



*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

Number 72 Volume X

Washington, D.C.

IMMIGRANT NUMBERS FOR DECEMBER 2022

A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during December for: "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by November 10th. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, and PHILIPPINES.

AILA Doc. No. 22111653. (Posted 11/16/22)

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	15NOV00	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	01JUN01	22OCT11
F3	22NOV08	22NOV08	22NOV08	01NOV97	08JUN02
F4	22MAR07	22MAR07	15SEP05	01AUG00	22AUG02

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08AUG16	08AUG16	08AUG16	01DEC02	22APR15
F2A	C	C	C	C	C
F2B	01JAN17	01JAN17	01JAN17	01JAN02	01OCT13
F3	08NOV09	08NOV09	08NOV09	15JUN01	08NOV03
F4	15DEC07	15DEC07	22FEB06	01APR01	22APR04

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, of which 32% are reserved as follows: 20% reserved for qualified immigrants who invest in a rural area; 10% reserved for qualified immigrants who invest in a high unemployment area; and 2% reserved for qualified immigrants who invest in infrastructure projects. The remaining 68% are unreserved and are allotted for all other qualified immigrants.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Employment- Based</u>	All Charge-ability Areas Except Those Listed					
	CHINA- mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	
1st	C	C	C	C	C	C
2nd	01NOV22	08JUN19	01NOV22	08OCT11	01NOV22	01NOV22
3rd	C	01AUG18	C	15JUN12	C	C
Other Workers	01JUN20	22JUN13	01JUN20	15JUN12	01JUN20	01JUN20
4th	22JUN22	22JUN22	15MAR18	22JUN22	15SEP20	22JUN22
Certain Religious Workers	22JUN22	22JUN22	15MAR18	22JUN22	15SEP20	22JUN22
5th Unreserved (including C5, T5, I5, R5)	C	22MAR15	C	08NOV19	C	C
5th Set Asides:						
Rural (20%)	C	C	C	C	C	C
High Unemployment (10%)	C	C	C	C	C	C
Infra- structure (2%)	C	C	C	C	C	C

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2023 this reduction will be limited to approximately 150.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State’s National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated “current,” all applicants in the relevant category may file, regardless of priority date.

The “C” listing indicates that the category is current, and that applications may be filed regardless of the applicant’s priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	01DEC22	08JUL19	01DEC22	01MAY12	01DEC22	01DEC22
3rd	C	01SEP18	C	01AUG12	C	C
Other Workers	08SEP22	01NOV15	08SEP22	01AUG12	08SEP22	08SEP22
4th	22JUL22	22JUL22	15APR18	22JUL22	15OCT20	22JUL22
Certain Religious Workers	22JUL22	22JUL22	15APR18	22JUL22	15OCT20	22JUL22
5 th Unreserved (including C5, T5, I5, and R5)	C	01JAN16	C	08DEC19	C	C

(Chart B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS continued from previous page)

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
5 th Set Aside: (Rural – 20%)	C	C	C	C	C	C
5 th Set Aside: (High Unemployment – 10%)	C	C	C	C	C	C
5 th Set Aside: (Infrastructure – 2%)	C	C	C	C	C	C

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF DECEMBER

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2023 annual limit to approximately 54,850. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For December, immigrant numbers in the DV category are available to qualified DV-2023 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	9,000	Except: Algeria	8,500
		Egypt	3,000
		Morocco	8,500
ASIA	3,300	Except: Iran	3,000
		Nepal	1,700
EUROPE	6,100	Except: Russia	6,000
		Uzbekistan	6,000
NORTH AMERICA (BAHAMAS)	5		
OCEANIA	400		
SOUTH AMERICA, and the CARIBBEAN	575		

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2023 program ends as of September 30, 2023. DV visas may not be issued to DV-2023 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2023 principals are only entitled to derivative DV status until September 30, 2023. DV visa availability through the very end of FY-2023 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JANUARY

