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Visa Bulletin - December 2016

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A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during December 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 November 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 | 01DEC09 | 01DEC09 | 01DEC09 | 15APR95 | 15SEP05 |

| | | | | | |
|-----|---------|---------|---------|---------|---------|
| F2A | 22FEB15 | 22FEB15 | 22FEB15 | 15FEB15 | 22FEB15 |
| F2B | 08MAY10 | 08MAY10 | 08MAY10 | 15OCT95 | 01MAR06 |
| F3 | 15FEB05 | 15FEB05 | 15FEB05 | 08DEC94 | 15AUG94 |
| F4 | 22DEC03 | 01OCT03 | 01APR03 | 15MAY97 | 22MAY93 |

*NOTE: For December, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 15FEB15. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 15FEB15 and earlier than 22FEB15. 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 [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 | 01JUL04 | 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.)

| Employment based | All Charge-ability Areas Except Those Listed | CHINA-mainland born | EL SALVADOR GUATEMALA HONDURAS | INDIA | MEXICO | PHILIPPINES |
|-------------------------------------|---|----------------------------|---------------------------------------|--------------|---------------|--------------------|
| 1st | C | C | C | C | C | C |
| 2nd | C | 22SEP12 | C | 01FEB08 | C | C |
| 3rd | 01JUL16 | 01JUL13 | 01JUL16 | 15MAR05 | 01JUL16 | 01JUN11 |
| Other Workers | 01JUL16 | 01NOV05 | 01JUL16 | 15MAR05 | 01JUL16 | 01JUN11 |
| 4th | C | C | 15JUL15 | C | 15JUL15 | C |
| Certain Religious Workers | C | C | 15JUL15 | C | 15JUL15 | C |
| 5th Non-Regional Center (C5 and T5) | C | 22MAR14 | C | C | C | C |
| 5th Regional Center (I5 and R5) | C | 22MAR14 | 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 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 | INDIA | MEXICO | PHILIPPINES |
|-------------------------------------|--|----------------------------|--------------|---------------|--------------------|
| 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 DECEMBER

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 December, 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 | 20,400 | Except: Egypt: 8,700 Ethiopia: 9,000 |
| ASIA | 3,500 | Except: Iran: 3,200 Nepal: 2,200 |
| EUROPE | 14,000 | |
| NORTH AMERICA (BAHAMAS) | 5 | |
| OCEANIA | 525 | |
| SOUTH AMERICA, and the CARIBBEAN | 650 | |

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 JANUARY

For January, 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 | 25,800 | Except: Egypt: 12,700 Ethiopia: 14,700 |
| ASIA | 4,000 | Except: Iran: 3,600 Nepal: 2,750 |
| EUROPE | 15,900 | |
| NORTH AMERICA (BAHAMAS) | 6 | |
| OCEANIA | 650 | |
| SOUTH AMERICA, and the CARIBBEAN | 775 | |

D. OVERSUBSCRIPTION OF THE MEXICO EMPLOYMENT-BASED FOURTH (E4) AND CERTAIN RELIGIOUS WORKERS (SR) PREFERENCE CATEGORIES

There continues to be high demand in the E4 and SR categories, primarily for Juvenile Court Dependent cases filed with U.S. Citizenship and Immigration Services for adjustment of status. Therefore, it has been necessary to impose Mexico E4 and SR Final Action Dates in an attempt to hold number use within the maximum allowed under the FY-2017 annual limits.

E. SCHEDULED EXPIRATION OF TWO EMPLOYMENT VISA CATEGORIES

Employment Fourth Preference Certain Religious Workers (SR):

Pursuant to the 10-week continuing resolution signed on September 29, 2016, the non-minister special immigrant program expires on December 9, 2016. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight December 8, 2016. Visas issued prior to this date will only be issued with a validity date of December 8, 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 December 8, 2016.

The final action date for this category has been listed as "Current" for December for all countries except El Salvador, Guatemala, Honduras, and Mexico, which are subject to a July 15, 2015 final action date for December. If there is no legislative action extending this category for FY-2017, the final action date would immediately become "Unavailable" for December for all countries effective December 10, 2016.

Employment Fifth Preference Categories (I5 and R5):

The 10-week continuing resolution signed on September 29, 2016 extended this immigrant investor pilot program until December 9, 2016. The I5 and R5 visas may be issued until close of business on December 9, 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 December 9, 2016.

The final action dates for the I5 and R5 categories have been listed as "Current" for December for all countries except China-mainland born, which is subject to a March 22, 2014 final action date. If there is no legislative action extending them for FY-2017, the final action dates would immediately become "Unavailable" for December for all countries effective December 10, 2016.

F. EMPLOYMENT-based VISA AVAILABILITY

The level of demand in many Employment-based categories for cases filed with U.S. Citizenship and Immigration Services for adjustment of status increased significantly late last winter. Those levels have been sustained, and at this time there are no signs that demand is diminishing. The following updates to previous projections regarding visa availability are being announced in an effort to provide the maximum amount of advance notice:

First: Current during the coming months. However, it will be necessary to impose a Final Action Date for China-mainland born and India at some point.

Second: Current for the foreseeable future. But, based on the current demand pattern it appears likely that it will be necessary to impose a Worldwide, Mexico, and Philippines Final Action Date no later than July.

Third: The level of demand appears to be increasing at the long-anticipated rate. Therefore, this date has been held for December, and is likely to hold once again for January, while determining if this increased level will be sustained.

- INDIA Third: Movement of this date will be limited to one week, then the date will hold for several months, then move one week, then likely to hold.

G. ATTENTION DV-17 LOTTERY WINNERS

Have you checked your Diversity Visa (DV) 2017 status recently? Additional entrants were added to

?selected? status in September! Check your status using your unique confirmation number on the Entrant Status Check (ESC) website www.dvlottery.state.gov [4].

Selected entrants are encouraged to complete the online DS-260 application immediately to schedule an interview appointment at the appropriate U.S. Embassy or Consulate. www.dvlottery.state.gov [5]

H. 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 [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 [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 [7]

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

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

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[8] <https://immigration.com/law/immigration-law/processing-times>

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