa request to facilitate the final disposition. Please do not conduct inquiries on EB485 cases for which visas have recently become available (within the last 90 days).