For January, immigrant numbers in the DV category are available to qualified DV-2023 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	20,000	Except: Algeria	11,000
		Egypt	7,000
		Morocco	12,000
ASIA	9,000	Except: Iran	5,500
		Nepal	5,500
EUROPE	15,000	Except: Russia	12,000
		Uzbekistan	8,500
NORTH AMERICA (BAHAMAS)	5		
OCEANIA	650		
SOUTH AMERICA, and the CARIBBEAN	1,200		

D. EMPLOYMENT-BASED PREFERENCE ANNUAL LIMIT FOR FISCAL YEAR 2023

Preliminary consolidated number use by State and USCIS for all of FY-2022 shows there were approximately 57,000 unused family-sponsored visa numbers. As a result, the estimated employment-based annual limit will be 197,000 for FY-2023.

E. VISA AVAILABILITY IN THE EMPLOYMENT FIRST CATEGORY FOR CHINA AND INDIA

Increased demand and number use in the Employment First category, combined with decreased visa number availability for FY-2023 compared to FY-2022, will most likely necessitate the establishment of final action dates and application filing dates for China and India in the coming months to hold number use within the maximum allowed under the FY-2023 annual limits. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

F. ESTABLISHMENT OF EMPLOYMENT SECOND PREFERENCE FINAL ACTION AND APPLICATION FILING DATES

As readers were warned may happen in Item E of the November 2022 Visa Bulletin, it has become necessary to establish a worldwide Employment Second Preference final action and application filing dates effective in December to hold number use within the maximum allowed under the FY-2023 annual limit. Except for China and India, all countries are subject to a final action date of 01NOV22 and an application filing date of 01DEC22. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

G. RETROGRESSION OF INDIA EMPLOYMENT SECOND PREFERENCE FINAL ACTION AND APPLICATION FILING DATES FOR DECEMBER

Due to heavy applicant demand and significantly lower visa number availability for India E2 for FY-2023, corrective action was taken in October to keep number use within the maximum allowed under the FY-2023 annual limits. However, higher than expected levels of demand in the Employment First and Employment Second categories has materialized this year, and as a result, fewer additional numbers will be available to India in the Employment Second category than originally estimated when the October and November final action and application filing dates were established. Therefore, further corrective action has been necessary to ensure that the limited supply of visa numbers is allocated by priority date in accordance with INA 203(e). The situation will be continually monitored, and any necessary adjustments made accordingly.

H. ESTABLISHMENT OF EMPLOYMENT FOURTH CATEGORY FINAL ACTION AND APPLICATION FILING DATES FOR DECEMBER

As readers were warned may happen in Item G of the October 2022 Visa Bulletin, high demand in the Employment Fourth category has necessitated the establishment of a worldwide final action date and application filing date for December to hold number use within the maximum allowed under the FY-2023 annual limit. Except for El Salvador, Guatemala, Honduras, and Mexico, all countries are subject to a final action date of 22JUN22 and an application filing date of 22JUL22. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

I. VISA AVAILABILITY IN THE EMPLOYMENT FOURTH CATEGORY FOR EL SALVADOR, GUATEMALA, AND HONDURAS

Higher than expected demand in the Employment Fourth category for El Salvador, Guatemala, and Honduras may necessitate corrective action to hold number use within the maximum allowed under the Fiscal Year 2023 annual limit. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

J. SCHEDULED EXPIRATION OF EMPLOYMENT FOURTH PREFERENCE CERTAIN RELIGIOUS WORKERS (SR) CATEGORY

H.R. 6833, enacted on September 30, 2022, extended the Employment Fourth Preference Certain Religious Workers (SR) category until December 16, 2022. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight December 15, 2022. Visas issued prior to that date will be valid only until December 15, 2022, and all individuals seeking admission in the non-minister special immigrant category must be admitted (repeat admitted) into the United States no later than midnight December 15, 2022.

The SR category is subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.

If there is legislative action extending this category, the December dates would be applied for the entire month. If there is no legislative action extending this category, the category will become "Unavailable" effective December 16, 2022.

K. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES DURING THE COVID-19 PANDEMIC, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

Department of State Publication 9514
CA/VO: November 10, 2022