

MEMORANDUM

July 2026 Visa Bulletin: Strategic Interpretation for Potential EB1-A and EB2-NIW Applicants

Prepared by Munashe Naphtali Mupa
Naphtali Consulting & Research LLC

Purpose: To simplify the July 2026 Visa Bulletin, explain the current EB1-A and EB2-NIW filing opportunity, and encourage qualified applicants to act while the categories remain favorable and while recent court rulings have weakened blanket adjudication-hold policies.



Munashe Naphtali Mupa

+1-617-586-5546 | mnmupa@naphtaliconsulting.com | naphtaliconsulting.com

1. Executive Summary

The July 2026 Visa Bulletin remains strategically favorable for many EB1-A and EB2-NIW applicants, particularly applicants chargeable to Zimbabwe, Nigeria, and most countries other than India and China. Under the Employment-Based Final Action Dates chart, EB-1 is current for All Chargeability Areas Except Those Listed, Mexico, and the Philippines; EB-2 is also current for All Chargeability Areas Except Those Listed, Mexico, and the Philippines. This means that many qualified EB1-A and EB2-NIW applicants from these countries may be able to pursue I-140 filing and, where otherwise eligible, concurrent adjustment of status filing in the United States.

The urgency is real. The July bulletin expressly warns that visa categories may retrogress or become unavailable before the end of the fiscal year if annual limits, category limits, or country limits are reached. India EB-2 has already become unavailable for the remainder of FY 2026, and India EB-5 unreserved has also become unavailable. This is a practical reminder that availability can change quickly, sometimes within a single bulletin month.

Recent court decisions, especially the *Dorcas International Institute of Rhode Island v. USCIS* ruling, have also changed the practical environment. The District of Rhode Island held that USCIS cannot impose blanket domestic adjudication freezes based only on country of birth or travel-ban nationality. USCIS has publicly stated that it will follow the court order pending possible further judicial review. This does not guarantee approval of any case, but it strengthens the argument that eligible applicants should not delay simply because they fear a blanket hold.

My position is straightforward: qualified applicants should use the current opening to prepare strong EB1-A or EB2-NIW petitions, file quickly where eligible, and, if their priority date is current and their status permits, consider concurrent filing of the I-140, I-485, I-765 and I-131. Waiting may expose applicants to retrogression, new policies, exhausted visa numbers, or renewed administrative restrictions.

2. What the July 2026 Visa Bulletin Says for EB1-A and EB2-NIW

The July 2026 Visa Bulletin is a monthly Department of State allocation notice. It controls immigrant-number availability and directly affects whether an applicant can file or be approved for adjustment of status, depending on the chart USCIS requires for that month. The bulletin explains that unless USCIS states otherwise, adjustment applicants must use the Final Action Dates chart. It also states that retrogression or unavailability may occur if demand increases or numerical limits are reached.

Category	Zimbabwe / Nigeria / All Chargeability Areas Except Listed	China	India	Mexico / Philippines
EB-1 / EB1-A	Current	01 Jun 2023	15 Oct 2022	Current
EB-2 / EB2-NIW	Current	01 Sep 2021	Unavailable	Current

Practical meaning: For applicants from Zimbabwe, Nigeria, and most countries not separately listed, EB1-A and EB2-NIW remain open in July 2026. A qualified applicant may file the I-140 at any time; where the category is current and the applicant is otherwise eligible for adjustment of status, the applicant may also consider concurrent filing with the I-485. India-chargeability applicants face a much different picture because EB-2 is unavailable for the remainder of FY 2026; China-chargeability applicants remain subject to older priority-date cutoffs.

3. Legal and Policy Framework Simplified

Several legal rules should be understood together. First, INA §§ 201-203 govern immigrant-number allocation and the preference categories. EB-1 priority workers receive 28.6% of the worldwide employment-based preference level, and EB-2 advanced-degree professionals or persons of exceptional ability receive 28.6%, plus any numbers not required by EB-1. Second, INA § 204 governs immigrant petitions such as Form I-140. Third, INA § 245 governs adjustment of status in the United States when a visa number is available and the applicant is otherwise eligible. Fourth, the Administrative Procedure Act requires agencies to act within legal authority and not adopt arbitrary, capricious, or unlawful blanket policies.

In the current environment, the main legal tension is between legitimate national-security screening and unlawful blanket adjudication freezes. USCIS may screen individual applicants and may issue requests for evidence where needed. What the recent court rulings undermine is the idea that USCIS may indefinitely freeze entire groups of lawful benefit applications merely because of country of birth, nationality, or a broad travel-ban label.

