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# Visa Bulletin - May 2016

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Submitted by Editor on Apr 12th 2016

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### **A. STATUTORY NUMBERS**

This bulletin summarizes the availability of immigrant numbers during May for: ?Application Final Action Dates? and ?Dates for Filing Applications,? indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the USCIS website at [www.uscis.gov/visabulletininfo](http://www.uscis.gov/visabulletininfo) <sup>[3]</sup>, individuals seeking to file applications for adjustment of status with U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security must use the ?Application Final Action Dates? charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin. Applicants for adjustment of status may refer to USCIS for additional information by visiting [www.uscis.gov/visabulletininfo](http://www.uscis.gov/visabulletininfo) <sup>[3]</sup>.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by April 12th. If not all demand could be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new

cut-off date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category ?unavailable?, and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

#### **FAMILY-SPONSORED PREFERENCES**

**First: (F1)** Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

**Second:** Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

**Third: (F3)** Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

**Fourth: (F4)** Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

#### **A. APPLICATION FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES**

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the cut-off date listed below.)

| Family-Sponsored | All Chargeability Areas Except Those Listed | CHINA-mainland born | INDIA   | MEXICO  | PHILIPPINES |
|------------------|---|---------------------|---------|---------|-------------|
| F1               | 22NOV08                                     | 22NOV08             | 22NOV08 | 08FEB95 | 01OCT04     |
| F2A              | 01NOV14                                     | 01NOV14             | 01NOV14 | 15AUG14 | 01NOV14     |
| F2B              | 01SEP09                                     | 01SEP09             | 01SEP09 | 08SEP95 | 01MAY05     |
| F3               | 01DEC04                                     | 01DEC04             | 01DEC04 | 08OCT94 | 22JAN94     |
| F4               | 22JUL03                                     | 22JUL03             | 22JUL03 | 08APR97 | 01OCT92     |

\*NOTE: For May, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 15AUG14. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 15AUG14 and earlier than 01NOV14. (All F2A numbers provided for MEXICO are exempt from the per-country limit; there are no F2A numbers for MEXICO subject to per-country limit.)

## **B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS**

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the cut-off date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The cut-off date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit [www.uscis.gov/visabulletininfo](http://www.uscis.gov/visabulletininfo) [3] for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

| Family-Sponsored | All Chargeability Areas Except Those Listed | CHINA-mainland born | INDIA   | MEXICO  | PHILIPPINES |
|------------------|---|---------------------|---------|---------|-------------|
| F1               | 01OCT09                                     | 01OCT09             | 01OCT09 | 01APR95 | 01SEP05     |
| F2A              | 15JUN15                                     | 15JUN15             | 15JUN15 | 15JUN15 | 15JUN15     |
| F2B              | 15DEC10                                     | 15DEC10             | 15DEC10 | 01APR96 | 01MAY05     |
| F3               | 01AUG05                                     | 01AUG05             | 01AUG05 | 01MAY95 | 01AUG95     |
| F4               | 01MAY04                                     | 01MAY04             | 01MAY04 | 01JUN98 | 01JAN93     |

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

**EMPLOYMENT-BASED PREFERENCES**

**First:** Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

**Second:** Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

**Third:** Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "\*Other Workers".

**Fourth:** Certain Special Immigrants: 7.1% of the worldwide level.

**Fifth:** Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

**A. APPLICATION FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES**

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the cut-off date listed below.)

| <b>Employment based</b>             | <b>All Charge-ability Areas Except Those Listed</b> | <b>CHINA-mainland born</b> | <b>EL SALVADOR GUATEMALA HONDURAS</b> | <b>INDIA</b> | <b>MEXICO</b> | <b>PHILIPPINES</b> |
|-------------------------------------|---|----------------------------|---------------------------------------|--------------|---------------|--------------------|
| 1st                                 | C   | C                          | C                                     | C            | C             | C                  |
| 2nd                                 | C   | 01SEP12                    | C                                     | 22NOV08      | C             | C                  |
| 3rd                                 | 15FEB16   | 15AUG13                    | 15FEB16                               | 01SEP04      | 15FEB16       | 08AUG08            |
| Other Workers                       | 15FEB16   | 22APR07                    | 15FEB16                               | 01SEP04      | 15FEB16       | 08AUG08            |
| 4th                                 | C   | C                          | 01JAN10                               | C            | C             | C                  |
| Certain Religious Workers           | C   | C                          | 01JAN10                               | C            | C             | C                  |
| 5th Non-Regional Center (C5 and T5) | C   | 08FEB14                    | C                                     | C            | C             | C                  |

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|  |   |         |   |   |   |   |
|--|---|---------|---|---|---|---|
| 5th<br>Regional<br>Center<br>(I5 and R5) | C | 08FEB14 | C | C | C | C |
|--|---|---------|---|---|---|---|

\*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

**B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS**

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the cut-off date in the chart may assemble and submit required documents to the Department of State’s National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The cut-off date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated “current,” all applicants in the relevant category may file, regardless of priority date.

The “C” listing indicates that the category is current, and that applications may be filed regardless of the applicant’s priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit [www.uscis.gov/visabulletininfo](http://www.uscis.gov/visabulletininfo) [3] for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

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| <b>Employment-based</b>                      | <b>All Chargeability Areas Except Those Listed</b> | <b>CHINA-mainland born</b> | <b>INDIA</b> | <b>MEXICO</b> | <b>PHILIPPINES</b> |
|--|--|----------------------------|--------------|---------------|--------------------|
| 1st  | C  | C                          | C            | C             | C                  |
| 2nd  | C  | 01JUN13                    | 01JUL09      | C             | C                  |
| 3rd  | C  | 01MAY15                    | 01JUL05      | C             | 01JAN10            |
| Other Workers                                | C  | 01APR08                    | 01JUL05      | C             | 01JAN10            |
| 4th  | C  | C                          | C            | C             | C                  |
| Certain Religious Workers                    | C  | C                          | C            | C             | C                  |
| 5th<br>Non-Regional<br>Center<br>(C5 and T5) | C  | 01MAY15                    | C            | C             | C                  |

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5th  
Regional  
Center  
(I5 and R5)

C

01MAY15

C

C

C

6. The Department of State has a recorded message with the cut-off date information for Final Application Action which can be heard at: (202) 485-7699. This recording is updated on or about the tenth of each month with information on cut-off dates for the following month.

