



An unusually high number of employment-based immigrant visa numbers were available in Fiscal Year (FY) 2021. USCIS was able to ramp up processing and approve more than **175,000** employment-based adjustment of status applications, an increase of more than 50% above our typical workload of 115,000 a year despite pandemic-related capacity restrictions. This still left almost 65,000 available employment-based visa numbers unused at the end of FY 2021. We have undertaken a careful study of what happened, and taken steps to help ensure that future immigrant visa allotments do not go unused.



In February 2021, President Biden rescinded the entry ban on immigrant visa applicants abroad, which if left in place would have led to even more unused immigrant visas in FY 2021.



By July 2021, we eliminated a “frontlog” of 1 million unopened applications awaiting initial processing by expanding staffing and overtime at our Lockbox facilities.



We began reusing biometrics previously provided by adjustment of status applicants whenever we can. Thus, reducing pending appointments from 1.4 million in January 2021 to 155,000 as of September 30, 2021.



We proactively identified and contacted applicants who were missing the Form I-693, Report of Medical Examination and Vaccination Record, and temporarily extended the validity period for Form I-693 from two to four years.



We prioritized the processing of employment-based adjustment of status applications, including approving overtime, while preserving the integrity of the immigration system and continuing to serve other applicants and petitioners.

The employment-based visa process

After obtaining an approved employment-based immigrant visa petition, there are two ways to become a Lawful Permanent Resident (LPR), also known as obtaining a Green Card, through an employment-based preference category.

Noncitizens may seek LPR status through adjustment of status in the United States or consular processing of an immigrant visa with the U.S. Department of State (DOS) overseas.



The process generally begins with the adjudication of an immigrant visa petition filed on behalf of the noncitizen with USCIS. For some categories, the process begins with the filing of a permanent labor certification application with the U.S. Department of Labor (DOL).



The petition may be filed by a prospective employer, or in some cases by the noncitizen on their own behalf.



Noncitizens who are physically present in the United States and seek to adjust status to that of an LPR may file Form I-485 based on a pending or approved immigrant visa petition, depending on the employment-based preference classification. Noncitizens living abroad, or who seek an immigrant visa abroad, may submit an online Visa Application with DOS (Form DS-260) after approval of the immigrant visa petition.



Since Congress has established numerical limits on the number of visas that may be issued in the employment-based categories, a noncitizen may only become an LPR in these categories if a visa is available to them based on their specific immigrant category, country, and priority date. There are 5 preference categories for employment-based visas.



A noncitizen's priority date is generally the date that the immigrant visa petition is properly filed with USCIS. If a labor certification is required, the priority date is the date that DOL accepts the labor certification application for processing.



The applicant must provide the required biometrics, health information, and other supporting evidence and meet all other eligibility requirements to be approved for adjustment of status or an immigrant visa.

If pursuing an immigrant visa with DOS:

If adjusting status through USCIS:



The noncitizen must first complete the initial processing of their application with the National Visa Center.



The noncitizen must be physically present inside the United States and the entire process is completed domestically.



Then, DOS schedules them for an interview at a consular post and provides guidance for obtaining a medical examination.



The noncitizen may be required to appear for an interview at their local USCIS office.



If DOS approves the visa application, they will place the immigrant visa on a page in the noncitizen's passport.



After USCIS approves their application for adjustment of status, they immediately become an LPR, and they will receive their Green Card in the mail.



The noncitizen must then pay the USCIS Immigrant Fee for the production of the Permanent Resident Card (Green Card).

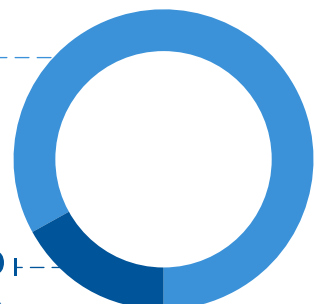


When the noncitizen arrives at the United States, they present their passport and immigrant visa to U.S. Customs and Border Protection (CBP) and request admission as an LPR.



If CBP admits the noncitizen as an LPR, then the noncitizen is an LPR and will receive their Green Card in the mail after paying the USCIS Immigrant Visa fee.

Typically, **83%**† of employment-based immigrants pursue adjustment of status with USCIS, while **17%**† consular process with the Department of State.



U.S. Citizenship and Immigration Services