



*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

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IMMIGRANT NUMBERS FOR AUGUST 2023

A. STATUTORY NUMBERS FOR PREFERENCE IMMIGRANT VISAS

This bulletin summarizes the availability of immigrant numbers during August 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 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 July 7th. 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, 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	01JAN15	01JAN15	01JAN15	22APR01	01MAR12
F2A	08OCT17	08OCT17	08OCT17	01SEP16	08OCT17
F2B	22SEP15	22SEP15	22SEP15	01AUG01	22OCT11
F3	08JAN09	08JAN09	08JAN09	15JAN98	08JUN02
F4	22APR07	22APR07	15SEP05	01AUG00	22AUG02

For August, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 01SEP16. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO, with priority dates beginning 01SEP16 and earlier than 08OCT17. All F2A numbers provided for MEXICO are exempt from the per-country limit.

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	01SEP17	01SEP17	01SEP17	01APR05	22APR15
F2A	C	C	C	C	C
F2B	01JAN17	01JAN17	01JAN17	01AUG04	01OCT13
F3	01MAR10	01MAR10	01MAR10	15JUN01	08NOV03
F4	01MAR08	01MAR08	22FEB06	15APR01	22APR04

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, of which 32% are reserved as follows: 20% reserved for qualified immigrants who invest in a rural area; 10% reserved for qualified immigrants who invest in a high unemployment area; and 2% reserved for qualified immigrants who invest in infrastructure projects. The remaining 68% are unreserved and are allotted for all other qualified immigrants.

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.)

	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
<u>Employment- Based</u>					
1st	01AUG23	01FEB22	01JAN12	01AUG23	01AUG23
2nd	01APR22	08JUL19	01JAN11	01APR22	01APR22
3rd	01MAY20	01JUN19	01JAN09	01MAY20	01MAY20
Other Workers	01MAY20	01SEP15	01JAN09	01MAY20	01MAY20
4th	01SEP18	01SEP18	01SEP18	01SEP18	01SEP18
Certain Religious Workers	01SEP18	01SEP18	01SEP18	01SEP18	01SEP18
5th Unreserved (including C5, T5, I5, R5)	C	08SEP15	01APR17	C	C
5th Set Asides:					
Rural (20%)	C	C	C	C	C
High Unemployment (10%)	C	C	C	C	C
Infra- structure (2%)	C	C	C	C	C

*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 2023 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	INDIA	MEXICO	PHILIPPINES
1st	C	01JUN22	01JUN22	C	C
2nd	01DEC22	08OCT19	01MAY12	01DEC22	01DEC22
3rd	01MAY23	01SEP19	01AUG12	01MAY23	01MAY23
Other Workers	01JUN20	01JAN16	01AUG12	01JUN20	01JUN20
4th	01OCT18	01OCT18	01OCT18	01OCT18	01OCT18
Certain Religious Workers	01OCT18	01OCT18	01OCT18	01OCT18	01OCT18
5 th Unreserved (including C5, T5, I5, and R5)	C	01JAN16	08DEC19	C	C

(Chart B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS continued from previous page)

Employment- Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
5 th Set Aside: (Rural – 20%)	C	C	C	C	C
5 th Set Aside: (High Unemployment – 10%)	C	C	C	C	C
5 th Set Aside: (Infrastructure – 2%)	C	C	C	C	C

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

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-2023 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 August, immigrant numbers in the DV category are available to qualified DV-2023 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	63,500	Except: Algeria	45,000
		Egypt	43,200
		Morocco	63,400
ASIA	21,000	Except: Iran	14,000
		Nepal	20,500
EUROPE	32,000	Except: Russia	32,000
		Uzbekistan	15,000
NORTH AMERICA (BAHAMAS)	Current		
OCEANIA	1,650		
SOUTH AMERICA, and the CARIBBEAN	2,900		

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-2023 program ends as of September 30, 2023. DV visas may not be issued to DV-2023 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2023 principals are only entitled to derivative DV status until September 30, 2023. DV visa availability through the very end of FY-2023 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN SEPTEMBER

