



*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

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IMMIGRANT NUMBERS FOR DECEMBER 2021

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 8th. 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 | 08MAY99 | 01MAR12 |
| F2A | C | C | C | C | C |
| F2B | 22SEP15 | 22SEP15 | 22SEP15 | 01JUL00 | 22OCT11 |
| F3 | 22NOV08 | 22NOV08 | 22NOV08 | 15JUL97 | 08JUN02 |
| F4 | 22MAR07 | 22MAR07 | 15SEP05 | 15MAR99 | 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 | 15MAY16 | 15MAY16 | 15MAY16 | 01DEC00 | 22APR15 |
| F2A | 01SEP21 | 01SEP21 | 01SEP21 | 01SEP21 | 01SEP21 |
| F2B | 22SEP16 | 22SEP16 | 22SEP16 | 01JAN01 | 01OCT13 |
| F3 | 22AUG09 | 22AUG09 | 22AUG09 | 08SEP00 | 01OCT03 |
| F4 | 01OCT07 | 01OCT07 | 01JAN06 | 01AUG99 | 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 | | MEXICO | PHILIPPINES |
|--|--|------------------|-------------|----------|---------|-------------|
| | | mainland born | GUATEMALA | HONDURAS | | |
| 1st | C | C | C | C | C | C |
| 2nd | C | 01JAN19 | C | 01MAY12 | C | C |
| 3rd | C | 22MAR18 | C | 15JAN12 | C | C |
| Other Workers | C | 01MAR12 | 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 | C | 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 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 | C | 01APR19 | C | 08JUL13 | C | C |
| 3rd | C | 01APR18 | C | 22JAN12 | C | C |
| Other Workers | C | 01MAY15 | C | 22JAN12 | C | C |
| 4th | C | C | 15MAY19 | C | C | C |
| Certain Religious Workers | C | C | 15MAY19 | C | C | C |
| 5 th Non-Regional Center (C5 and T5) | C | C | C | C | C | C |
| 5 th Regional Center (I5 and R5) | C | 15DEC15 | 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-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 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 | | | |

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 JANUARY

For January, 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 | 13,500 | Except: | Egypt | 8,000 |
| ASIA | 6,000 | Except: | Iran | 4,000 |
| | | | Nepal | 3,200 |
| EUROPE | 10,000 | | | |
| NORTH AMERICA (BAHAMAS) | 6 | | | |
| OCEANIA | 650 | | | |
| SOUTH AMERICA, and the CARIBBEAN | 900 | | | |

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 December.

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

E. SCHEDULED EXPIRATION OF EMPLOYMENT FOURTH PREFERENCE CERTAIN RELIGIOUS WORKER (SR) CATEGORY

Employment Fourth Preference Certain Religious Workers (SR):

Pursuant to H.R.5305 - Extending Government Funding and Delivering Emergency Assistance Act, the non-minister special immigrant program expires on December 3, 2021. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight December 2, 2021. Visas issued prior to this date will only be issued with a validity date of December 2, 2021 and all individuals seeking admission as a non-minister special immigrant must be admitted (repeat, admitted) into the U.S. no later than midnight December 2, 2021.

The final action date for this category has been listed as "Current" for December for all countries except El Salvador, Guatemala, Honduras, and Mexico, which are subject to specific final action dates for December. If there is no legislative action extending this category for FY-2022, the final action date would immediately become "Unavailable" for December for all countries effective December 3, 2021.

F. CHINA-MAINLAND BORN EMPLOYMENT-BASED FIFTH PREFERENCE C5 AND T5 NON-REGIONAL CENTER VISA CATEGORIES BECOME "CURRENT" FOR DECEMBER

These categories have become "Current" for December; however if China-mainland born number use were to materialize at a level which could potentially jeopardize visa availability under the overall FY 2022 Employment-based Fifth preference annual limit it would then be necessary to once again impose a final action date.

G. 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