



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

---

# Visa Bulletin - October 2016

## Visa Bulletin - October 2016 <sup>[1]</sup>

Submitted by Editor on Sep 9th 2016

*Number 97  
Volume IX  
Washington, D.C*

[View as Printer Friendly PDF](#) <sup>[2]</sup>

### **A. STATUTORY NUMBERS**

This bulletin summarizes the availability of immigrant numbers during October for: ?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 U.S. Citizenship and Immigration Services (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 USCIS in the Department of Homeland Security must use the ?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.

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 September 8th. If not all demand could be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action 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 final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action 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, EL SALVADOR, GUATEMALA, HONDURAS, 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. 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 final action date listed below.)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22SEP09	22SEP09	22SEP09	01APR95	01AUG05
F2A	22DEC14	22DEC14	22DEC14	01DEC14	22DEC14
F2B	15MAR10	15MAR10	15MAR10	01OCT95	01JAN06
F3	22DEC04	22DEC04	22DEC04	22NOV94	08JUL94
F4	01NOV03	01MAY03	01DEC02	01MAY97	15APR93

\*NOTE: For October, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 01DEC14. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 01DEC14 and earlier than 22DEC14. All F2A numbers provided for MEXICO are exempt from the 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 application 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 application 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	01JAN11	01JAN11	01JAN11	01JUN95	01MAY06
F2A	22NOV15	22NOV15	22NOV15	22NOV15	22NOV15
F2B	08FEB11	08FEB11	08FEB11	01JUN96	01FEB07
F3	22AUG05	22AUG05	22AUG05	01MAY95	01JAN95
F4	15JUL04	01JUL04	01MAY04	01DEC97	01APR94

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. 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 final action date listed below.)

<b>Employment based</b>	<b>All Chargeability 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	15FEB12	C	15JAN07	C	C
3rd	01JUN16	22JAN13	01JUN16	01MAR05	01JUN16	01DEC10
Other Workers	01JUN16	01JAN05	01JUN16	01MAR05	01JUN16	01DEC10
4th	C	C	15JUN15	C	C	C
Certain Religious Workers	U	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	22FEB14	C	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U	U

\*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 application 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 application 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.

<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	01MAR13	22APR09	C	C
3rd	C	01MAY14	01JUL05	C	01SEP13
Other Workers	C	01AUG09	01JUL05	C	01SEP13
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Non-Regional Center (C5 and T5)	C	15JUN14	C	C	C
5th Regional Center (I5 and R5)	C	15JUN14	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 final action dates for the following month.

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

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-2017 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 October, immigrant numbers in the DV category are available to qualified DV-2017 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:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	8,000	Except: Egypt: 6,000 Ethiopia: 6,000
ASIA	2,100	Except: Nepal: 1,900
EUROPE	8,500	
NORTH AMERICA (BAHAMAS)	2	
OCEANIA	300	
SOUTH AMERICA, and the CARIBBEAN	400	

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-2017 program ends as of September 30, 2017. DV visas may not be issued to DV-2017 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2017 principals are only entitled to derivative DV status until September 30, 2017. DV visa availability through the very end of FY-2017 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 NOVEMBER**

For November, immigrant numbers in the DV category are available to qualified DV-2017 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	13,500	Except: Egypt: 7,500 Ethiopia: 7,500
ASIA	3,000	Except: Nepal: 2,000
EUROPE	13,000	
NORTH AMERICA (BAHAMAS)	3	
OCEANIA	475	
SOUTH AMERICA, and the CARIBBEAN	575	

**D. SCHEDULED EXPIRATION OF TWO EMPLOYMENT VISA CATEGORIES**

## Employment Fourth Preference Certain Religious Workers (SR):

Pursuant to Section 573 of the Consolidated Appropriations Act, 2016 (Public Law 114-113), the non-minister special immigrant program expires on September 30, 2016. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight September 29, 2016. Visas issued prior to this date will only be issued with a validity date of September 29, 2016, and all individuals seeking admission as a non-minister special immigrant must be admitted (repeat, admitted) into the U.S. no later than midnight September 29, 2016.

The final action date for this category has been listed as ?Unavailable? for October. If there is legislative action extending this category for FY-2017, the final action date would immediately become ?Current? for October for all countries except El Salvador, Guatemala, and Honduras which would be subject to a June 15, 2015 final action date.

## Employment Fifth Preference Categories (I5 and R5):

Section 575 of the Consolidated Appropriations Act, 2016 (Public Law 114-113) extended this immigrant investor pilot program until September 30, 2016. The I5 and R5 visas may be issued until close of business on September 30, 2016, and may be issued for the full validity period. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases, after September 30, 2016.

The final action dates for the I5 and R5 categories have been listed as ?Unavailable? for October. If there is legislative action extending them for FY-2017, the final action dates would immediately become ?Current? for October for all countries except China-mainland born I5 and R5 which would be subject to a February 22, 2014 final action date.

## **E. VISA AVAILABILITY IN THE COMING MONTHS**

### FAMILY-sponsored categories (potential monthly movement)

Worldwide dates:

- F1: Three to five weeks
- F2A: Up to one month
- F2B: Up to one month
- F3: Two to four weeks
- F4: Three to five weeks

### EMPLOYMENT-based categories (potential monthly movement)

Employment First: Current

Employment Second:

- Worldwide: Current
- China: Up to three months.
- India: Up to four months.



### Employment Third:

Worldwide: The rapid forward movement of this final action date during the past year should generate a significant amount of demand for numbers. When such demand begins to materialize it will be necessary to limit movement of this final action date.

China: Up to three months.

India: Up to one week.

Mexico: Will remain at the worldwide date.

Philippines: Up to three weeks

### Employment Fourth: Current for most countries.

El Salvador, Guatemala, and Honduras: up to two months

### Employment Fifth: The category will remain ?Current? for most countries.

China-mainland born: Slow forward movement.

The above projections for the Family and Employment categories indicate what is likely to happen on a monthly basis through January based on current applicant demand patterns. Readers should never assume that recent trends in final action date movements are guaranteed for the future, or that "corrective" action will not be required at some point in an effort to maintain number use within the applicable annual limits. The determination of the actual monthly final action dates is subject to fluctuations in applicant demand and a number of other variables.

## **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** [5]

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

Department of State Publication 9514

CA/VO: September 8, 2016

**Team Notes:**

**Agency:**

DOS [6]

**Green Card:**

Visa Bulletin [7]

---

**Source URL (retrieved on 30 Sep 2020 - 16:17):** <https://immigration.com/visa-bulletin/visa-bulletin-october-2016>

**Links:**

[1] <https://immigration.com/visa-bulletin/visa-bulletin-october-2016>

[2] [https://travel.state.gov/content/dam/visas/Bulletins/visabulletin\\_October2016.pdf](https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_October2016.pdf)

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

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

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

[6] <https://immigration.com/agencies/agency/dos>

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