



United States Department of State  
Bureau of Consular Affairs

# VISA BULLETIN

Number 59 Volume X

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IMMIGRANT NUMBERS FOR NOVEMBER 2021

## A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during November 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](http://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 October 8<sup>th</sup>. 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.

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	15JAN99	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	15MAR00	22OCT11
F3	22NOV08	22NOV08	22NOV08	15MAY97	08JUN02
F4	22MAR07	22MAR07	15SEP05	08FEB99	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](http://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.

<b>Family-Sponsored</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
F1	15MAY16	15MAY16	15MAY16	01AUG00	22APR15
F2A	01JUN21	01JUN21	01JUN21	01JUN21	01JUN21
F2B	22SEP16	22SEP16	22SEP16	01OCT00	01OCT13
F3	22AUG09	22AUG09	22AUG09	08SEP00	01OCT03
F4	01OCT07	01OCT07	01JAN06	01JUN99	01FEB04

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, not less than 3,000 of which are reserved for investors in a targeted rural or high-unemployment area, and 3,000 are set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

**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-	EL SALVADOR	INDIA	MEXICO	PHILIPPINES
		mainland born	GUATEMALA HONDURAS			
1st	C	C	C	C	C	C
2nd	C	15NOV18	C	01DEC11	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	C	01MAR10	C	15JAN12	C	C
4th	C	C	15MAR19	C	01APR20	C
Certain Religious Workers	C	C	15MAR19	C	01APR20	C
5th Non-Regional Center (C5 and T5)	C	22NOV15	C	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U	U

\*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 2022 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](http://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.

<b>Employment-Based</b>	<b>All Charge-ability Areas Except Those Listed</b>	<b>CHINA - mainland born</b>	<b>EL SALVADOR GUATEMALA HONDURAS</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
1st	C	C	C	C	C	C
2nd	C	01FEB19	C	08JAN13	C	C
3rd	C	01APR18	C	22JAN12	C	C
Other Workers	C	01MAY10	C	22JAN12	C	C
4th	C	C	15MAY19	C	C	C
Certain Religious Workers	C	C	15MAY19	C	C	C
5 <sup>th</sup> Non-Regional Center (C5 and T5)	C	15DEC15	C	C	C	C
5 <sup>th</sup> Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

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

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-2022 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 November, immigrant numbers in the DV category are available to qualified DV-2022 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	5,300	Except:	Egypt	3,000
ASIA	2,700	Except:	Iran	1,450
			Nepal	1,700
EUROPE	5,300			
NORTH AMERICA (BAHAMAS)	4			
OCEANIA	375			
SOUTH AMERICA, and the CARIBBEAN	500			

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-2022 program ends as of September 30, 2022. DV visas may not be issued to DV-2022 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2022 principals are only entitled to derivative DV status until September 30, 2022. DV visa availability through the very end of FY-2022 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 DECEMBER

For December, immigrant numbers in the DV category are available to qualified DV-2022 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	7,000	Except:	Egypt	4,700
ASIA	4,000	Except:	Iran	2,150
			Nepal	2,200
EUROPE	7,300			
NORTH AMERICA (BAHAMAS)	5			
OCEANIA	450			
SOUTH AMERICA, and the CARIBBEAN	625			

D. EXPIRATION OF THE EMPLOYMENT-BASED FIFTH PREFERENCE I5 AND R5 REGIONAL CENTER VISA CATEGORIES

Division O, Title 1, Section 104 of the Consolidated Appropriations Act, 2021 extended the immigrant investor pilot program until June 30, 2021. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases after June 30, 2021.

The final action dates for the I5 and R5 categories have been listed as "Unavailable" for November.

If there is legislative action extending this category for November, the final action dates would immediately become "Current" for November for all countries except China-mainland born I5 and R5, which would be subject to a November 22, 2015 final action date.

E. CHINA-MAINLAND BORN AND INDIA EMPLOYMENT THIRD PREFERENCE FINAL ACTION DATES RETROGRESS FOR NOVEMBER

It has been necessary to retrogress both the China-mainland born and India Employment Third preference final action dates. This is a direct result of extraordinarily heavy applicant demand for numbers, primarily by Citizenship and Immigration Services offices for adjustment of status cases.

