

## Department of State Releases November 2014 Visa Bulletin

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**The bulletin shows slight forward movement in all employment-based preference categories, with the exception of the EB-2 India category, which will remain unchanged.**

The U.S. Department of State (DOS) has released its November 2014 Visa Bulletin. The Visa Bulletin sets out per-country priority date cutoffs that regulate the flow of adjustment of status (AOS) and consular immigrant visa applications. Foreign nationals may file applications to adjust their statuses to that of permanent residents or to obtain approval of immigrant visas at a U.S. embassy or consulate abroad, provided that their priority dates are prior to the respective cutoff dates specified by the DOS.

### **What Does the November 2014 Visa Bulletin Say?**

The November Visa Bulletin shows retrogression of more than four years in the cutoff date for the EB-2 India category.

The cutoff date for F2A applicants from all countries will advance slightly in October.

EB-1: All EB-1 categories will remain current.

EB-2: The cutoff date for applicants in the EB-2 category chargeable to India will retrogress by more than four years to February 15, 2005. The cutoff date for applicants in the EB-2 category chargeable to China will advance by 23 days to December 8, 2009. The EB-2 category for all other countries will remain current.

EB-3: The cutoff date for applicants in the EB-3 category chargeable to India will advance by seven days to November 22, 2003. The cutoff date for applicants in the EB-3 category chargeable to China will advance by nine months to January 1, 2010, once again moving ahead of the cutoff date for EB-2 China. The cutoff date for applicants in the EB-3 category chargeable to the Philippines, Mexico, and the worldwide category will advance by eight months to June 1, 2012.

The relevant priority date cutoffs for foreign nationals in the EB-3 category are as follows:

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China: January 1, 2010 (forward movement of 275 days)  
India: November 22, 2003 (forward movement of 7 days)  
Mexico: June 1, 2012 (forward movement of 244 days)  
Philippines: June 1, 2012 (forward movement of 244 days)  
Rest of the World: June 1, 2012 (forward movement of 244 days)

## **Developments Affecting the EB-2 Employment-Based Category**

### **Mexico, the Philippines, and the Rest of the World**

The EB-2 category for applicants chargeable to all countries other than China and India has been current since November 2012. The November Visa Bulletin indicates no change to this trend. This means that applicants in the EB-2 category chargeable to all countries other than China and India may continue to file AOS applications or have applications approved through November 2014.

### **China**

The October Visa Bulletin indicated a cutoff date of November 15, 2009 for EB-2 applicants chargeable to China. The November Visa Bulletin indicates a cutoff date of December 8, 2009, reflecting forward movement of 23 days. This means that applicants in the EB-2 category chargeable to China with a priority date prior to December 8, 2009 may file AOS applications or have applications approved in November 2014.

### **India**

Throughout September and October, the cutoff date for EB-2 applicants chargeable to India was May 1, 2009. The November Visa Bulletin indicates a cutoff date of February 15, 2005, reflecting a retrogression of more than four years. This means that only applicants in the EB-2 category chargeable to India with a priority date prior to February 15, 2005 may file AOS applications or have applications approved in November 2014.

The cutoff date in the EB-2 India category had advanced rapidly in recent months through the use of “otherwise unused” employment-based visa numbers prescribed by section 202(a)(5) of the Immigration and Nationality Act. The DOS’s Visa Office had warned that continued forward movement of this cutoff date could not be guaranteed and that increased demand in this category would require the retrogression of the cutoff date in order to hold number use within the fiscal year 2015 annual limit.

## **Developments Affecting the EB-3 Employment-Based Category**

### **China**

The October Visa Bulletin indicated a cutoff date of April 1, 2009 for EB-3 applicants chargeable to China. The November Visa Bulletin indicates a cutoff date of January 1, 2010, reflecting forward movement of 275 days. This means that applicants in the EB-3 category chargeable to China with a priority date prior to January 1, 2010 may file AOS applications or have applications approved in November 2014.

### **India**

The October Visa Bulletin indicated a cutoff date of November 15, 2003 for EB-3 applicants chargeable to India. The November Visa Bulletin indicates a cutoff date of November 22, 2003,

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reflecting forward movement of seven days. This means that EB-3 applicants chargeable to India with a priority date prior to November 22, 2003 may file AOS applications or have applications approved in November 2014.

#### **Rest of the World**

The October Visa Bulletin indicated a cutoff date of October 1, 2011 for EB-3 applicants chargeable to the worldwide category. The November Visa Bulletin indicates a cutoff date of June 1, 2012, reflecting forward movement of 244 days. This means that applicants in the EB-3 category chargeable to the worldwide category with a priority date prior to June 1, 2012 may file AOS applications or have applications approved in November 2014.

#### **Developments Affecting the F2A Family-Sponsored Category**

The October Visa Bulletin indicated a cutoff date of July 22, 2012 for F2A applicants from Mexico. The November Visa Bulletin indicates a cutoff date of September 22, 2012, reflecting forward movement of 62 days. This means that applicants from Mexico with a priority date prior to September 22, 2012 will be able to file AOS applications or have applications approved in November 2014.

The October Visa Bulletin indicated a cutoff date of February 1, 2013 for F2A applicants from all other countries. The November Visa Bulletin indicates a cutoff date of March 1, 2013, reflecting forward movement of 28 days. This means that F2A applicants from all other countries with a priority date prior to March 1, 2013 will be able to file AOS applications or have applications approved in November 2014.

#### **Developments in the Coming Months**

The DOS Visa Office predicts the following movement in the next three months:

##### **F2A Family-Sponsored Category**

- The cutoff date in the F2A category will likely advance by three to five weeks per month.

##### **Employment-Based Second Preference Category**

- The worldwide category will likely remain current.
- The cutoff date in the EB-2 China category will likely advance by three to five weeks per month.
- The cutoff date in the EB-2 India category will likely remain unchanged.

##### **Employment-Based Third Preference Category**

- The cutoff date in the EB-3 worldwide category will continue to advance rapidly for the next several months. Demand is expected to increase significantly, at which point, the cutoff dates will be adjusted accordingly.

- The cutoff date in the EB-3 China category is expected to advance rapidly in the next few months. Demand is expected to increase and may result in adjustments to the cutoff date by February 2015.
- The cutoff date in the EB-3 India category will advance little, if at all.
- The cutoff date in the EB-3 Mexico category will remain at the worldwide date.
- The cutoff date in the EB-3 Philippines category will remain at the worldwide date. Increased demand in this category may result in adjustments to the cutoff date later in the fiscal year.

### **How This Affects You**

Priority date cutoffs are assessed on a monthly basis by the DOS, based on anticipated demand. Cutoff dates can move forward or backward or remain static. Employers and employees should take the immigrant visa backlogs into account in their long-term planning and take measures to mitigate their effects. To see the November 2014 Visa Bulletin in its entirety, please visit the [DOS website](#).

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