



## U.S. Citizenship and Immigration Services

# USCIS Announces Revised Procedures for Determining Visa Availability for Applicants Waiting to File for Adjustment of Status

USCIS, in coordination with Department of State (DOS), is revising the procedures for determining visa availability for applicants waiting to file for employment-based or family-sponsored preference 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 and determine the cut-off dates for visa issuance published in 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.

The Visa Bulletin revisions implement November 2014 executive actions on immigration announced by President Obama and Secretary of Homeland Security Johnson, as detailed in the White House report, *Modernizing and Streamlining Our Legal Immigration System for the 21st century*, issued in July 2015.

### What is Changing

Two charts per visa preference category will be posted in the DOS Visa Bulletin:

- 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).

Each month, in coordination with DOS, USCIS will monitor visa numbers and post the relevant DOS Visa Bulletin chart. Applicants can use the charts to determine when to file their Form I-485, Application to Register Permanent Residence or Adjust Status.

To determine whether additional visas are available, USCIS will compare the number of visas available for the remainder of the fiscal year with:

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

### 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 to prospective immigrants based on their individual priority date.

- The priority date is generally the date when the applicant's relative or employer properly filed the immigrant visa petition on the applicant's behalf with USCIS. If a labor certification is required to be filed with the applicant's immigrant visa petition, then the priority date is when the labor certification application was accepted for processing by Department of Labor.
- Availability of an immigrant visa means eligible applicants are able to take one of the final steps in the process of becoming U.S. permanent residents.

Learn more about adjustment of status and the Visa Bulletin on our website.

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