

USCIS Visa Bulletin Coming January 2016



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On December 14, 2015, **USCIS** released an updated **Visa Bulletin** chart listing the dates to file adjustment of status applications starting in January, 2016. Applicants can use the charts issued by USCIS as a guide to determine whether visas in particular categories are available for them and whether they are eligible to file I-485 adjustment of status applications.

As we previously [reported](#), earlier in September 2015, USCIS and DOS revised the procedures for determining visa availability for individuals looking to file adjustment of status applications. The Visa Bulletin now has two categories of cut-off dates:

- Application Final Action Dates (dates when visas may finally be issued); and
- Dates for Filing Applications (earliest dates when applicants are eligible to apply).

The two categories listed in the Visa Bulletin are Family-sponsored immigrant visas and Employment-based immigrant visas. The Visa Bulletin charts jointly released from USCIS and Department of States are listed below^[1]:

January 2016

DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15MAY08	15MAY08	15MAY08	22DEC94	01JUN03
F2A	01AUG14	01AUG14	01AUG14	01JUN14	01AUG14
F2B	01APR09	01APR09	01APR09	08SEP95	01JAN05
F3	01AUG04	01AUG04	01AUG04	01AUG94	01NOV93
F4	22APR03	22APR03	22APR03	01APR97	22JUL92

As indicated in the chart for Family-Sponsored visa categories, applicants may use the Dates for Filing Visa applications chart for January 2016.

Recent Procedural Changes by USCIS

On October 14, 2015, USCIS again changed its instruction for the adjustment of status process[2]. Under the new guideline, applicants will only be permitted to use the Dates for Filing chart if USCIS first determines there are more immigrant visas available for a fiscal year than available applicants. This decision is made each month by USCIS, and applicants must use the Application Final Action Dates chart unless USCIS states otherwise. The Visa Bulletin in January 2016 reflects this newly implemented instruction, and applicants must use the Application Final Action Dates. The chart below lists the dates for Employment-Based preference visas:

APPLICATION FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	01FEB12	01FEB08	C	C
3rd	01OCT15	01JUL12	15MAY04	01OCT15	01NOV07
Other Workers	01OCT15	01DEC06	15MAY04	01OCT15	01NOV07
4th	C	C	C	C	C
Certain Religious Workers	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	08JAN14	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U

[1] See Dept of State, Visa Bulletin For January 2016, Number 88, Vol. IX, *available at* <http://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-january-2016.html>; see also USCIS, When to File Your Adjustment of Status Application for Family-Sponsored and Employment-Based Preference Visas: January 2016, *available at*: <http://www.uscis.gov/visabulletin-jan-16>.

[2] USCIS, Updated Instruction for Using the DOS Visa Bulletin, *available at* <http://www.uscis.gov/news/updated-instruction-using-dos-visa-bulletin>.

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