



## U.S. Citizenship and Immigration Services

# When to File Your Adjustment of Status Application for Family-Sponsored or Employment-Based Preference Visas: January 2016

Are you seeking to adjust your status and become a U.S. permanent resident under a family-sponsored or employment-based preference immigrant visa? If you have not yet had a relative or employer file an immigrant visa petition on your behalf, please learn more about the Adjustment of Status Filing Process. If you already have a petition filed or approved on your behalf, you may have to wait for an available visa in your category (if applicable) before you can file your Form I-485, Application to Register Permanent Residence or Adjust Status. This page will help you determine when to file your adjustment of status application.

Find on this page:

- When to File
- About the Visa Bulletin
- New Visa Bulletin Charts
- Determining Visa Availability

### When to File

Use the Visa Bulletin charts below to determine when to file your adjustment of status application.

To use the charts:

1. Find your visa type in the first column (on the left) of the appropriate chart (Family-sponsored or Employment-based).
2. Stay in that row and move directly to the right to find the corresponding date under the country of your birth (as listed in the boldface columns across the top).
3. If the date on the chart is current ("C") or your priority date is earlier than the date on the chart, you may file your adjustment of status application, if otherwise eligible to do so.

Your priority date is generally the date when your relative or employer properly filed the immigrant visa petition on your behalf with USCIS. If a labor certification is required to be filed with your immigrant visa petition, the priority date is the date the labor certification application was accepted for processing by the Department of Labor.

### January 2016

#### Dates for Filing Family-Sponsored Adjustment of Status Applications

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01OCT09	01OCT09	01OCT09	01APR95	01SEP05
F2A	15JUN15	15JUN15	15JUN15	15JUN15	15JUN15
F2B	15DEC10	15DEC10	15DEC10	01APR96	01MAY05
F3	01AUG05	01AUG05	01AUG05	01MAY95	01AUG95
F4	01MAY04	01MAY04	01MAY04	01JUN98	01JAN93

#### Application Final Action Dates For Employment-Based Preference Cases:

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C

2nd	C	01FEB12	01FEB08	C	C
3rd	01OCT15	01JUL12	15MAY04	01OCT15	01NOV07
Other Workers	01OCT15	01DEC06	15MAY04	01OCT15	01NOV07
4th	C	C	C	C	C
Certain Religious Workers	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	08JAN14	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U

### Adjusting Status to become a U.S. permanent resident?

-  **1. Your relative or employer files an immigrant petition for you.**
-  **2. Determine your petition type:**
  - Visas for immediate relative petitions** (spouses of U.S. citizens, unmarried children under 21 of U.S. citizens, parents of U.S. Citizens) are unlimited and always available. You may file your Form I-485 at the same time your U.S. citizen relative files a Form I-130.
  - Visas for family-sponsored and employment-based preference petitions** are limited. You will need to consult the U.S. Department of State (DOS) Visa Bulletin to see if you can file your Form I-485. In order to use the Visa Bulletin, you will need to know your **priority date**.
-  **3. What's my priority Date?**

This is the date your relative or employer filed an immigrant petition on your behalf. *or* The date the Department of Labor accepts a labor certification for processing (when applicable).
-  **4. Find out if you can file your I-485: Check [uscis.gov/visabulletininfo](http://uscis.gov/visabulletininfo)**  
 It will explain whether you should use the **Application Final Action Dates chart** or **Dates for Filing Visa Applications chart** to determine when you can file.
 

**To use the charts:**

  - Find your visa type in the first column (on the left) of the appropriate chart (Family-sponsored, Employment-based, or Diversity Visa).
  - Stay in that row and move directly to the right to find the corresponding date under the country of your birth (as listed in the boldface columns across the top).
  - If the date on the chart is current ("C") or your priority date is earlier than the date on the chart, you may file your adjustment of status application, if otherwise eligible to do so.



## About the Visa Bulletin

DOS publishes current immigrant visa availability information in a monthly Visa Bulletin. The Visa Bulletin indicates when statutorily limited visas are available for issuance to prospective immigrants based on their individual priority date.

On Nov. 20, 2014, the Secretary of Homeland Security directed USCIS to work with DOS to:

- Ensure that all immigrant visas authorized by Congress are issued to eligible individuals when there is sufficient demand for such visas, and
- Improve the Visa Bulletin system for determining when immigrant visas are available to applicants during the fiscal year.

Additionally, in July 2015, the Administration issued its report on *Modernizing and Streamlining Our Legal Immigration System for the 21st Century*. This report included detailed recommendations to revise and update the monthly Visa Bulletin to better estimate immigrant visa availability and provide needed predictability to nonimmigrant workers seeking permanent residency.

USCIS, in coordination with DOS, revised the procedures for determining visa availability for applicants waiting to file for adjustment of status. The revised process will better align with procedures DOS uses for foreign nationals who seek to become U.S. permanent residents by applying for immigrant visas at U.S. consulates and embassies abroad.

This revised process will enhance DOS's ability to more accurately predict overall immigrant visa demand in determining the cut-off dates for the Visa Bulletin. This will help ensure that the maximum number of immigrant visas are issued annually as intended by Congress, and minimize month-to-month fluctuations in Visa Bulletin final action dates. Additional goals are outlined in the White House report, *Modernizing and Streamlining Our Legal Immigration System for the 21st Century*.

[Back to top](#)

## New Visa Bulletin Charts

The Visa Bulletin will now have two different charts because of the revised procedures. DOS will post two charts per visa preference category in the DOS Visa Bulletin. The charts are:

- Application Final Action Dates (dates when visas may finally be issued); and
- Dates for Filing Applications (earliest dates when applicants may be able to apply).

When USCIS determines there are immigrant visas available for the filing of additional adjustment of status applications, the Dates for Filing Applications chart may be used to determine when to file an adjustment of status application with USCIS. Otherwise, the Application Final Action Dates chart must be used to determine when to file an adjustment of status application with USCIS.

In coordination with the DOS, USCIS will monitor visa numbers each month and post the relevant chart on this page under When to File.

[Back to top](#)

## Determining Visa Availability

USCIS considers several factors to determine if there is a greater supply of visas than the demand for those visas. To determine visa availability, USCIS will compare the number of visas available for the remainder of the fiscal year with:

- Documentarily qualified visa applications reported by DOS;
- Pending adjustment of status applications reported by USCIS; and
- Historical drop off rate of applicants for adjustment of status (for example, denials, withdrawals and abandonments).

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