

Visa Retrogression

Congress sets limits on the number of immigrant visas that can be issued each year. In order to adjust status to that of legal permanent resident, an immigrant visa must be available to the applicant both at the time of filing and at the time of adjudication. The Department of State publishes a monthly Visa Bulletin which lists the cut-off dates that govern visa availability. Therefore, the monthly Visa Bulletin determines which applicants are eligible to file for adjustment of status, as well as which applicants are eligible for a grant of permanent resident status. Applicants who have a priority date earlier than the cut-off date published in the most current Visa Bulletin are eligible to apply for permanent residence.

Definitions

Priority Date

Generally, the priority date is the date when the immigrant petition is properly filed with USCIS. In some instances, the priority date is when the labor certification application was accepted for processing by the Department of Labor.

Visa Retrogression

Usually the cut-off dates on the Visa Bulletin move forward in time, but not always. Demand for visa numbers by applicants with a variety of priority dates can fluctuate from one month to another, with an inevitable impact on cut-off dates. Such fluctuations can cause cut-off date movement to slow, stop, or even retrogress. Visa retrogression occurs when more people apply for a visa in a particular category or country than there are visas available for that month. Retrogression typically occurs toward the end of the fiscal year as visa issuance approaches the annual category, or per-country limitations. Sometimes a priority date that meets the cut-off date one month will not meet the cut-off date the next month. When the new fiscal year begins on October 1, a new supply of visas is made available and usually, but not always, returns the dates to where they were before retrogression.

Visa Bulletin

The cut-off dates on the Department of State Visa Bulletin are adjusted monthly and are posted on its website at <http://travel.state.gov>. This adjustment is determined by the Department of State after consideration of a number of variables such as:

- Number of visas used to that point
- Projected demand for visas
- Number of visas remaining under the annual numerical limit for that country and/or preference category

How USCIS Processes Retrogressed Visas Cases

If, at the time of adjudication, an applicant's priority date no longer meets the cut-off date published in the Visa Bulletin, due to retrogression, his or her case must be held in abeyance until a visa once again becomes available. If the adjudication of your Form I-485 will not require an in-person interview at a USCIS office, then your case will be held at the USCIS Service Center where you initially filed your application.

If you have been interviewed at a USCIS office and a visa is not available, then USCIS may hold your case at the following locations until a visa becomes available.

- Employment-based visa-retrogressed cases are held at the Texas Service Center (TSC) upon completion of any required interview and other processing steps.
- Family-sponsored visa retrogressed cases are held at the National Benefits Center (NBC) upon completion of the interview and other processing steps.

USCIS will finalize processing of visa-retrogressed cases when applicants' priority dates become available (current) based on the dates in the current month's Visa Bulletin. If USCIS needs updated information from an applicant, we may send out correspondence such as requests for evidence or an interview notice. Therefore, it is very important that applicants keep their addresses current with USCIS.

Employment and Travel

Individuals who properly filed a [Form I-485](#), Application to Register Permanent Residence or Adjust Status, with USCIS before their visa availability retrogressed can generally apply for:

- Employment authorization with [Form I-765, Application for Employment Authorization](#)
- Permission to travel outside the United States with [Form I-131, Application for Travel Document](#)

Follow the appropriate form instructions for filing location and fees.

Updating Your Information

USCIS will send all correspondence to your last known address on record. You should update your address as soon as possible so as to avoid missing important correspondence and deadlines. You must report a change in your address by following instructions for [Change of Address Information](#).

If you intend to apply for an immigrant visa at a U.S. Consulate or U.S. Embassy overseas, you must also update your address with the [Department of State's National Visa Center \(NVC\)](#). It is very important that you change the address for each family member and for each form filed.

You may also contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 for further information.

For Additional Information

You may also visit the current [Visa Bulletin](#) maintained by the Department of State which informs the public of the current month's visa cut-off dates and allows you to monitor when your visa category will become available. The Department of State also provides a recorded message with visa cut-off dates by dialing 202-663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

For Information About Your Case

If you haven't heard from USCIS within 30 days of your visa availability or you would like to obtain information about your case, please contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283.

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