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Visa Bulletin - October 2019

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Submitted by Chief Editor on Sep 19th 2019

Number 34

Volume X

Washington, D.C

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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 ^[3], 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 9th. 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
F1	15JAN13	15JAN13	15JAN13	08AUG97	01JUL08
F2A	C	C	C	C	C

F2B	01JUN14	01JUN14	01JUN14	01AUG98	01SEP08
F3	15SEP07	15SEP07	15SEP07	22FEB96	01APR98
F4	22NOV06	22NOV06	01OCT04	15DEC97	08JUL98

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 [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	15JUL13	15JUL13	15JUL13	15NOV99	01JAN09
F2A	01AUG19	01AUG19	01AUG19	01AUG19	01AUG19
F2B	01DEC14	01DEC14	01DEC14	01APR99	01MAR09
F3	15MAR08	15MAR08	15MAR08	15JUL00	01OCT98
F4	15MAY07	15MAY07	01JUN05	01JAN99	08JAN99

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.)

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	22APR18	01NOV16	22APR18	01JAN15	22APR18	22APR18	22APR18
2nd	C	01JAN15	C	12MAY09	C	C	C
3rd	C	01NOV15	C	01JAN09	C	15OCT17	C
Other Workers	C	01JAN08	C	01JAN09	C	15OCT17	C
4th	C	C	01JUL16	C	01MAY17	C	C
Certain Religious Workers	U	U	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	22OCT14	C	22NOV17	C	C	15OCT16
5th Regional Center (I5 and R5)	U	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. Beginning for fiscal year 2020 this reduction will be approximately 350.

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 [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	PHILIPPINES
1st	01JUL19	01SEP17	01JUL19	15MAR17	01JUL19	01JUL19
2nd	C	01AUG16	C	01JUL09	C	C
3rd	C	01MAR17	C	01FEB10	C	C
Other Workers	C	01AUG08	C	01FEB10	C	C
4th	C	C	15AUG16	C	C	C
Certain Religious Workers	C	C	15AUG16	C	C	C
5th Non-Regional Center (C5 and T5)	C	01JAN15	C	C	C	C
5th Regional Center (I5 and R5)	C	01JAN15	C	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 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 will result in reduction of the DV-2020 annual limit to approximately 54,650.** 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-2020 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	2,500	Except: Egypt 1,500
ASIA	1,300	Except: Iran 750 Nepal 1,000
EUROPE	2,100	
NORTH AMERICA (BAHAMAS)	2	
OCEANIA	175	
SOUTH AMERICA, and the CARIBBEAN	225	

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-2020 program ends as of September 30, 2020. DV visas may not be issued to DV-2020 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2020 principals are only entitled to derivative DV status until September 30, 2020. DV visa availability through the very end of FY-2020 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-2020 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	5,600	Except: Egypt 3,000
ASIA	3,500	Except: Iran 1,450 Nepal 3,100
EUROPE	6,000	
NORTH AMERICA (BAHAMAS)	4	
OCEANIA	400	
SOUTH AMERICA, and the CARIBBEAN	600	

D. SCHEDULED EXPIRATION OF TWO EMPLOYMENT VISA CATEGORIES

Employment Fourth Preference Certain Religious Workers (SR):

Pursuant to Section 102 of Division H, Title I of the Consolidated Appropriations Act, 2019 (Public Law 116-6), the non-minister special immigrant program expires on September 30, 2019. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight September 29, 2019. Visas issued prior to this date will only be issued with a validity date of September 29, 2019, 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, 2019.

The final action date for this category has been listed as ?Unavailable? for October.

If there is legislative action extending this category for FY-2020, 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 July 1, 2016 final action date and Mexico which would be subject to a May 1, 2017 final action date.

Employment Fifth Preference Categories (I5 and R5):

Section 104 of Division H, Title I of the Consolidated Appropriations Act, 2019 (Public Law 116-6) extended this immigrant investor pilot program until September 30, 2019. The I5 and R5 visas may be issued until close of business on September 30, 2019, 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, 2019.

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-2020, 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 an October 22, 2014 final action date, India which would be subject to a November 22, 2017 final action date, and Vietnam I5 and R5 which would be subject to an October 15, 2016 final action date.

E. VISA AVAILABILITY IN THE COMING MONTHS

FAMILY-sponsored categories (potential monthly movement)

Worldwide dates:

F1: Up to two months

F2A: CURRENT, corrective action should be expected by February

F2B: Up to six weeks

F3: Up to one month

F4: Up to six weeks

EMPLOYMENT-based categories (potential monthly movement)

Employment First:

WORLDWIDE: Up to three months

China: Up to three months

India: Little if any forward movement

Employment Second:

Worldwide: Current

China: Up to two months

India: Up to one week

Employment Third:

Worldwide: Current

China: Little if any forward movement

India: Little if any forward movement

Mexico: Will remain at the Worldwide date

Philippines: Up to several months

Employment Fourth: Current for most countries

El Salvador, Guatemala, and Honduras: Little if any forward movement

Mexico: Up to four months

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

China, India, and Vietnam: Too early to predict

The above final action date projections for the Family and Employment categories indicate what is likely to happen on a monthly basis through January. 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 [4]

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 [4]

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 [5]

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

Department of State Publication 9514
CA/VO: September 9, 2019

Team Notes:

Immigration Law :

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