

Alert

September 12, 2024



Annual Limit Reached for All Immigrant Visa Categories for FY2024

On Monday, September 9, 2024, the U.S. Department of State (DOS), working in close collaboration with U.S. Citizenship and Immigration Services (USCIS), announced publicly that all available immigrant visas in the employment-based categories have now been issued for the 2024 fiscal year (which ends September 30, 2024). On September 9, 2024, the DOS issued a statement that all second preference (EB-2) visas were now issued. This follows the announcements of the issuance of all first preference (EB-1) and third preference (EB-3) visas that occurred in August, along with the EW (EB3 other workers), EB-4, and EB-5 (unreserved). The DOS aims to issue all available employment-based visas to facilitate legitimate travel for individuals in all employment-based categories. These individuals bring contributions across many industries that greatly benefit the U.S. economy.

The Immigration and Nationality Act (INA) limits the number of employment-based preference immigrant visas that may be issued within a fiscal year. Specifically, INA 203(b) provides that the annual limit for EB-1 visas is 28.6% of the worldwide employment limit, which is approximately 140,000 immigrant visas per fiscal year. The EB-2 visas account for 28.6% of the worldwide employment limit, and EB-3 visas account for 28.6% of the worldwide employment limit, of which not more than 10,000 may be made available in the Other Workers category.

Since all available employment-based visas for 2024 have been used, embassies and consulates **may not issue** visas in these categories for the remainder of the fiscal year. The annual limits will reset with the start of the new 2025 fiscal year on October 1, 2024. At that point, embassies and consulates may resume issuing immigrant visas in this category to qualified applicants. No further Immigrant Visas or green cards will be issued for the remainder of the fiscal year. USCIS will continue to accept EB-1, EB-2, and EB-3 adjustment of status filings that are current in the Visa Bulletin (VB) for September 2024.

Furthermore, the October VB was just released, and EB1 for All Other Countries, Mexico, and the Philippines will be current beginning October 1. All other categories must determine whether their priority date is current based on the VB projections.

If you have any questions regarding the visa availability for your employees, please do not hesitate to contact a member of our team.



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