



Teleconference Recap: Family-based Visa Retrogression – What Is It and How Does It Impact Applicants?

On March 15, 2011, the Office of the Citizenship and Immigration Services Ombudsman (Ombudsman's Office) hosted a public teleconference on Family-Based Visa Retrogression. The teleconference featured an interview with two U.S. Department of State (DOS) officials, Charlie Oppenheim of the Visa Office (VO), and Andrew Hayden of the National Visa Center (NVC), while USCIS officials listened in on the call. The VO is responsible for publishing the monthly Visa Bulletin. The NVC collects immigrant visa application forms, Affidavits of Support, and fee payments for U.S. Embassies and Consulates.

What is Retrogression?

Retrogression occurs when the cut-off dates that determine visa availability move backward instead of forward. The cut-off dates for nearly all family preference categories and nearly all countries retrogressed significantly in January 2011.

At the beginning of each month, each consular office reports the total number of documentarily qualified immigrant visa applicants to the VO. Documentarily qualified applicants are those individuals who have obtained all documents required to meet the formal visa application requirements as specified by their consular office, and, for those applicants, the consular office has completed the necessary processing procedures.

Each month the VO compares the number of reported documentarily qualified applicants with the visa numbers available for the next regular allotment. The VO also considers past visa demand, estimates of future visa demand and return rates, and estimates of USCIS demand based on cut-off date movements. Then, the VO establishes the cut-off dates for the following month, publishes them in the Visa Bulletin, and notifies consular posts. Applicants, including those overseas, use the Visa Bulletin to determine when their visa will become current.

Why Did Retrogression Happen?

At the beginning of 2010, there was low demand for visas by applicants. As a result, DOS changed the cut-off dates of family preference categories so more applicants could apply for a visa.

However, applicant demand ultimately exceeded expectations, and DOS had to retrogress family preference cut-off dates for January, February, and March to ensure that the supply of visas for the year would last until December. Now, applicants must wait longer than anticipated for their priority date to become available.

How Does Retrogression Impact Applicants?

Consular Processing and Retrogression

Petitioners who are consular processing overseas are impacted differently by retrogression than families already in the United States. Families who have relatives in consular processing overseas are separated throughout the duration of retrogression. When an applicant is reported as documentarily qualified, but no visas are available, the person's interest in a visa is recorded at the VO, and a visa is made available as soon as the applicant's priority date becomes available.

When there is no longer a retrogression environment, an applicant who is documentarily qualified does not need to be recorded by the VO a second time.

USCIS Processing and Retrogression

The USCIS Interim Policy Memo, Instructions for Handling Retrogressed Visa Number (Employment and Family Based) Adjustment of Status Cases Interviewed at USCIS Field Offices (PDF, 11 pages - 414 KB), released on January 11, 2011, clarifies that applicants who are in the United States and who filed an I-485, Application to Register Permanent Residence or Adjust Status, before the retrogression occurred can generally remain in the United States. These persons will be considered pending adjustment applicants, and are eligible to apply for employment authorization and advanced parole. The adjustment applications should be held in abeyance until the cut-off date advances and a visa is available once again.

Notice Will Be Sent to Last Known Address

Applicants receive notification of their current status by mail and email. Mr. Oppenheim and Mr. Hayden noted that it was very important for applicants to update their addresses with the NVC or USCIS so that when a visa becomes available, applicants can be notified as quickly as possible.

To update an address with the NVC, applicants should send their name, date of birth, and new mailing address to the NVC by email, nvcinquiry@state.gov, or by regular mail to:

National Visa Center
ATTN: Written Correspondence
31 Rochester Ave. Ste. 200
Portsmouth, NH 03801-2912

To update an address with USCIS, applicants should file an electronic [Form AR-11, Change of Address](#), with USCIS and be sure to include the receipt notice number, the new address, old address, and the name and date of birth. See also Ombudsman Update, [Change of Address with USCIS](#), for tips on filing an address change.

Retrogressed Applications Are Not Terminated

If an applicant's priority date has retrogressed, applicants **do not** need to notify their consular office that they are still pursuing a visa to prevent termination of a file. Once a visa becomes available, an applicant has almost two years before the ability to apply ends.

Visa Retrogression and the Child Status Protection Act (CSPA)

Please see the Ombudsman's [CSPA Teleconference Recap](#) for questions relating to the impact of visa retrogression.

Contact

Please direct any inquiries related to the topics raised in this teleconference to Margaret Gleason, Senior Advisor to the Ombudsman, at Margaret.Gleason@dhs.gov.

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How Is It Working For You? The CIS Ombudsman's Community Call-In Teleconference Series

The Office of the CIS Ombudsman is hosting teleconferences to discuss your interactions with U.S. Citizenship and Immigration Services (USCIS). Join us to share your comments, thoughts, and suggestions as well as any issues of concern.

Upcoming Teleconference

Family Based Visa Retrogression: What is it and How does it Impact Applicants?

March 15, 2011, 2:00 – 3:00 p.m. EDT

The Ombudsman's Office invites you to participate in a public teleconference on the "Family Based Visa Retrogression: What is it and How does it Impact Applicants?" The Ombudsman's Office will share information on this topic and will interview guest speakers from USCIS and the U.S. Department of State.

How to Participate

To participate in these calls, please RSVP to cisombudsman.publicaffairs@dhs.gov specifying which call you would like to join. Participants will receive a return e-mail with the call-in information.

Teleconference procedures

1. To ensure your participation, we encourage you to RSVP 48 hours before the call.
2. Please send us your questions and issues related to the teleconference topics ahead of the call.

If you are unable to participate in these calls, please visit our Web page at www.dhs.gov/cisombudsman for upcoming teleconference dates. Also, if you have a topic of interest for a future call, please send it to cisombudsman.publicaffairs@dhs.gov.

Teleconference Recaps

- [FOIA: How Is It Working For You?](#)

Questions and Answers from Teleconferences

Links may go to www.uscis.gov.

- [Fee Waivers: How are They Working for You?](#)
- [USCIS Website Redesign: How is It Working for You?](#)
- [Change of Address: How is It Working for You?](#)
- [I-601 Waivers: How are They Working for You?](#)
- [Refugee Processing: How is It Working for You?](#)
- [USCIS Adoptions Petition Processing: How is It Working for You? \(PDF, 6 pages - 63 KB\)](#)
- [USCIS Refunds: How is the Process Working for You?](#)
- [The K3 Visa Family Unification Process: How is It Working for You?](#)
- [N-648 Medical Waivers - How are They Working for You?](#)
- [Questions and Answers on The New Naturalization Test](#)
- [USCIS Receipting Delay - How Does this Affect You?](#)
- [Temporary Worker Visas](#)
- [E-Verify in Arizona - How is It Working for Your Business?](#)
- [Visas for Nurses: How Does This Impact Your Medical Facility?](#)
- [USCIS Summer 2007 Application Surge: How is It Affecting You Now?](#)
- [CIS Ombudsman's 2008 Annual Report: Your Questions and Comments](#)
- [U Visa: One Year After the Interim Final Rule](#)

- [Teleconference on Biological Relationship Testing: Opportunities and Challenges](#)
- [Questions and Answers from EB-5 Teleconferences](#)
- [Questions and Answers from January 28, 2009 Teleconference on Motions to Reopen: How are They Working for You?](#)
- [How is USCIS Working for You? February 20, 2008](#)

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