Monthly Determination of Employment Preference Cut-Off Dates

Each month, the Visa Office subdivides the annual preference and foreign state limitations specified by the INA into monthly allotments based on totals of documentarily qualified immigrant visa applicants reported at consular posts and CIS Offices, grouped by foreign state chargeability, preference category, and priority date. If there are sufficient numbers in a particular category to satisfy all reported documentarily qualified demand, the category is considered "Current." For example: If the monthly allocation target is 3,000 and there is only demand for 1,000 applicants, the category will be "Current". Whenever the total of documentarily qualified applicants in a category exceeds the supply of numbers available for allotment for the particular month, the category is considered to be "oversubscribed" and a visa availability cut-off date is established. The cut-off date is the priority date of the first documentarily qualified applicant who could not be accommodated for a visa number. For example: If the monthly target is 3,000 and there is demand for 8,000 applicants, then it would be necessary to establish a cut-off date so that only 3,000 numbers would be allocated. In this case, the cut-off would be the priority date of the 3,001st applicant.

The chart below shows the estimated total number of visas available for each employment preference category and country for fiscal year 2012.

Employment			
Preference	**China**	**All Other Countries**	**Worldwide Limit**
E1	2,803	2,803	**40,040**
E2	2,803	2,803	**40,040**
E3/EW	2,503*	2,803	**40,040****
E4/SR	691	696	**9,940**
E5	0*	695	**9,940**
Total	**8,800***	**9,800**	**140,000**

*The provisions of the Chinese Student Protection Act require that the China annual limit be reduced by 1,000. A total of 300 numbers are deducted from the E3 category, and 700 from the E5 category.
**The EW category is currently entitled to no more than 5,000 of this total.

Unused numbers can "fall-down" from E1 to E2 to E3. Unused numbers can "fall-up" from E4 and E5 to E1. This is taken into consideration when setting monthly/annual targets for number use based on historical/recent patterns.

Demand Data Used in the Determination of the August 2012 Employment Preference Cut-Off Dates

Employment Second Preference				
Cumulative Demand Prior To	**China**	**India**	**All Other Countries**	**Grand Total**
January 1, 2008	675	4,050	0	**4,725**
January 1, 2009	3,275	15,200	25	**18,500**
January 1, 2010	4,750	21,325	75	**26,150**
January 1, 2012	**4,950**	**22,225**	**775**	**27,950**

Employment Third Preference						
Cumulative Demand Prior To	**All Other Countries**	**China**	**India**	**Mexico**	**Philippines**	**Grand Total**
January 1, 2002	0	0	0	0	0	**0**
January 1, 2003	0	0	2,850	0	0	**2,850**
January 1, 2004	0	0	14,000	0	0	**14,000**
January 1, 2005	0	15	26,575	0	0	**26,590**
January 1, 2006	150	625	34,800	50	100	**35,725**
January 1, 2007	9,000	1,650	44,825	850	7,400	**63,725**
January 1, 2012	**16,775**	**2,150**	**48,575**	**1,675**	**9,800**	**78,975**

Notes:

The imposition of cut-off dates for some categories/countries has limited the amount of applicants who have been able to file for adjustment of status with USCIS, and such applicants would not be included in the above totals. In addition, new applicants are constantly becoming eligible for processing in categories for which cut-off dates do not apply, or for a category other than that which they initially filed for status. Therefore, the above totals should not be interpreted to reflect the total universe of applicant demand. These totals only represent the amount of demand which was taken into consideration during the determination of the monthly cut-off dates.

- All totals are approximate values
- Categories not listed are "current"
- Data as of July 9, 2012