**B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF MAY**

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This resulted in reduction of the DV-2016 annual limit to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For May, immigrant numbers in the DV category are available to qualified DV-2016 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

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| <b>Region</b>                    | <b>All DV Chargeability Areas Except Those Listed Separately</b> |                         |
|----------------------------------|--|-------------------------|
| AFRICA                           | 28,300   |                         |
| ASIA                             | 6,850  | Except:<br>Nepal: 5,525 |
| EUROPE                           | 28,000   |                         |
| NORTH AMERICA (BAHAMAS)          | 6  |                         |
| OCEANIA                          | 1,050  |                         |
| SOUTH AMERICA, and the CARIBBEAN | 1,020  |                         |

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2016 program ends as of September 30, 2016. DV visas may not be issued to DV-2016 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2016 principals are only entitled to derivative DV status

until September 30, 2016. DV visa availability through the very end of FY-2016 cannot be taken for granted. Numbers could be exhausted prior to September 30.

**C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE**

For June, immigrant numbers in the DV category are available to qualified DV-2016 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

| <b>Region</b>                    | <b>All DV Chargeability Areas Except Those Listed Separately</b> |                         |
|----------------------------------|--|-------------------------|
| AFRICA                           | 34,400   |                         |
| ASIA                             | 8,000  | Except:<br>Nepal: 6,200 |
| EUROPE                           | 34,000   |                         |
| NORTH AMERICA (BAHAMAS)          | 10   |                         |
| OCEANIA                          | 1,100  |                         |
| SOUTH AMERICA, and the CARIBBEAN | 1,175  |                         |

**D. VISA AVAILABILITY DURING THE COMING MONTHS**

**FAMILY-SPONSORED:**

CHINA F4: The level of applicant demand being received has begun to increase. Should this pattern continue, it will be necessary to either hold or retrogress this final action date in late summer. That action would be necessary to hold number use within the overall China Family-sponsored annual limit.

INDIA F4: The amount of demand being reported for applicants with priority dates which are significantly earlier than the established cut-off date has increased dramatically in recent months. As a result, it is likely that this final action date will be retrogressed, possibly as early as June. This action would be necessary to hold number use within the overall India Family-sponsored annual limit.

**EMPLOYMENT-BASED:**

CHINA E3: There has been an extremely large increase in Employment Third preference applicant demand in recent weeks. This is likely due to the ?downgrading? of status by applicants who had originally filed in the Employment Second preference. This has resulted

in the Third preference final action date being held for the month of May. Continued heavy demand for numbers will require a retrogression of this date for June to hold number use within the FY-2016 annual limit.

During the past month, there have been extremely high levels of Employment-based demand in most categories for cases filed with U.S. Citizenship and Immigration Services for adjustment of status. If this sudden and unanticipated change in the demand pattern continues, it could impact final action dates in the coming months and possibly require corrective action in some.

#### **E. OVERSUBSCRIPTION OF THE EL SALVADOR, GUATEMALA, AND HONDURAS EMPLOYMENT-BASED FOURTH (E4) AND CERTAIN RELIGIOUS WORKERS (SR) PREFERENCE CATEGORIES**

There is currently extremely high demand in the E4 and SR categories for applicants from El Salvador, Guatemala, and Honduras. This demand is primarily for Juvenile Court Dependent cases filed with U.S. Citizenship and Immigration Services for adjustment of status. Pursuant to the Immigration and Nationality Act, this requires implementing E4 and SR Application Final Action Dates for these countries, which will allow the Department to hold worldwide number use within the maximum allowed under the FY-2016 annual limits. Any forward movement during the remainder of FY-2016 is unlikely although no specific prediction is possible.

A determination as to whether these countries will remain subject to E4 and SR final application dates under the FY-2017 annual numerical limitation will be made in early September. Future visa availability will depend on a combination of demand for numbers being reported each month, and the extent to which otherwise unused numbers become available.

It is extremely likely that the India and Mexico Employment Fourth Preference categories will also become oversubscribed at some point during the summer months.

#### **F. OBTAINING THE MONTHLY VISA BULLETIN**

To be placed on the Department of State's E-mail subscription list for the 'Visa Bulletin', please send an E-mail to the following E-mail address:

**listserv@calist.state.gov** <sup>[4]</sup>

and in the message body type:

**Subscribe Visa-Bulletin**  
***(example: Subscribe Visa-Bulletin)***

To be removed from the Department of State's E-mail subscription list for the 'Visa Bulletin', send an e-mail message to the following E-mail address:

**listserv@calist.state.gov** <sup>[4]</sup>

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa final action dates which can be heard at: **(202) 485-7699**. The recording is normally updated on/about the 10th



of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

**VISABULLETIN@STATE.GOV** <sup>[5]</sup>

(This address cannot be used to subscribe to the Visa Bulletin.)

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**Team Notes:**

**Green Card:**

Visa Bulletin <sup>[6]</sup>

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[3] <http://www.uscis.gov/visabulletininfo>

[4] <mailto:listserv@calist.state.gov>

[5] <mailto:VISABULLETIN@STATE.GOV>

[6] <https://immigration.com/greencard/green-card/visa-bulletin>