



Homeland
Security

CIS Ombudsman Updates

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These periodic updates will share information on current trends and issues to assist individuals and employers in resolving problems with USCIS. **AILA InfoNet Doc. No. 10062980. (Posted 06/29/10)**

Unused Family-Based Visas

During FY 2009 and FY 2010, usage of family-based visas has been exceptionally low, especially among spouses and children of green card holders (the F-2A preference category). In FY 2009, approximately 10,000 family-based visas were unused and, by statute, were reallocated for use by employment-based immigrants in FY 2010.

Given FY 2009 underutilization of family-based visas, the CIS Ombudsman has worked alongside United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS) to monitor family-based visa usage in FY 2010. To enable more family-based visa applicants to become eligible for final processing, the Visa Bulletin cut-off dates have been accelerating significantly. Despite the fact that more family members are becoming eligible, demand for family-based visas remains weak. While efforts are underway to facilitate maximum utilization, a significant number of family-based visas may again go unused in FY 2010.

Rapid Visa Bulletin Movement

To illustrate this rapid movement it is helpful to compare select June 2009 and June 2010 cut-off dates from the [DOS Visa Bulletins](#).

To be added to the DOS Visa Bulletin e-mail subscription list send an e-mail to listserv@calist.state.gov and include in your message:

Subscribe to Visa-Bulletin, [insert First and Last Name].

Cut-Off Dates and Processing Differences for Applicants Overseas and Applicants Residing in the U.S.

Advance Notice is Provided to Overseas Applicants

In both family-based and employment-based immigrant visa cases involving beneficiaries who reside overseas, DOS sends customers advance notifications when further processing can begin based on the movement of Visa Bulletin cut-off dates. This notice is sent to the address on file with DOS at the time.

Advance Notice is Not Provided to Applicants Residing in the United States

Unlike DOS, USCIS does not send advance notification prompting further action by the applicant. Rather, individuals must monitor the [Visa Bulletin](#) to determine when they may file [Form I-485](#) (Application to Register Permanent Residence or Adjust Status) for a green card. Generally, Form I-485 may be filed during the month in which the Visa Bulletin is current for the related visa category and country of chargeability. Where a priority date is listed, the applicants priority date must be earlier than the cut-off date listed.

Pending I-130s and Changes of Address Alert

USCIS has been utilizing excess capacity and resources to review and adjudicate hundreds of thousands of pending [Forms I-130](#) (Petition for Alien Relative). By December 31, 2010, USCIS expects to adjudicate 750,000 such petitions.

In some cases, USCIS may generate Requests for Evidence (RFEs) for these petitions. Petitioners who have failed to notify USCIS of mailing address changes risk not receiving such RFEs, which can lead to the unintentional abandonment of their petitions. Such abandonments can lead to serious consequences specifically, the loss of priority dates that may have been established many years earlier.

The Ombudsman encourages all petitioners to promptly notify USCIS of mailing address changes by completing [specific change of address requirements](#).

Note: Non-U.S. citizens with a pending application or petition before USCIS **must** also file a [Form AR-11](#) (Change of Address) before they may change their address online.