

Visa Bulletin Explained: Priority Dates Guide

A comprehensive guide from EB5 Attorneys

The Visa Bulletin is a monthly publication by the Department of State's Bureau of Consular Affairs that controls when immigrants in numerically limited categories may file for permanent residence. It reports two sets of dates: Application Final Action Dates (when visas are actually issued) and Dates for Filing (when applicants may submit their adjustment of status or consular processing applications). Understanding the Visa Bulletin is essential for anyone in a family preference, employment based, or diversity visa category.

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What the Visa Bulletin Is and Why It Exists

Congress set annual numerical limits on immigrant visas under INA section 201. Family preference categories collectively receive approximately 226,000 visas per year. Employment based categories receive approximately 140,000 visas per year. The diversity visa program receives up to 55,000. Additionally, INA section 202 limits any single country to approximately 7% of the total for each preference category.

When demand exceeds supply in a particular category and country combination, a backlog forms. The Visa Bulletin is the mechanism for managing these backlogs. It assigns priority dates to each applicant (based on when their petition or labor certification was filed) and then publishes cutoff dates showing which priority dates are currently eligible for processing. Only applicants whose priority date is before the published cutoff date may proceed.

The Visa Bulletin is published around the middle of each month and takes effect on the first day of the following month. For example, the May 2026 Visa Bulletin is published in mid April 2026 and governs visa availability from May 1 through May 31, 2026. The bulletin is available at travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html.

The Two Charts: Final Action Dates and Dates for Filing

Each Visa Bulletin contains two charts for both family sponsored and employment based categories.

Application Final Action Dates: this chart shows the cutoff dates for when visas will actually be issued. If your priority date is before the date shown in this chart for your category and country, a visa number is available and your case can be finally adjudicated (green card issued, immigrant visa stamped).

Dates for Filing: this chart shows earlier cutoff dates that indicate when applicants may submit their adjustment of status (I 485) or immigrant visa application, even if a visa number is not yet available for final action. Filing early allows applicants to receive interim benefits such as an Employment Authorization Document and advance parole while waiting for the final action date to become current.

Each month, USCIS announces whether AOS applicants should use the Final Action Dates chart or the Dates for Filing chart for determining when to submit their I 485. This determination depends on visa number availability and USCIS processing capacity. The announcement is published on the USCIS website under the "When to File" page. Consular processing applicants use the Dates for Filing chart as determined by the NVC.

How Priority Dates Are Assigned

Your priority date determines your place in line. The assignment depends on the category:

Family based cases (I 130): the priority date is the date USCIS receives the I 130 petition. Immediate relatives of U.S. citizens do not receive a priority date because they are not subject to numerical limits; their visas are always available.

Employment based cases with PERM labor certification (EB 2, EB 3): the priority date is the date the Department of Labor receives the ETA 9089 PERM application.

Employment based cases without PERM (EB 1, EB 2 NIW, EB 5): the priority date is the date USCIS receives the I 140 or I 526E petition.

Diversity visa: selectees do not have a priority date in the traditional sense. Their visa availability is determined by their DV case number, which is processed in numerical order during the fiscal year.

Priority date retention and portability are important concepts. Under INA section 203(h)(3) and USCIS policy, a priority date from an approved petition can sometimes be retained even if the applicant changes employers or preference categories. For example, an applicant with an approved EB 3 petition may "port" their EB 3 priority date to a new EB 2 petition, using the earlier date.

Reading the Charts: Country of Chargeability

Visa Bulletin charts are organized by preference category (rows) and country of chargeability (columns). The standard columns are: All Chargeability Areas Except Those Listed, China (mainland born), El Salvador/Guatemala/Honduras, India, Mexico, and the Philippines. These countries are broken out because they historically generate the highest demand for immigrant visas.

Your country of chargeability is generally your country of birth, not your country of citizenship or current residence. A person born in India who later became a citizen of Canada is still chargeable to India for Visa Bulletin purposes.

Cross chargeability is available in limited circumstances under INA section 202(b). A husband or wife may be charged to the other spouse's country of birth if doing so would provide an earlier priority date. For example, an India born applicant married to a UK born spouse could potentially use the UK (All Chargeability) column if the UK spouse is the principal applicant or if cross chargeability rules apply.

