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Employment-Based Fourth Preference (EB-4) Visa Limits Reached for Special Immigrants from India

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Submitted by Chief Editor on Jul 12th 2016

The Department of State's [Visa Bulletin](#) ^[2] for August 2016 reflects a [final action date](#) ^[3] of January 1, 2010*, for EB-4 visas for special immigrants from India. This means that starting on **August 1, 2016**, applicants from India who filed [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#) ^[4] on or after January 1, 2010, will not be able to obtain an immigrant visa or adjust status until new visas become available.

India has reached its EB-4 visa limit as congressionally mandated for fiscal year 2016, which ends **September 30**. Information on EB-4 visa availability for fiscal year 2017 will appear in the Department of State's October Visa Bulletin, which will be published this September.

EB-4 visas are for special immigrants. These are individuals who may be eligible for lawful permanent resident status based on specific classifications, including [Special Immigrant Juvenile](#) ^[5] (SIJ).

What this action means to EB-4 applicants from India:

[Form I-360](#) ^[4], *Petition for Amerasian, Widow(er), or Special Immigrant*

Petitioners from any country, including India, may continue to file [Form I-360](#) ^[4]. There is no annual limit on the number of Form I-360 petitions that USCIS may approve.

[Form I-485, Application to Register Permanent Residence or Adjust Status](#) ^[6]

The final action date is January 1, 2010. This final action date will become effective **August 1, 2016**.

USCIS will accept all properly filed submissions of [Form I-485, Application to Register Permanent Residence or Adjust Status](#) ^[6], under the EB-4 classification until **July 31, 2016**, and will continue to adjudicate applications while visas remain available.

If you file Form I-485 under the EB-4 classification **on or after August 1, 2016**:

- USCIS will process and make a decision on your Form I-485 **only** if you filed your Form I-360 petition before January 1, 2010, and your Form I-360 is ultimately approved.
- USCIS will reject and return other Form I-485 applications but will continue to process Form I-360 petitions (even if submitted together with a Form I-485 that gets rejected).

EB-4 applicants from other countries

The final action date for special immigrant applicants for adjustment of status from India, Mexico, El Salvador, Guatemala and Honduras remains January 1, 2010.

Applicants from Mexico should refer to [Employment-Based Fourth Preference \(EB-4\) Visa Limits Reached for Special Immigrants from Mexico](#) [7].

Applicants from El Salvador, Guatemala, and Honduras should refer to [Employment-Based Fourth Preference \(EB-4\) Visa Limits Reached for Special Immigrants from El Salvador, Guatemala, and Honduras](#) [8].

USCIS will update the [Employment Based Immigration: Fourth Preference EB-4 page](#) [9] if any other countries reach their EB-4 visa limits.

*Note: According to the Department of State's July 2016 Visa Bulletin: "Readers should be aware that the establishment of the Employment Fourth preference Final Action date of January 1, 2010 does not mean that applicants are now subject to a wait in excess of six years. That Final Action Date is intended only to stop any further use of numbers by applicants from those countries under the FY-2016 annual limit, not to indicate how long it will be before applicants will be eligible for final action."

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[1] <https://immigration.com/news/employment-based-green-cards-eb4-green-card-visa-bulletin/employment-based-fourth-preference--0>

[2] <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

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

[4] <https://www.uscis.gov/i-360>

[5] <https://www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status>

[6] <https://www.uscis.gov/i-485>

[7] <https://www.uscis.gov/news/alerts/employment-based-fourth-preference-eb-4-visa-limits-reached-special-immigrants-mexico>

[8] <https://www.uscis.gov/news/employment-based-fourth-preference-eb-4-visa-limits-reached-special-immigrants-el-salvador-guatemala-and-honduras>

[9] <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-religious-workers>

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

[11] <https://immigration.com/greencard/green-card/employment-based-green-cards>

[12] <https://immigration.com/greencard/green-card/employment-based-green-cards/eb4-green-card>

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