What is a Priority Date?

Every federal fiscal year there are a limited number of immigrant visas available in each immigration category, for each nationality. When a particular category is over-subscribed, a backlog develops. Individuals who are subject to the quota backlog cannot proceed to the last step of the green card process until there is a visa available for them.   Also, once the last step of the green card process has been filed, the priority date must be current in order for permanent residence to be approved.

In the EB-1, EB-2 and EB-3 preference categories (employment-based first, second and third preference, respectively), this backlog has primarily impacted those born in India and China. However, for the past few years it has also applied to individuals of all nationalities in the EB-3 category.

Immigrant visas are "charged" to the applicant's country of birth. Please note that country of citizenship is not relevant.

A "priority date" establishes a person's place in line to receive an immigrant visa. The priority date is established either by the filing of a labor certification, or by the filing of an immigrant visa petition for categories which do not require the labor certification. Priority dates do not advance or retrogress in a consistent manner; from month to month, the priority dates and nationalities affected can change. Individuals with priority dates earlier than the posted date can proceed with the last step of the green card process.

The State Department posts priority dates monthly in the Visa Bulletin: http://travel.state.gov/visa/bulletin/bulletin_1360.html. That is, each month it establishes a cut-off date in each category, for each nationality. "C" means visas are currently and immediately available regardless of one's priority date; "U" means visas are unavailable regardless of one's priority date. The dates indicate there are visas available in that category for individuals with priority dates earlier than the posted date.