When a chart shows a specific date (such as "01JAN20"), only applicants with priority dates before January 1, 2020 may proceed. When a chart shows "C" (current), all applicants in that category and country may proceed regardless of priority date. When a chart shows "U" (unavailable), no visas are available and no applicants may proceed.

Current Backlogs and Retrogression

As of April 2026, the most severely backlogged categories include:

EB 2 and EB 3 for India born applicants: priority dates are in the 2012 to 2014 range, meaning applicants filed their labor certifications over a decade ago and are still waiting. The annual per country limit of approximately 7% creates a structural bottleneck for India, which generates far more demand than available visas.

EB 5 unreserved for China (mainland born): priority dates are in the 2015 to 2016 range. The EB 5 set aside categories (rural, high unemployment, infrastructure) introduced by the Reform and Integrity Act of 2022 have remained current since their creation, providing a faster alternative for Chinese investors.

F4 (siblings of U.S. citizens) for the Philippines and Mexico: wait times exceed 20 years.

F2B (unmarried adult children of LPRs) for Mexico: wait times approach 20 years.

Retrogression occurs when the State Department moves cutoff dates backward to manage visa number allocation within the annual limits. This can happen when more applicants than expected file in a given month or when projected demand exceeds available visa numbers for the remainder of the fiscal year. Retrogression is frustrating but temporary; dates typically advance again in subsequent months.

Strategies for Managing Long Wait Times

Applicants facing multi year backlogs have several options to consider:

File in a set aside category: for EB 5 investors, the rural, high unemployment, and infrastructure set asides under the RIA have remained current. Investors from China and India benefit most from these categories.

Upgrade preference categories: an EB 3 applicant may be eligible for EB 2 (through a new job requiring an advanced degree or through a National Interest Waiver). EB 1 has historically had shorter wait times than EB 2 and EB 3 for all countries.

Cross chargeability: if your spouse was born in a country with shorter wait times, explore whether cross chargeability applies to your case.

Monitor the Visa Bulletin monthly: dates can advance unexpectedly when visa numbers become available due to lower than projected demand in other categories. Being ready to file quickly when dates advance can save months.

File under the Dates for Filing chart when available: even if the Final Action Date has not reached your priority date, filing under the Dates for Filing chart allows you to receive interim benefits (EAD and advance parole) and establishes protection against aging out for derivative children under the Child Status Protection Act.

Frequently Asked Questions

1. What is a priority date?

A priority date is the date that determines your place in line for an immigrant visa in a numerically limited category. For family based cases, it is the date USCIS received the I 130 petition. For employment based cases with PERM, it is the date the Department of Labor received the labor certification application. For EB 5 cases, it is the date USCIS received the I 526E petition. Your case cannot proceed to final adjudication until the Visa Bulletin shows a cutoff date later than your priority date.

2. How often does the Visa Bulletin change?

The Visa Bulletin is published monthly. It is released around the middle of the month and takes effect on the first day of the following month. Dates may advance (move forward), remain the same, or retrogress (move backward) from month to month. Changes depend on visa number availability, actual filing rates, and projected demand for the remainder of the fiscal year.

3. What does 'current' mean on the Visa Bulletin?

When a category and country shows 'C' (current), it means all applicants in that category from that country may proceed regardless of their priority date. No backlog exists. Immediate relatives of U.S. citizens are always current. The EB 5 set aside categories have remained current since March 2022.

4. Can my priority date move backward?

Yes. This is called retrogression. The State Department may move cutoff dates backward when demand exceeds available visa numbers. Retrogression is more common toward the end of the fiscal year (July through September) and at the beginning of a new fiscal year (October) when the State Department recalculates allocations. If your case is pending and the date retrogresses past your priority date, USCIS may hold your case until the date advances again.

5. How do I check the Visa Bulletin?

The Visa Bulletin is published at travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html. USCIS also publishes a monthly announcement at uscis.gov indicating whether AOS applicants should use the Final Action Dates or Dates for Filing chart. The eb5status.com visa bulletin page provides analysis and historical tracking for EB 5 categories.

6. What is the difference between the two Visa Bulletin charts?

The Final Action Dates chart shows when visas are actually issued (green card granted). The Dates for Filing chart shows an earlier cutoff date when applicants may submit their I 485 or immigrant visa application. Filing under the earlier Dates for Filing chart allows applicants to receive interim benefits (work authorization and travel permission) while waiting for the Final Action Date to reach their priority date. USCIS announces each month which chart AOS applicants should use.

Disclaimer: This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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