For September, immigrant numbers in the DV category are available to qualified DV-2023 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	Current	Except: Algeria	45,000
		Egypt	43,200
		Morocco	63,400
ASIA	21,000	Except: Iran	16,000
		Nepal	21,000
EUROPE	32,000	Except: Russia	32,000
		Uzbekistan	17,000
NORTH AMERICA (BAHAMAS)	Current		
OCEANIA	2,500		
SOUTH AMERICA, and the CARIBBEAN	3,150		

D. FAMILY-SPONSORED SECOND PREFERENCE AVAILABILITY

In the April 2023 *Visa Bulletin*, it was necessary to establish a final action date in the F2A category and Item D of the July 2023 *Visa Bulletin* warned of the strong possibility of retrogression as early as August. Number use has remained steady, and it has become necessary to retrogress the final action date to keep number use within the FY-2023 annual limit. F2A numbers exempt from per-country limits are available to applicants from all countries with priority dates earlier than 01SEP16. F2A numbers subject to per-country limits are available to applicants chargeable to all countries except Mexico, with priority dates beginning 01SEP16 and earlier than 08OCT17. All F2A numbers provided for Mexico are exempt from the per-country limit.

Additionally, number use in the F2B category has been steady throughout the fiscal year, and it may become necessary to retrogress the final action dates for Rest of World countries, India, and China in September to keep number use within the FY-2023 annual limit.

These situations will be continually monitored, and any necessary adjustments will be made accordingly.

E. ESTABLISHMENT OF WORLDWIDE EMPLOYMENT-BASED FIRST PREFERENCE (EB-1) FINAL ACTION DATE

Due to steady number use and high demand, it has become necessary to establish an EB-1 final action date for Rest of World countries, Mexico, and Philippines effective in August to hold number use within the maximum allowed under the FY-2023 annual limit. Rest of World countries, Mexico, and Philippines are subject to a final action date of 01AUG23. This situation will be continually monitored, and any necessary adjustments will be made accordingly. It is likely that in October the category will return to "Current" for these countries.

F. RETROGRESSION IN THE EMPLOYMENT-BASED FIRST PREFERENCE (EB-1) FOR INDIA

As readers were informed was possible in the May 2023 *Visa Bulletin*, it has become necessary to retrogress the EB-1 final action date for India, effective in August. India is oversubscribed, and therefore subject to prorating under INA 202(e). Until now, applicants chargeable to India had been able to receive prior unused numbers within EB-1 under INA 202(a)(5). With a worldwide final action date being set for EB-1 because the demand is greater than the number of visas remaining, the Department can no longer issue EB-1 visas without regard to the per-country numerical limitations and so applicants from India are no longer able to receive EB-1 numbers under INA 202(a)(5). Having reached their limit for FY-2023 within EB-1, India will be subject to an EB-1 final action date of 01JAN12, the oldest priority date of an EB-1 applicant (many Indian EB-1 applicants have priority dates from 2012-2015 because of priority date retention based on previously-approved petitions in the EB-2 or EB-3 categories). It is likely that in October the final action date will advance to at least the final action date announced in the July *Visa Bulletin*; however, the date is dependent on the demand for EB-1 visas by Indian applicants and the FY-2024 annual limit on employment-based preference visas.

G. RETROGRESSION IN THE EMPLOYMENT-BASED THIRD PREFERENCE (EB-3) FOR REST OF WORLD COUNTRIES, MEXICO, AND PHILIPPINES

In the May 2023 *Visa Bulletin*, the EB-3 final action dates for Rest of World, Mexico, and the Philippines were established to keep number use within the FY 2023 annual limit. This was in part due to higher than expected demand from applicants with priority dates earlier than the established final action dates. The Department and USCIS continue to see increased demand from these applicants, necessitating

retrogression. As a result, the Rest of World, Mexico, and Philippines EB-3 final action dates have retrogressed to 01MAY20. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

H. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

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