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Memorandum



URGENT JUNE 2026 VISA BULLETIN MEMORANDUM

EB-1A and EB-2 NIW Remain Current for Many Applicants — Why Qualified Petitioners Should File Now

To:	Potential EB-1A and EB-2 National Interest Waiver Petitioners
From:	Munashe Naphtali Mupa, Naphtali Consulting & Research LLC
Date:	May 14, 2026
Re:	June 2026 Visa Bulletin, adjudication holds, and the strategic importance of filing while employment-based categories remain current

EXECUTIVE ALERT: The June 2026 Visa Bulletin shows EB-1 and EB-2 as current for “All Chargeability Areas Except Those Listed,” which includes many applicants from Zimbabwe, Nigeria, and other countries not separately listed in the employment-based chart. Current availability creates a narrow strategic window for qualified individuals to file Form I-140 and, where eligible and lawfully present in the United States, concurrent Form I-485, Form I-765, and Form I-131. Even where adjudication holds create uncertainty, filing now may preserve priority, place the applicant in the adjustment pipeline, and support eligibility for employment authorization while the green card process remains pending.

1. Why the June 2026 Visa Bulletin Matters

The June 2026 Visa Bulletin is significant because it shows continuing immigrant visa availability in the first and second employment-based preference categories for applicants chargeable to the general worldwide category. For EB-1, which includes persons of extraordinary ability under EB-1A, the Final Action Date is current for All Chargeability Areas Except Those Listed, Mexico, and the Philippines. For EB-2, which includes advanced-degree professionals and persons of exceptional ability seeking a National Interest Waiver, the Final Action Date is also current for All Chargeability Areas Except Those Listed, Mexico, and the Philippines. This means that many qualified applicants from countries such as Zimbabwe and Nigeria may still have a practical filing opportunity, subject to individual eligibility and USCIS filing-chart instructions.

2. EB-1A and EB-2 NIW Are Not Ordinary Immigration Categories

EB-1A and EB-2 NIW are uniquely valuable because they can allow qualified individuals to proceed without a traditional employer-sponsored labor certification. EB-1A is designed for individuals with sustained national or international acclaim in their field. EB-2 NIW is designed for advanced-degree professionals or persons of exceptional ability whose proposed endeavor has substantial merit, national importance, and who are well

positioned to advance that endeavor, where waiving the job offer and labor certification requirement benefits the United States. These categories reward strong evidence, strategic positioning, and clear national-interest framing.

3. Why Filing Now Still Matters Despite Adjudication Holds

Many applicants from countries affected by Presidential Proclamations and related agency memoranda are understandably concerned about adjudication holds. Those concerns are real. However, a hold is not the same as saying a qualified applicant should do nothing. Filing can still create a receipt record, establish or preserve a priority date, place the applicant in the USCIS system, and, where legally available, allow a concurrently filed adjustment package to support applications for employment authorization and advance parole. Waiting can be more dangerous than filing because visa categories can retrogress, annual limits can be reached, and evidence can become stale. The June 2026 Bulletin itself warns that retrogression or unavailability may become necessary in future months as demand materializes or administration actions change.

4. The Country-Specific Challenge: Zimbabwe, Nigeria, and Other Affected Countries

Zimbabwe and Nigeria are specifically identified in the State Department's public guidance as countries subject to partial visa-issuance restrictions under Presidential Proclamation 10998. This has created confusion because some applicants assume that the existence of restrictions means there is no strategic value in filing. For applicants already in the United States who may be eligible for adjustment of status, the analysis is more nuanced. The visa bulletin may still be current, and the applicant may still be able to file a package with USCIS if they satisfy the statutory and regulatory requirements. The core point is not that every case will be approved quickly; the point is that qualified applicants should not miss a current filing window merely because the broader environment is difficult.

5. Pending I-485 and the Practical Value of Employment Authorization

For eligible applicants physically present in the United States, a concurrently filed or later-filed Form I-485 may also allow the applicant to file Form I-765 for an Employment Authorization Document. This can be critically important for individuals nearing the end of F-1, OPT, STEM OPT, H-1B, or other temporary-status pathways. A pending I-485 does not automatically guarantee employment authorization, and applicants must still qualify and comply with USCIS requirements. However, the ability to pursue EAD eligibility through a pending adjustment application can be a major practical benefit. It may allow the applicant to continue contributing professionally, supporting family members, building a stronger record, and avoiding unnecessary disruption while the green card process remains pending.

6. Litigation Challenging Adjudication Holds

The adjudication-hold landscape is being actively tested in federal court. In *Doe v. Trump*, the U.S. District Court for the District of Massachusetts considered challenges to USCIS policies treating nationality from listed countries as a significant negative factor and placing benefit applications on adjudicative hold. The court concluded, at the preliminary-injunction stage, that the challenged policies were final agency action subject to judicial review and that plaintiffs were likely to succeed on claims that the adjudicative hold policy was contrary to law. Other litigation, including *Saghafi v. Edlow* in the District of Maryland, has challenged delays or freezes affecting adjustment of status applications for individuals from countries subject to the presidential proclamations. These lawsuits do not eliminate the need for case-specific strategy, but they show that the legality and scope of these holds are actively contested.

7. Practical Filing Strategy for Qualified Applicants

Qualified applicants should move with discipline, not panic. A strong EB-1A or EB-2 NIW filing should be evidence-driven and organized. The petition should clearly identify the field, proposed endeavor, national importance, record of achievement, and why the applicant is positioned to advance the work in the United States. If adjustment of status is available, the applicant should consider whether to file Form I-485, Form I-765, and Form I-131 with a carefully

prepared cover letter, maintenance-of-status evidence, medical examination materials where appropriate, identity documents, and a clean exhibit index. Applicants from affected countries may also need a National Interest Exception request or tailored legal-policy arguments depending on their posture.

8. Strategic Bottom Line

The June 2026 Visa Bulletin presents an important message: current does not mean permanent. EB-1A and EB-2 NIW candidates who are qualified should treat the current visa availability as a time-sensitive opportunity. The adjudication-hold environment is serious, but it should not cause qualified individuals to surrender their filing window. Filing now may preserve options that may not be available later if the categories retrogress or become unavailable.

ACTION POINT: If you qualify for EB-1A or EB-2 NIW and your priority category is current, do not wait casually. Prepare the strongest possible evidence package now. The most dangerous strategy is to allow a current filing window to close while waiting for a perfect immigration environment that may never arrive.

DISCLAIMER

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Source Notes

- U.S. Department of State, Visa Bulletin for June 2026: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-june-2026.html>
- U.S. Department of State, Suspension of Visa Issuance to Foreign Nationals to Protect the Security of the United States: <https://travel.state.gov/content/travel/en/News/visas-news/suspension-of-visa-issuance-to-foreign-nationals-to-protect-the-security-of-the-united-states.html>
- Doe v. Trump, Case No. 1:25-cv-13946-JEK, Memorandum and Order dated April 30, 2026: https://www.govinfo.gov/content/pkg/USCOURTS-mad-1_25-cv-13946/pdf/USCOURTS-mad-1_25-cv-13946-0.pdf
- USCIS, Update on USCIS Strengthened Screening and Vetting, March 30, 2026: <https://www.uscis.gov/newsroom/alerts/update-on-uscis-strengthened-screening-and-vetting>