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# Visa Bulletin - January 2019

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Submitted by Chief Editor on Dec 14th 2018

Visa Bulletin For January 2019

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### **A. STATUTORY NUMBERS**

This bulletin summarizes the availability of immigrant numbers during January 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 December 11th. 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, PHILIPPINES, and VIETNAM.

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
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F1	22AUG11	22AUG11	22AUG11	01AUG97	01MAR07
F2A	08NOV16	08NOV16	08NOV16	15OCT16	08NOV16
F2B	15MAR12	15MAR12	15MAR12	08JUN97	22JUN07
F3	15AUG06	15AUG06	15AUG06	22DEC95	22JUL95
F4	22MAY05	22MAY05	15JUN04	08FEB98	01SEP95

\*NOTE: For January, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 15OCT16. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 15OCT16 and earlier than 08NOV16. 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.

<b>Family-Sponsored</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
F1	08MAR12	08MAR12	08MAR12	22AUG99	15FEB08

F2A	01DEC17	01DEC17	01DEC17	01DEC17	01DEC17
F2B	22MAR14	22MAR14	22MAR14	08SEP97	15DEC07
F3	08JAN07	08JAN07	08JAN07	01MAY00	01JUN97
F4	15MAY06	15MAY06	01JAN05	08OCT98	22APR97

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>
1st	01OCT17	15DEC16	01OCT17	15DEC16	01OCT17

2nd	C	01AUG15	C	01APR09	C
3rd	C	08JUN15	C	01MAR09	C
Other Workers	C	01JUL07	C	01MAR09	C
4th	C	C	22FEB16	C	15APR17
Certain Religious Workers	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	01SEP14	C	C	C
5th Regional Center (I5 and R5)	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.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO
1st	01JUN18	01OCT17	01JUN18	01OCT17	01JUN18
2nd	C	08SEP15	C	22MAY09	C
3rd	C	01JAN16	C	01APR10	C
Other Workers	C	01JUN08	C	01APR10	C
4th	C	C	01MAY16	C	C
Certain Religious Workers	C	C	01MAY16	C	C
5th Non-Regional Center (C5 and T5)	C	01OCT14	C	C	C
5th Regional Center (I5 and R5)	C	01OCT14	C	C	C

6. The Department of State has a recorded message with the Final Action date information 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 JANUARY**

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-2019 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 January, immigrant numbers in the DV category are available to qualified DV-2019 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	13,100	Except: Egypt 8,300
ASIA	3,800	Except: Iran 2,900 Nepal 2,150
EUROPE	8,800	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	350	
SOUTH AMERICA, and the CARIBBEAN	550	

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-2019 program ends as of September 30, 2019. DV visas may not be issued to DV-2019 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2019 principals are only entitled to derivative DV status until September 30, 2019. DV visa availability through the very end of FY-2019 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 FEBRUARY**

For February, immigrant numbers in the DV category are available to qualified DV-2019 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>	
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AFRICA	13,800	Except: Egypt 9,500
ASIA	4,400	Except: Iran 3,400 Nepal 2,800
EUROPE	10,000	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	450	
SOUTH AMERICA, and the CARIBBEAN	625	

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

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

Pursuant to the continuing resolution, signed on December 7, 2018, the non-minister special immigrant program expires on December 21, 2018. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight December 20, 2018. Visas issued prior to this date will only be issued with a validity date of December 20, 2018, and all individuals seeking admission as a non-minister special immigrant must be admitted (repeat, admitted) into the U.S. no later than midnight December 20, 2018.

The final action date for this category has been listed as ?Unavailable? for January. If there is legislative action extending this category for FY-2019, the final action date would immediately become ?Current? for January for all countries except El Salvador, Guatemala, and Honduras which would be subject to a February 22, 2016 final action date, and for Mexico which would be subject to an April 15, 2017 final action date.

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

The continuing resolution signed on December 7, 2018 extended this immigrant investor pilot program until December 21, 2018. The I5 and R5 visas may be issued until close of business on December 21, 2018, 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 December 21, 2018.



The final action dates for the I5 and R5 categories have been listed as ?Unavailable? for January. If there is legislative action extending them for FY-2019, the final action dates would immediately become ?Current? for January for all countries except China-mainland born, which would be subject to a September 1, 2014 final action date and Vietnam, which would be subject to a June 1, 2016 final action date.

#### **E. ANNUAL REPORT OF IMMIGRANT VISA APPLICANTS IN THE FAMILY-SPONSORED AND EMPLOYMENT-BASED PREFERENCES REGISTERED AT THE NATIONAL VISA CENTER AS OF NOVEMBER 1, 2018**

The National Visa Center has provided the totals of applicants who are registered in the various numerically-limited immigrant categories for processing at overseas posts. This information is available on the Consular Affairs [www.travel.state.gov](http://www.travel.state.gov) [4] website. The direct link to the item is:

[https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingList/WaitingListItem\\_2018.pdf](https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingList/WaitingListItem_2018.pdf) [5]

#### **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](mailto:listserv@calist.state.gov) [6]

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](mailto:listserv@calist.state.gov) [6]

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 final action dates for the following month.

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

[VISABULLETIN@STATE.GOV](mailto:VISABULLETIN@STATE.GOV) [7]

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

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#### **Team Notes:**

**Immigration Law :**

**Processing Times** [8]

**Agency:**

**USCIS** [9]

## **Green Card:**

Visa Bulletin <sup>[10]</sup>

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### **Links:**

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