4. Court Judgments and the Current Filing Opportunity

The most important recent decision is *Dorcas International Institute of Rhode Island v. USCIS*, No. 26-cv-00132-JJM-PAS (D.R.I.). The court declared unlawful and vacated USCIS policies that had produced a benefits hold, a global asylum hold, comprehensive re-review, and country-specific negative-factor treatment. The court emphasized that applicants had followed the lawful process, paid filing fees, attended biometrics and interviews where required, and were still being left in indefinite limbo by policies USCIS lacked authority to impose.

The court's reasoning is important for EB1-A and EB2-NIW applicants because it supports the argument that immigration benefits must be adjudicated through lawful individualized review, not indefinite blanket holds. USCIS may still appeal or seek further review, and future policy changes are possible. However, as of the current posture, USCIS has stated that it will comply with the court's terms pending possible further judicial review.

This is why speed matters. The court order creates a more favorable processing environment, but it does not freeze the government's ability to amend policy, appeal, or issue new guidance. Applicants who qualify should not assume that July's favorable bulletin and the current post-Dorcas environment will remain unchanged.

5. Implications for EB1-A Applicants

EB1-A remains one of the strongest categories where the applicant can document extraordinary ability through sustained national or international acclaim. For Zimbabwean, Nigerian, and other currently eligible applicants, the July bulletin is favorable because EB-1 remains current for most countries. A strong EB1-A case should not merely list achievements; it should tell a disciplined evidence story showing awards, publications, judging, original contributions, authorship, leading roles, high salary where applicable, media recognition, and overall recognition in the field.

The strategic advantage of filing now is that a qualified EB1-A applicant may secure a priority date and, where otherwise eligible, file the green-card adjustment package concurrently while the category is current. The applicant may also request employment authorization and advance parole through the I-765 and I-131, although those benefits are not guaranteed and depend on eligibility and adjudication.

6. Implications for EB2-NIW Applicants

EB2-NIW remains highly important for professionals whose work has substantial merit and national importance, who are well positioned to advance the proposed endeavor, and whose case shows that waiving the labor certification requirement would benefit the United States. For many African professionals, researchers, entrepreneurs, healthcare professionals, engineers, analysts, educators, technologists, financial professionals, and public-interest specialists, EB2-NIW can be a powerful pathway when the endeavor is framed with data, national relevance, and credible execution evidence.

The July 2026 bulletin is especially significant because EB-2 remains current for Zimbabwe, Nigeria, Mexico, the Philippines, and most countries other than China and India. However, India EB-2 has already become unavailable for the remainder of FY 2026, showing how quickly demand can close a category. Applicants who qualify should treat current availability as an opportunity, not as a permanent entitlement.

7. Concurrent Filing Strategy: I-140, I-485, I-765 and I-131

Where the priority date is current and the applicant is otherwise eligible, concurrent filing may allow the applicant to submit the immigrant petition and adjustment package together. For EB1-A and EB2-NIW applicants, this can create a practical advantage because the applicant places the case into the system while numbers are available and may become eligible to request a pending-adjustment EAD and advance parole.

A complete concurrent filing strategy may include:

- Form I-140 petition with strong evidence package and legal-style narrative support;
- Form I-485 adjustment package where the applicant is eligible and a visa number is available;
- Form I-765 request for employment authorization based on the pending I-485;
- Form I-131 request for advance parole, if appropriate;
- A carefully drafted discretionary-equities statement where there are country restrictions, travel-ban concerns, adjudication delays, or extraordinary circumstances;
- A well-indexed exhibit list, recommendation letters, article/publication evidence, and proof of professional impact.

Concurrent filing is not a magic shield and does not guarantee approval. However, when the Visa Bulletin is current, it can preserve procedural options that may disappear if retrogression occurs or if the category becomes unavailable in a later month.

8. Why Qualified Applicants Should Act Quickly

The July bulletin itself warns that retrogression may become necessary as additional immigrant visa demand materializes. It also warns that categories may become unavailable prior to fiscal-year end if annual limits, category limits or country limits are reached. This is not theoretical; the same bulletin states that India EB-2 and India EB-5 unreserved are already unavailable for the remainder of FY 2026.

For applicants from Zimbabwe, Nigeria, and other countries currently benefiting from “Current” EB-1 and EB-2 availability, the practical advice is simple: if you qualify, prepare and file while the door is open. The best time to build a strong case is before panic, before retrogression, before new policy guidance, before possible appeal activity, and before USCIS or DOS processing conditions change again.

