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FORMS

NEWS

CITIZENSHIP

GREEN CARD

TOOLS

LAWS



[Home](#) > [Green Card](#) > [Green Card Processes and Procedures](#) > [Visa Availability & Priority Dates](#)

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## Green Card

[Green Card Through Family](#) ▼

[Green Card Through a Job](#) ▼

[Green Card Through Refugee or Asylee Status](#) ▼

[Other Ways to Get a Green Card](#)

[After a Green Card is Granted](#) ▼

[Green Card Processes and Procedures](#)

# Visa Availability and Priority Dates

This page will help you understand how the U.S. Department of State (DOS) allocates immigrant visas, the DOS Visa Bulletin process and specific ways to adjust status depending on your situation.

Find on this page:

- [Availability of Immigrant Visas](#)
- [Acceptance of Adjustment of Status Applications](#)
- [Finding Your Priority Date](#)
- [Checking Your Place in the Visa Queue](#)
- [Visa Retrogression](#)
- [Concurrent Filing](#)
- [INA 204\(j\) Portability Under AC21](#)
- [H-1B Extensions under AC21...](#)
- [Medical Examinations](#)
- [Validity of EAD/Advance Parole documents \("Combo Cards"\)](#)
- [Transferring a Pending Adjustment of Status Application from One Eligibility Basis to Another](#)

## Visa Availability & Priority Dates Topics

- [USCIS Announces Revised Procedures for Determining Visa Availability for Applicants Waiting to File for Adjustment of Status](#)
- [When to File Your Adjustment of Status Application for Family-Based or Employment-Based Preference Visas](#)
- [Visa Retrogression](#)

## Availability of Immigrant Visas

The Immigration and Nationality Act (INA) sets the number of immigrant visas that may be issued to foreign nationals seeking to become lawful permanent residents (get a Green Card) each year.

Immigrant visas for "immediate relatives" of U.S. citizens are unlimited, so they are always available. Immediate relatives include:

- The spouses of U.S. citizens,
- The children (unmarried and under 21 years of age) of U.S. citizens,
- The parents of U.S. citizens at least 21 years old, and
- Widows or widowers of U.S. citizens if the U.S. citizen filed a petition before his or her death or if the widow(er) files a petition within 2 years of the citizen's death.

Immigrant visas for the family-sponsored and employment-based immigrant preference categories are numerically limited, so they are not always immediately available. For more information, please see the [Green Card Eligibility](#) page.

The U.S. Department of State (DOS) is the agency that allocates immigrant visas. In general, family-sponsored preference visas are limited to 226,000 visas per year and employment-based preference visas are limited to 140,000 visas per year. (By statute, these annual visa limits may be exceeded when certain immigrant visas from the previous fiscal year's allocation were not fully used.) Both categories are further divided into several sub-categories, each of which receives a certain percentage of the overall visa numbers as prescribed by law. In addition, there are limits to the percentage of visas that can be allotted based on an immigrant's country of chargeability (usually the country of birth).

When the demand is higher than the supply of visas for a given year in any given category or country, a visa queue (waiting list or backlog) forms. To distribute the visas among all preference categories, DOS allocates the visas according to a prospective immigrant's preference category, country of chargeability, and [priority date](#). The priority date is used to determine an immigrant's place in the visa queue. When the priority date becomes available,

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or is “current,” immigrants may be able to apply for adjustment of status and obtain lawful permanent resident status, if otherwise eligible.

[Back to top](#)

## Acceptance of Adjustment of Status Applications

USCIS will accept [Form I-485, Application to Register Permanent Residence or Adjust Status](#) from family-sponsored and employment-based adjustment of status preference applicants according to the monthly Visa Bulletin that DOS publishes as a guide for issuing visas at U.S. consulates and embassies.

The monthly [DOS Visa Bulletin](#) summarizes the availability of immigrant visas according to:

1. The “Application Final Action Dates” (consistent with previous Visa Bulletins) and
2. The “Dates for Filing Applications” chart indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

When USCIS determines there are more immigrant visas available for the fiscal year than there are known applicants, you may use the Dates for Filing Applications chart to determine when to file an adjustment of status application with USCIS. Otherwise, you must use the Application Final Action Dates chart to determine when to file an adjustment of status application with USCIS.

Unless otherwise indicated on [www.uscis.gov/visabulletininfo](http://www.uscis.gov/visabulletininfo), you must use the “Application Final Action Dates” for determining when you can file a Form I-485 with USCIS.

DOS, working with the Department of Homeland Security, revises the Visa Bulletin each month to estimate immigrant visa availability for prospective adjustment of status applicants. If DOS makes any changes to either chart in the Visa Bulletin after publishing it, USCIS will review those changes and determine if any further action is necessary. Check the latest [dates for filing adjustment of status applications](#).

