

## **Monthly Determination of Employment Preference Cut-Off Dates**

Each month, the Visa Office subdivides the annual preference and foreign state limitations specified by the INA into monthly allotments based on totals of documentarily qualified immigrant visa 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 particular 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 applicants, the category will be "Current". Whenever the total of documentarily qualified applicants in a category exceeds the supply of numbers available for allotment for the particular month, the category is considered to be "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 2010.**

<b>Employment</b>			
<b>Preference</b>	<b>China</b>	<b>All Other Countries</b>	<b>Worldwide Limit</b>
<b>E1</b>	2,987	2,987	<b>42,672</b>
<b>E2</b>	2,987	2,987	<b>42,671</b>
<b>E3/EW</b>	2,687*	2,987	<b>42,671**</b>
<b>E4/SR</b>	742	742	<b>10,593</b>
<b>E5</b>	41*	741	<b>10,593</b>
<b>Total</b>	<b>9,444</b>	<b>10,444</b>	<b>149,200</b>

\*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 September 2010  
Employment Preference Cut-Off Dates**

<b>Employment Second Preference</b>				
<b>Cumulative Demand Prior To</b>	<b>China</b>	<b>India</b>	<b>All Other Countries</b>	<b>Grand Total</b>
<b>January 1, 2006</b>	0	0	0	<b>0</b>
<b>January 1, 2007</b>	6,850	16,350	5	<b>23,205</b>
<b>January 1, 2008</b>	12,550	26,050	10	<b>38,610</b>
<b>January 1, 2010</b>	<b>12,625</b>	<b>26,150</b>	<b>25</b>	<b>38,800</b>

<b>Employment Third Preference</b>						
<b>Cumulative Demand Prior To</b>	<b>China</b>	<b>India</b>	<b>Mexico</b>	<b>Philippines</b>	<b>All Other Countries</b>	<b>Grand Total</b>
<b>January 1, 2002</b>	0	25	450	0	0	<b>475</b>
<b>January 1, 2003</b>	25	8,525	725	0	50	<b>9,325</b>
<b>January 1, 2004</b>	1,000	21,000	1,425	0	150	<b>23,575</b>
<b>January 1, 2005</b>	3,650	35,500	2,600	850	4,500	<b>47,100</b>
<b>January 1, 2006</b>	5,300	44,900	3,700	4,750	19,950	<b>78,600</b>
<b>January 1, 2007</b>	6,500	56,050	5,150	1,700	40,575	<b>109,975</b>
<b>January 1, 2010</b>	<b>7,075</b>	<b>60,250</b>	<b>5,850</b>	<b>19,450</b>	<b>48,525</b>	<b>141,150</b>

**Notes:**

- All totals are approximate values
- Categories not listed are "current"
- Data as of August 8, 2010