AMERICAN IMMIGRATION LAWYERS ASSOCIATION

What Is the Visa Bulletin?

The U.S. government can only give out a certain number of green cards (or immigrant visas) each year. There are rules about how many visas can be used in each country and category. The Visa Bulletin helps the government keep track of all these visa numbers. It's also a tool for you to use to help understand when you can apply for your case and when it can be approved. It's like a schedule that tells you when it's your turn.

How Does It Work?

You can use the Visa Bulletin to understand when you can start the last stage of the green card process. This will signal when you can file a Form I-485 with U.S. Citizenship and Immigration Services (USCIS) if you are in the United States or consular processing through Department of State (DOS) if you are overseas.

In the Visa Bulletin, there's a list of countries at the top and different visa categories on the side, like F1 or EB2. Find your Priority Date from your Form I-797 Approval Notice. Then on the Visa Bulletin, go to the box under your Country of Birth (unless you were born in one of the 3 individual countries listed, you will fall under "all chargeability areas except those listed") and find your visa category. If the date in that box is later than your date, you might be able to move forward with your case. It depends on whether you're looking at the Final Action or Dates for Filing charts. The Dates for Filing Chart may be relevant for individuals filing a Form I-485.

For example, if your Priority Date is September 1, 2013, in the F1 category, and you were born in India, your date is earlier than December 1, 2014, (the Cutoff Date) for F1 India, it means you can move forward with your case.

Sample Chart:

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	01APR01	01MAR12
F2A	08SEP20	08SEP20	08SEP20	01NOV18	08SEP20
F2B	22SEP15	22SEP15	22SEP15	01JUN01	22OCT11
F3	22NOV08	22NOV08	22NOV08	01NOV97	08JUN02
F4	22MAR07	22MAR07	15SEP05	01AUG00	22AUG02

Can I File My Form I-485 Using the Dates for Filing Chart?

If you are filing for a green card within the United States, you need to have permission to file from both DOS (via the Visa Bulletin) and USCIS (via their Adjustment of Status Filing Chart). So, when USCIS lists the Dates for Filing Chart and your priority date is current based on it, then you can file a Form I-485.

What Is Special About the October Visa Bulletin?

October 1 marks the start of the new fiscal year for the U.S. government. The October Visa Bulletin tends to show forward movement of visa numbers for several reasons:

- Every year, DOS begins with all the visas they're allowed to give out by law. It's like starting with a full bucket.
- Generally, there are 140,000 employment-based and 226,000 family-based visas available each year.

What Happens If Next Month's Visa Bulletin Changes?

A new Visa Bulletin comes out every month. If the new Visa Bulletin says your priority date is not "Current," then:

- The consulate can't approve your green card.
- You can't submit your Form I-485.
- USCIS can't approve your application if you have already sent it in.

For example, if your priority date is "Current" in October, you can apply with USCIS during that month. But if the November Visa Bulletin changes and your priority date goes backward (retrogresses), then USCIS can't accept or approve your application at any point in November. If your application was received before November, it will sit with USCIS until your priority date is current again. In the meantime, you may be eligible for work authorization, travel, and the ability to change jobs.

Similarly, if you're applying at a consulate and your priority date is "Current" in October, they can give you an immigrant visa that month. But if your priority date is no longer "Current" in November, and they asked for more documents, they can't give you the visa if you go back in November, even if you had an interview in October.

Definition of Terms in the Visa Bulletin

Priority Date: The "Received Date" of an I-130 or I-140 Immigrant Petition at USCIS. (One exception is if your I-140 is based on a labor certification (LC), then it's the LC filing date.)

Cutoff Date: The date printed in the boxes appearing in Visa Bulletin charts, which means that date and later dates are not "Current."

Current: Your priority date is a date earlier than the date printed in a box you find in a chart on the Visa Bulletin.

C: This means all Priority Dates are Current.

Dates for Filing Chart: Individuals with priority dates earlier than the cutoff dates in this chart can gather and submit required documents to DOS's National Visa Center (NVC). The NVC will tell you when you can begin sending in your documents. You may be able to file your green card with USCIS.

Final Actions Dates Chart: Individuals with priority dates earlier than the cutoff dates in this chart can file a green card application with USCIS, USCIS can approve a pending Form I-485, or a consulate can issue your green card to you.

Visa Retrogression: This is when a priority date was Current in one month but is no longer Current in the next month.

We are closely monitoring the monthly Visa Bulletin and we encourage you to contact our office through the "contact us" tab at https://immigration-hawaii.com if you have questions.

.