F. EXPLANATION OF THE NUMERICAL CONTROL SYSTEM, ANNUAL AND PER-COUNTRY LIMITS

***WHAT CAUSES THE ESTABLISHMENT OF FINAL ACTION DATES?***

The Visa Office (VO) subdivides the annual preference and foreign state limitations specified in the Immigration and Nationality Act (INA) into twelve monthly allotments. The totals of documentarily complete applicants that have been reported to VO are compared each month with the numbers available for the next regular allotment and numbers are allocated to reported applicants in order of their priority dates (the oldest dates first).

- If there are enough visa numbers available in a particular category to satisfy all reported documentarily complete demand, the category is considered "Current." For example, if the Employment First preference monthly target is 5,000 and there are only 3,000 applicants, the category is considered "Current."

- Whenever the total number of documentarily complete applicants in a category exceeds the supply of numbers available for allotment for the upcoming month, the category is considered "oversubscribed", and a visa availability final action date is established. The final action date is the priority date of the first documentarily complete applicant who could not be accommodated for the use of a visa number. For example, if the Employment First preference monthly target is 5,000 and there are 8,000 applicants, a final action date would be established so that only 5,000 numbers would be used, and the final action date would be the priority date of the 5,001<sup>st</sup> applicant.



Applicants entitled to immigrant status become documentarily complete at their own initiative and convenience and upon the completion of various processing requirements. Therefore, it is extremely important to remember that by no means has every applicant with a priority date earlier than a prevailing final action date been processed for final visa action. On the contrary, visa allotments are made only based on the total applicants reported documentarily complete each month and in consideration of other variables. Demand for visa numbers can fluctuate from one month to another with an inevitable impact on final action dates, an important fact to remember as processing continues to return to normal pre-COVID levels.

**Annual Family-sponsored and Employment-based limit:** Section 201 of the INA sets an annual minimum Family-sponsored preference limit of 226,000, while the worldwide annual level for Employment-based preference immigrants is at least 140,000. Unused numbers from the previous year's annual limits are considered in the calculation of these annual limits.

**Per-country limit:** The annual per-country limitation of 7% is a cap, which visa issuances to any single country may not exceed. Applicants compete for visas primarily on a worldwide basis. The per-country limitation serves to avoid monopolization of virtually all the annual limitation by applicants from only a few countries. This limitation is not a quota to which any particular country is entitled, however.

**Applicability of Section 202(a)(5):** INA Section 202(a)(5), added by the American Competitiveness Act in the 21<sup>st</sup> Century, removed the per-country limit on Employment-based immigrants in any calendar quarter in which applicant demand for numbers in one or more Employment-based preferences is less than the total of such numbers available. In recent years, the application of Section 202(a)(5) has allowed countries such as China - mainland born and India to utilize large amounts of Employment-based preference numbers, which otherwise would have gone unused. Such numbers are provided strictly in priority date order without regard to the foreign state chargeability, and the same final action date applies to any country benefiting from this provision.

**Applicability of Section 202(e):** When visa demand by documentarily complete applicants from a particular country exceeds the amount of numbers available under the annual numerical limitation, that country is considered to be oversubscribed. Oversubscription may require the establishment of an earlier final action date than that which applies to a particular visa category on a worldwide basis. The prorating of numbers for an oversubscribed country follows the same percentages specified for the division of the worldwide annual limitation among the preferences. (Note that visa availability final action dates for oversubscribed areas may not be later than worldwide final action dates, if any, for the respective preferences.)

G. @TRAVELGOV HOSTING MONTHLY YOUTUBE LIVE "CHATS WITH CHARLIE"

@TravelGov will be hosting "Chats with Charlie" on our YouTube channel (<https://www.youtube.com/user/TravelGov>) to discuss information provided in the monthly Visa Bulletin with our expert Charlie Oppenheim. This month's chat is scheduled to take place on October 26, 2021 at 1:00 p.m. EST to discuss the November Visa Bulletin. Questions can be emailed to [VisaBulletin@state.gov](mailto:VisaBulletin@state.gov) ahead of the event with "**Chat with Charlie Question**" in the subject line. Questions will also be taken via the YouTube Live Chat and will be answered in real-time. The event is intended to address issues of general interest related to the content of the Visa Bulletin, and no policy, case or post specific questions will be accepted. This will be Charlie's last chat before his retirement, but @TravelGov will continue to host chats on consular related issues.

H. 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

CA/VO: October 8, 2021