[Back to top](#)

## Finding Your Priority Date

If you are a prospective immigrant, you can find your priority date on [Form I-797, Notice of Action](#), for the petition filed on your behalf. The waiting time before receiving an immigrant visa or adjusting status depends on:

- The demand for and supply of immigrant visas.
- The per-country visa limitations.
- The number of visas allocated for your preference category.

## Priority Dates for Family-Sponsored Preference Cases

For family-sponsored immigrants, the priority date is the date that the [Form I-130, Petition for Alien Relative](#), or in certain instances the [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#), is properly filed with USCIS.

## Priority Dates for Employment-Based Preference Cases

For employment-based immigrants, the priority date depends on the following:

If	Then your priority date is the date:
Your preference category requires a labor certification from Department of Labor (DOL)	<p>The labor certification application is accepted for processing by DOL.</p> <ul style="list-style-type: none"> <li>• To preserve the priority date, the petitioner must file <a href="#">Form I-140, Immigrant Petition for Alien Worker</a>, with USCIS within 180 days of the DOL approval date on the labor certification or else the labor certification is no longer valid.</li> </ul>
Your preference category does not require a DOL labor certification	USCIS accepts Form I-140 for processing to classify the sponsored worker under the requested preference category.

**AILA InfoNet Doc. 15111608. (Posted 11/16/15)**

You are a fourth preference special immigrant, including religious workers	USCIS accepts <a href="#">Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant</a> , for processing.
You are a fifth preference investor	USCIS accepts <a href="#">Form I-526, Immigrant Petition by Alien Entrepreneur</a> , for processing.

[Back to top](#)

## Checking Your Place in the Visa Queue

The Visa Bulletin allows you to check your place in the immigrant visa queue. The Visa Bulletin provides the most recent date for when a visa number is available for the different categories and countries for family-sponsored, employment-based and diversity (lottery) visas.

A visa must be available before you can take one of the final steps in the process of becoming a lawful permanent resident. Because more prospective immigrants want lawful permanent residency than the limited numbers of immigrant visas allow, not everyone can immediately get an immigrant visa. How long you must wait depends on your priority date, preference category, and the country to which the visa will be charged.

If the demand for immigrant visas is more than the supply for a particular immigrant visa preference category and country of chargeability, DOS considers the category and country “oversubscribed” and must impose a cut-off date to keep the allocation of visas within the statutory limits.

A visa is available to you when your priority date is earlier than the cut-off date shown for your preference category and country of chargeability in the applicable chart in the Visa Bulletin, as described above in the Acceptance of Adjustment of Status Applications section.

For example, if the Visa Bulletin shows a date of 15DEC07 for China in the Family 1st preference category (F1), visas are currently available for immigrants who have a priority date earlier than Dec. 15, 2007. Sometimes the demand for immigrant visas is less than the supply in a particular immigrant visa preference category and country of chargeability. In this situation, the Visa Bulletin shows that category as “C,” meaning that immigrant visas are currently – or immediately – available to all qualified adjustment of status applicants and overseas immigrant visa applicants in that particular preference category and country of chargeability.

If the Visa Bulletin shows “U” in a category, this means that immigrant visas are temporarily unavailable to all applicants in that particular preference category and/or country of chargeability.

[Back to top](#)

## Visa Retrogression

Sometimes, a priority date that is current one month will not be current the next month, or the cut-off date will move backwards to an earlier date. This is called [visa retrogression](#), which occurs when more people apply for a visa in a particular category than there are visas available for that month. Visa retrogression generally occurs when the annual limit for a category or country has been exhausted or is expected to run out soon. When the new fiscal year begins on October 1, a new supply of visa numbers becomes available. Usually, but not always, the new supply returns the cut-off dates to where they were before retrogression.

[Back to top](#)

## Concurrent Filing

In certain instances, you can file your Form I-485 together, or “concurrently,” with the underlying Form I-130 or Form I-140 immigrant petition. You may concurrently file your Form I-485 only when approval of the underlying immigrant petition would make a visa immediately available to you. If you are an immediate relative, you can always concurrently file your Form I-485 application with the underlying Form I-130.

If you are seeking adjustment of status under a family-sponsored and employment-based preference category, you may concurrently file your Form I-485 with the Form I 130 or Form I-140 only if:

- Your priority date is earlier than the cut-off date listed in the “Application Final Action

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Dates” chart in the monthly Visa Bulletin for your preference category and country of chargeability;

- The Visa Bulletin chart indicates “C” instead of a specific cut-off date, meaning that your preference category and country of chargeability is current and that you may file Form I-485 regardless of the priority date; or
- When permitted by USCIS (as described above in “Acceptance of Adjustment Status Applications”), your priority date is earlier than the cut-off date listed in the “Dates for Filing Applications” chart for your preference category and country of chargeability.

