



**Homeland
Security**

October 19, 2023

Sharvari Dalal-Dheini
Director of Government Relations
American Immigration Lawyers Association (AILA)
1331 G Street NW, Suite 300
Washington, DC 20005

Dear Ms. Dalal-Dheini:

Thank you for your July 31, 2023 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

DHS is keenly aware that demand greatly exceeds the limited supply of available immigrant visas in the family-sponsored and employment-based preference categories and that such demand has steadily increased over the years. In the family-sponsored categories, the annual limits were insufficient since they were enacted, and noncitizens from all countries have had to wait many years for visas to become available. Many noncitizens seeking visas in the employment-based categories have similarly faced significant and increasingly long waits due to limited visa availability. However, only legislation can address the imbalance between the limited supply of immigrant visas and the increasing demand for those visas.

Demand for visas within the EB-4 category has steadily increased over time, with that demand coming from an increasingly diverse array of countries. Demand has exceeded the supply of visas in this category for over seven years, and had it not been for the much higher annual limits of employment-based visas in fiscal years 2021-2023, all potential applicants in the EB-4 category would have seen significant delays in visa availability several years ago. Even prior to the Department of State's recent changes to the EB-4 Final Action Dates in the Visa Bulletin, applicants in the EB-4 categories from all countries faced a multi-year wait for visas that was projected to continue increasing, causing the same or similar impacts on noncitizens seeking visas in these categories as those outlined in your letter.

Specific to the concerns raised in your letter and in addition to any other relief measures DHS may consider for other oversubscribed classifications, U.S. Citizenship and Immigration Services (USCIS) is considering a variety of policy and regulatory options that could help to ease some of the challenges faced by noncitizens with lengthy waits for available visas in the EB-4 category. We appreciate your suggestions and will consider them carefully. DHS defers to the Department of State regarding your recommendations concerning the Visa Bulletin. While DHS may be able to provide some additional flexibility for prospective applicants, only legislation can fully address the important concerns you raise. DHS supports legislative efforts that would address this challenge, so all of the EB-4 programs are able to function in the 21st century.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact the DHS Office of Partnership and Engagement.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda F. Abdelall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda F. Abdelall
Assistant Secretary
Office of Partnership and Engagement