

# Morgan Lewis

## LAWFLASH

# DEPARTMENT OF STATE RELEASES MAY 2016 VISA BULLETIN

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## AUTHORS AND CONTACTS

Eleanor Pelta, Eric S. Bord, A. James Vázquez-Azpiri, Lisa Stephanian Burton, Tracy Evlogidis

A new geographic sector that includes El Salvador, Guatemala, and Honduras has been added.

The US Department of State (DOS) has released its May 2016 Visa Bulletin. The Visa Bulletin sets out per-country priority date cutoffs that regulate immigrant visa availability and the flow of adjustment of status and consular immigrant visa application filings and approvals. A new geographic sector encompassing El Salvador, Guatemala, and Honduras has been added to the employment-based (EB) charts.

## WHAT DOES THE MAY 2016 VISA BULLETIN SAY?

The May 2016 Visa Bulletin includes both a **Dates for Filing Visa Applications** and **Application Final Action Dates** chart. The former indicates when intending immigrants may file their applications for adjustment of status or immigrant visa, and the latter indicates when an adjustment of status application or immigrant visa application may be approved and permanent residence granted.

If the US Citizenship and Immigration Services (USCIS) determines that there are more immigrant visas available for a fiscal year than there are known applicants for such visas, it will state on its website that applicants may use the **Dates for Filing Visa Applications** chart. Otherwise, applicants should use the **Application Final Action Dates** chart to determine when they may file their adjustment of status applications. For May 2016, USCIS announced that **EB applicants must use the Application Final Action Dates chart.**

## APPLICATION FINAL ACTION DATES

To be eligible to file an EB adjustment application in May 2016, foreign nationals must have a priority date that is earlier than the date listed below for their preference category and country (changes from last month's Visa Bulletin dates are shown in yellow):

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EB	All Charge-ability Areas Except Those Listed	China (mainland born)	El Salvador, Guatemala, and Honduras	India	Mexico	Philippines
1st	C	C	C	C	C	C
2nd	C	01SEP12	C	22NOV08 (was 08NOV08)	C	C
3rd	15FEB16	15AUG13	15FEB16	01SEP04 (was 08AUG04)	15FEB16	08AUG08 (was 01May08)
Other Workers	15FEB16	22APR07 (was 01MAR07)	15FEB16	01SEP04 (was 08AUG04)	15FEB16	08AUG08 (was 01May08)
4th	C	C	01JAN10	C	C	C
Certain Religious Workers	C	C	01JAN10	C	C	C
5th Nonregional Center (C5 and T5)	C	08FEB14 (was 01FEB14)	C	C	C	C

5th Regional Center (I5 and R5)	C	08FEB14 (was 01FEB14)	C	C	C	C
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## HOW THIS AFFECTS YOU

Most countries saw a relatively minor advancement in priority cutoff dates, generally three weeks at most. The largest changes in the Application Final Action Dates chart are in the EB-3 and Other Workers Philippines category, which advanced by three and a half months to August 8, 2008.

The Third Preference final action date for EB-3 China has been “held” for the month of May, with no change in priority date cutoff. The DOS indicated that continued heavy demand for numbers will require a retrogression of this date for June to hold number use within the FY2016 annual limit. It is extremely likely that the India and Mexico Employment Fourth Preference categories will also become oversubscribed at some point during the summer months.

The addition of the El Salvador, Guatemala, and Honduras category is a result of extremely high demand in the E4 and SR categories for applicants from these areas. A determination about whether these countries will remain subject to E4 and SR final application dates under the FY2017 annual numerical limitation will be made in early September. Read the [entire May 2016 Visa Bulletin](#).

## CONTACTS

For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following lawyers:

### Washington, DC

Eleanor Pelta  
Eric S. Bord

### San Francisco

A. James Vázquez-Azpiri

### Boston

Lisa Stephanian Burton

### London

Tracy Evlogidis