[Back to top](#)

## INA 204(j) Portability Under AC21

The date USCIS receives a properly filed employment-based Form I-485 starts the 180-day clock for 204(j) portability under the American Competitiveness in the Twenty-First Century Act (AC21). If your employment-based Form I-485 has been pending for 180 days or more and you seek to change to a new job in the same or similar occupational classification, you may submit a request to “port” to the new job before the final adjudication of the Form I-485.

[Back to top](#)

## H-1B Extensions under AC21 for Individuals with Pending Employment-Based Adjustment of Status Applications

Under AC21 §104(c), you are eligible for an extension of H-1B status beyond the six-year H-1B limitation contained in INA § 214(g)(4) if you are:

- The beneficiary of an approved I-140 petition under INA § 203(b)(1), (2) or (3) and
- Eligible to be granted lawful permanent resident status but cannot currently file to adjust status because you are a citizen of a country where demand exceeds the per-country limitations applicable to immigrants.

To determine if you are eligible to be granted lawful permanent resident status but cannot currently file to adjust status because you are a citizen of a country where demand exceeds the per-country limitations applicable to immigrants, USCIS relies upon the “Application Final Action Dates” chart of the Visa Bulletin. If your priority date is on or after the cut-off date listed in the “Application Final Action Dates” chart for your preference category and country of chargeability, then you may be eligible for an H-1B extension under AC21 §104(c).

[Back to top](#)

## Medical Examinations

Generally, all applicants filing for adjustment of status to that of a lawful permanent resident must submit a Form I-693, Report of Medical Examination and Vaccination Record, completed by a designated civil surgeon. You may submit a Form I-693 in one of the following ways:

- By mail, together with your Form I-485.
- By mail, after filing your Form I-485 (for example, in response to receiving a Request for Evidence (RFE) letter from USCIS asking for Form I-693 report).
- In person, at an interview in a USCIS field office (if an interview is required).

Because a completed Form I-693 has limited validity, if you submit your Form I-693 at the same time as your Form I-485, it may no longer be valid at the time USCIS adjudicates your Form I-485. Therefore, in order to avoid having to repeat the immigration medical examination, you may choose to wait until after receiving an RFE or until an interview to provide your Form I 693.

[Back to top](#)

## Validity of EAD/Advance Parole documents (“Combo Cards”)

If you are filing your Form I-485 based on a category which has a visa currently available according to the “The Application Final Action Date” or the “Dates for Filing Applications” chart, you may request that USCIS issue your work and travel authorization on a single document. This document is commonly referred to as a “combo card.” USCIS will issue these combo cards with a one-year validity period, according to current policies and procedures.

[Back to top](#)

## Transferring a Pending Adjustment of Status Application from One Eligibility Basis to Another

USCIS may, in its discretion, honor your request to transfer your pending Form I-485 from one eligibility basis to another if you meet certain eligibility requirements. You must be the beneficiary of a pending or approved visa petition in the new category you wish to use. Also, your priority date must be current in the new category and for your country of chargeability on the date you file the transfer, not the initial date that you filed the Form I-485. Refer to the "Application Final Action Date" chart in the Visa Bulletin, unless USCIS permits the use of the "Dates for Filing Applications" chart.

[Back to top](#)

Last Reviewed/Updated: 11/05/2015



### U.S. Citizenship and Immigration Services



#### TOPICS

Adoption  
 Appeals  
 Avoid Scams  
 Citizenship  
 Citizenship Resource Center  
 Executive Actions on Immigration  
 Family  
 Green Card  
 History and Genealogy  
 Humanitarian  
 Military  
 Outreach  
 USCIS Electronic Immigration System  
 Visit the U.S.  
 Working in the U.S.

#### VERIFICATION

E-Verify  
 I-9 Central  
 myE-Verify  
 SAVE

#### POLICIES

USCIS Freedom of Information Act and Privacy Act  
 No FEAR Act  
 Website Policies  
 Accessibility  
 Privacy and Legal Disclaimers  
 Social Media Policy  
 Plug-ins  
 Adobe Reader

#### GOVERNMENT

Passports  
 Visa Bulletin  
 U.S. Department of Homeland Security  
 U.S. Customs & Border Protection  
 U.S. Immigration & Customs Enforcement  
 White House  
 U.S. Department of State  
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#### National Customer Service Center

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#### TDD for the Deaf and Hard of Hearing

1-800-767-1833