



United States Department of State

Washington, D.C. 20520

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

Dear Ms. Dalal-Dheini:

On behalf of the Department of State, I thank you for your July 31 letter regarding the April 2023 retrogression in the employment-based fourth preference (EB-4) immigrant visa category. We understand the concerns you raise about the impact of the wait on applicants in the EB-4 category.

As reflected in past Visa Bulletins, demand for EB-4 visas outstripped the world-wide supply prior to the Department's changes to the Visa Bulletin referenced in your letter. As a result, EB-4 applicants worldwide already faced a multi-year wait. The Department explained in the *Federal Register* notice referenced in your letter (88 Fed. Reg. 18252, March 28, 2023), that the April 2023 *Visa Bulletin* change was necessary to correct misapplication of the law reflected in *Visa Bulletins* beginning with the May 2016 *Visa Bulletin*. There currently is no basis under the Immigration and Nationality Act (INA) to impose final action dates specific to El Salvador, Guatemala, and Honduras, as none of those countries are expected to exceed the per-country limit under INA 202(a)(2). That fact compelled us to correct the final action dates in the Visa Bulletin. We are not aware of any authority that would have permitted a transition period, as you have suggested.

Your letter also requested the Department of Homeland Security (DHS) to take certain administrative actions to mitigate adverse circumstances faced by individuals affected by the retrogression. We defer to DHS to consider

and respond to those requests, as appropriate. Thank you again for your letter.

Sincerely,



David Newman
Deputy Assistant Legal Adviser - Visas
Office of the Assistant Legal Adviser for
Consular Affairs