

Beware of the Visa Bulletin Rollercoaster!

PUBLISHED ON

April 16, 2013

The "Visa Bulletin," put out each month by the Department of State reflects a waiting period for certain nationalities to obtain legal permanent residency (a/k/a "Green Card" status). The premise underlying the Visa Bulletin is that a wait list develops when green card demand outstrips the finite number of green cards Congress authorizes each year. The Visa Bulletin is a grid that states the filing date of green card cases currently being adjudicated based upon nationality. Over the past several years, the Visa Bulletin has staggered from apparent waiting periods of several years to zero wait and back again without apparent reason. This causes great frustration for those green card applicants who seem to be repeatedly teased with the prospect of prompt reception of their green card only to have that hope dashed when the Visa Bulletin changes. Why does this happen?

This situation arises because the dates that appear on the Visa Bulletin reflect the dates for the cases that USCIS and United States Consulates abroad are currently adjudicating. For example, when the Visa Bulletin states September 1, 2004 for a certain employment category, that means that the Government is processing cases that they received nine years ago on September 1, 2004.

Some take these Visa Bulletin dates to be a literal countdown to when they will receive their green card. This is not the case. If the date September 1, 2004 appears on the Visa Bulletin, that does not mean a professional employee has a nine-year wait until he or she receives a green card. It only tells us that cases filed nine years ago are now being handled. The wait for a person filing today may be much longer or much shorter than that. This is because green card applications do not come to the Immigration Service in predictable numbers each month. Some months USCIS may receive 10,000 applications; in other months they could receive 100,000 applications. The ebb and flow of applications received causes the Visa Bulletin's date to fluctuate.

The following rules will keep you sane when dealing with the Visa Bulletin's drastic fluctuations:

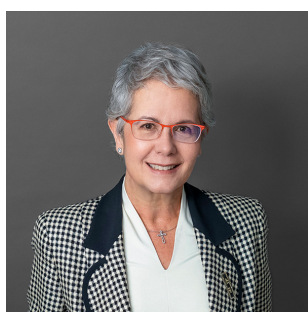
- Do not pay any attention to the Visa Bulletin until your filing (priority date) is at least within six months of the date being shown on the Visa Bulletin;
- Recognize that the dates are not firm at all, but the State Department's best guesstimate.
- Do not make plans based upon the Visa Bulletin such as changing jobs or relocating until your green card is in hand. Applications can still be placed back upon a wait even once a category becomes temporarily "current." You are only assured of no "retrogression" or backward movement in the processing dates once your immigrant visa (if overseas) or Welcome Notice (if in the USA) is issued.
- Use the Visa Bulletin only as a very general estimate regarding whether your green card case will likely be approved within the coming year. Any attempt to more accurately project your issuance date is nothing more than guess work.

The immigration process is so important to an individual, and sufficiently complex, that there is a natural human desire

to inject some predictability into the process. But the Visa Bulletin provides only an illusion of predictability. The best course of action, though, is to refrain from relying on the Visa Bulletin when making important plans, such as job changes, that hinge upon final approval of your green card application. The visa bulletin is published online each month by the U.S. Department of State at

www.travel.state.gov.

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