

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 2013.

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 October 2012
Employment Preference Cut-Off Dates**

Employment Second Preference				
Cumulative Demand Prior To	All Other Countries	China	India	Grand Total
January 1, 2007	25	75	1,350	1,450
January 1, 2008	25	925	5,500	6,450
January 1, 2009	25	4,075	20,000	24,100
January 1, 2010	275	6,375	30,900	37,550
January 1, 2012	4,850	6,950	34,000	45,800

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	2,475	0	0	2,475
January 1, 2004	0	0	13,500	0	0	13,500
January 1, 2005	0	50	25,925	0	0	25,975
January 1, 2006	200	175	34,050	25	75	34,525
January 1, 2007	4,925	1,200	43,900	450	5,325	55,800
January 1, 2012	12,650	1,700	47,550	1,275	7,700	70,875

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 September 6, 2012