The recent court judgments reduce the fear of blanket holds, but they do not remove all risk. They are a reason to act, not a reason to wait. A well-prepared petition filed during a favorable bulletin month may put the applicant in a better position than someone who waits until the environment becomes more restrictive.

9. Practical Risks Applicants Must Understand

- Eligibility still matters: a weak EB1-A or EB2-NIW case will not become strong merely because the bulletin is current.
- USCIS may still issue RFEs, NOIDs, security checks, or individual delays.
- Adjustment of status remains discretionary and depends on admissibility, status history, and the total record.
- Travel-ban, consular-processing, or country-specific concerns should be addressed carefully with evidence, not assumptions.
- Applicants with prior status violations, unauthorized employment, fraud/misrepresentation concerns, criminal issues, or complicated immigration histories should obtain licensed legal advice before filing.
- The government may appeal, seek stays, or issue new policies; court victories improve the environment but do not eliminate uncertainty.

10. Recommended Applicant Action Plan

1. Conduct an eligibility review for EB1-A and EB2-NIW to determine the stronger category or whether both should be pursued strategically.
2. Prepare an evidence map showing degrees, licenses, publications, awards, media, leadership roles, salary evidence, memberships, judging, original contributions, business impact, and national-importance evidence.
3. Develop or finalize scholarly articles where the applicant's profile needs publication support and thought-leadership evidence.
4. Secure recommendation letters from independent and internal experts who can explain the applicant's impact, positioning, and national or industry importance.
5. Prepare a clear proposed endeavor statement for EB2-NIW or extraordinary-ability narrative for EB1-A.
6. If current and eligible, consider concurrent filing with I-485, I-765 and I-131 before any retrogression or unavailability occurs.
7. Where affected by country-based restrictions, delayed OPT/EAD, travel limitations, or consular-processing barriers, prepare a discretionary-equities and extraordinary-circumstances explanation supported by evidence.

11. Closing Position

My view is that July 2026 presents a meaningful filing window for qualified EB1-A and EB2-NIW applicants, especially Zimbabwean, Nigerian, and other applicants whose EB-1 and EB-2 categories remain current. The court judgments have weakened the legality of blanket adjudication holds, and the July bulletin still provides current availability for many countries. That combination should not be ignored.

Applicants should move with urgency, but not recklessness. The goal is not merely to file; the goal is to file a strong, credible, well-indexed, evidence-driven petition that can withstand USCIS review. Speed matters, but quality still controls the outcome.

12. Non-Legal Support Services Available Through Naphtali Consulting & Research LLC

Service Pathway	Support Provided
Scholarly Articles Only	Topic development, manuscript drafting support, literature framing, professional formatting, references, and publication-readiness support.
Articles + I-140 Clerical Support	Articles plus evidence mapping, petition narrative support, exhibit indexing, recommendation-letter support, and clerical organization of the I-140 packet.
Articles + I-140 + I-485 Clerical Support	Articles and I-140 support plus green-card adjustment packet checklist, I-765/I-131 support, document organization, and discretionary-equities memorandum support.

13. Disclaimer

This memorandum is prepared by Munashe Naphtali Mupa for informational, research, strategic, and non-legal advisory purposes only. Naphtali Consulting & Research LLC provides research support, writing support, scholarly article support, document organization, petition-drafting support, exhibit preparation, and clerical assistance. This memorandum does not constitute legal advice, does not create an attorney-client relationship, and is not a substitute for advice from a licensed U.S. immigration attorney. Applicants with complex immigration histories, inadmissibility concerns, prior denials, status violations, criminal history, misrepresentation issues, or urgent filing deadlines should consult a licensed U.S. immigration attorney before filing.

Sources and Authorities Considered

- U.S. Department of State, Visa Bulletin for July 2026, Number 16, Volume XI.
- INA §§ 201-203, 204, 245; 8 U.S.C. §§ 1151-1153, 1154, 1255.
- Administrative Procedure Act, 5 U.S.C. § 706(2).
- USCIS, Court Order on Hold Policies, release date June 12, 2026.
- Dorcas International Institute of Rhode Island, et al. v. USCIS, et al., No. 26-cv-00132-JJM-PAS (D.R.I. June 5, 2026).
- Relevant court reasoning addressing agency authority, reliance interests, arbitrary-and-capricious review, and limits on blanket adjudication freezes.