

Monthly Determination of Employment Preference Cut-Off Dates

Each month, the VO subdivides the annual preference and foreign state limitations specified by the INA into monthly allotments based on totals of documentarily qualified IV applicants reported at consular posts and CIS Offices, grouped by foreign state chargeability, preference category, and priority date. If there are sufficient numbers in a category to satisfy all reported documentarily qualified demand, the category is considered "Current." For example: If the monthly allocation target is 3,000 and there is only demand for 1,000, the category will be "Current". Whenever the total of documentarily qualified applicants in a category exceeds the supply of numbers available for the particular month, the category is "oversubscribed" and a visa availability cut-off date is established. The cut-off date is the priority date of the first documentarily qualified applicant who could not be accommodated for a visa number. For example: If the monthly target is 3,000 and there is demand for 8,000 applicants, then it would be necessary to establish a cut-off date so that only 3,000 numbers would be allocated. In this case, the cut-off would be the priority date of the 3,001st applicant.

The chart below shows the estimated total number of visas available for each employment preference category and country for fiscal year 2011.

Employment			
Preference	China	All Other Countries	Worldwide Limit
E1	2,803	2,803	40,040
E2	2,803	2,803	40,040
E3/EW	2,503*	2,803	40,040**
E4/SR	691	696	9,940
E5	0*	695	9,940
Total	8,800*	9,800	140,000

*The provisions of the Chinese Student Protection Act require that the China annual limit be reduced by 1,000. A total of 300 numbers are deducted from the E3 category, and 700 from the E5 category.

**The EW category is currently entitled to no more than 5,000 of this total.

Unused numbers can "fall-down" from E1 to E2 to E3. Unused numbers can "fall-up" from E4 and E5 to E1. This is taken into consideration when setting monthly/annual targets for number use based on historical/recent patterns.

**Demand Data Used in the Determination
of the December 2010
Employment Preference Cut-Off Dates**

Employment Second Preference				
Cumulative Demand Prior To	China	India	All Other Countries	Grand Total
January 1, 2006	100	0	0	100
January 1, 2007	5,050	13,150	0	18,200
January 1, 2008	10,650	22,850	0	33,500
January 1, 2010	10,725	23,000	125	33,850

Employment Third Preference						
Cumulative Demand Prior To	China	India	Mexico	Philippines	All Other Countries	Grand Total
January 1, 2002	0	50	25	0	0	75
January 1, 2003	100	8,250	300	0	200	8,850
January 1, 2004	375	20,600	1,000	75	500	22,550
January 1, 2005	3,050	34,900	2,200	100	750	41,000
January 1, 2006	4,700	44,200	3,300	3,825	15,225	71,250
January 1, 2007	5,900	55,300	4,750	16,125	35,825	117,900
January 1, 2010	6,450	59,500	5,450	18,575	43,700	133,675

Notes:

- All totals are approximate values
- Categories not listed are "current"
- Data as of November 9, 2010