

# Visa Bulletin

Understanding the Basics



**Law Offices of Prashanthi Reddy**

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# What is the Visa Bulletin ?

The Visa Bulletin is a tool for immigrants and the U.S. Government. The U.S. Government can only give out a limited number of Green Cards (or Immigrant Visas or visa numbers) every year: 226,000 for Family-Based immigrants and 140,000 for Employment-Based immigrants. The law limits how many can be used for each country and each category. However, there may be additional visas in some fiscal years, unused ones carried over to the next fiscal year. The U.S. Government uses the Visa Bulletin to keep track of all these visa numbers and help an applicant understand when to file one's case and get approved.

## KEY TERMS ONE SHOULD KNOW

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

**Cutoff Date:** The date printed in the boxes appearing in Visa Bulletin charts, which are not "Current."

**Current:** Priority Date is a date earlier than the date printed in a box one will find in a chart on the Visa Bulletin. Then:

1. One can file a Form I-485 Adjustment of Status application to USCIS.
2. USCIS can approve a pending Form I-485.
3. A Consulate can issue Green Card to the applicant.

**Dates for Filing" Chart:** Priority Dates earlier than the Cutoff Dates in this chart can gather and submit required documents to the Department of State's National Visa Center. NVC will tell when one can begin submissions. One may be able to file a Form I-485 with USCIS.

**Final Actions Dates" Chart:** Priority Dates earlier than the Cutoff Dates in this chart (1) can file an I-485 Application to USCIS, (2) USCIS can approve a pending Form I-485 or (3) a Consulate can issue Green Card to an applicant

**Visa Retrogression:** This is when a priority date was Current in one month but is no longer Current in the future month.

# How does the Does Visa Bulletin work for applicant?

One can use the Visa Bulletin to understand what happens with the last stage of the Green Card process, whether the person will file for Form I-485 to USCIS or go for consular processing through DOS. In the Visa Bulletin, one can see the top row listing countries and the left-hand column listing visa categories, like F1 or EB2. One can take their Priority Date and look in the box under Country of Birth and visa category. If the date in the box comes after one's date, then the person may file their case, depending on if one is looking at the Final Action or Filing Dates charts.

## For example

Suppose one's Priority Date is September 1, 2013, in the F1 category and is born in India, and one is looking at the October 2020 Visa Bulletin. In this case, the date is earlier than the Cutoff Date of September 14, 2015, for F1 India.

# Why the Oct visa bulletin is important?

The October Visa Bulletin issued by the U.S. Department of State (DOS) marks the start of their new year for the US Government on October 1, called their Fiscal Year (FY) – it runs from October 1 to the following September 30. For example, the FY2021 runs from October 1, 2020 through September 30, 2021.

The October Visa Bulletin tends to show the forward movement of visa numbers for 4 reasons:

- Each new FY starts with the full amount of visa numbers under the law.
- Unused visa numbers from Family-Based immigration are added to the total Employment-Based numbers.
- Events like COVID-19 reducing the use of Family-Based immigrant visa numbers because Consulates closed will increase the visa numbers added to Employment-Based immigration in the next year.
- Travel Bans enacted by the Trump Administration reduced usage of visa numbers.

With the continuation of the Trump Administration's travel bans and restrictions on travel and movement because of COVID-19, the limited usage of Family-Based immigrant visa numbers by Consulates may continue. This will continue a trend of increasing EmploymentBased immigrant visa numbers



# Quick Questions

## Can one file their Form I-485 using the dates for filing chart ?

A person cannot file a Form I-485 until the Visa Bulletin shows that their Priority Date is Current. Even though one can use the Visa Bulletin to know if their Priority Date is "Current", an applicant can only file the I-485 Adjustment Application using the Filing Dates Chart when USCIS decides that is permitted

## What happens of next month's visa bulletin changes?

A new Visa Bulletin is issued every month that is in effect for that one (1) month. Once that month is over, then we need a new Visa Bulletin. If the latest Visa Bulletin shows that the Priority Date is not Current, the Consulate cannot approve a Green Card, one cannot file your Form I-485, and USCIS cannot approve your filed application.



### Prashanthi Reddy

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