

Questions & Answers: Pending Employment-Based Form I-485 Inventory

Q: Why is the wait so long for my employment-based green card?

A: A visa must be available before a person can obtain an employment-based green card. Because more people want a green card than there are visas available, not everyone who wants a green card can get one immediately. Therefore, some people have to wait in line until a visa is available. The U.S. Department of State (DOS) gives out 140,000 employment-based visas each year. About 85% of those visas go to people seeking a green card in the United States, while about 15% go to people seeking to immigrate from abroad. Currently, about 234,000 people have employment-based adjustment of status (green card) applications pending in the United States and are waiting to get a visa. How long you wait for a visa depends on the supply and demand for your particular preference category, your priority date, and the country your visa will be charged to, usually your country of birth.

Q: How can I determine my place in line based on my priority date?

A: Your preference category, priority date, and country of origin determine your place in line for a visa. The earlier your priority date is, the closer you are to the front of the line. To better assist you in knowing your place in line, we are posting a report of our total pending inventory of applications for employment-based green cards (Form I-485, Application to Register Permanent Residence or Adjust Status) for those seeking to adjust status in the United States. See the **“Pending Employment-Based Form I-485 Report”** link to the right. We are also posting five other reports by country of chargeability (China, India, Mexico, Philippines, and All Other Chargeability) (see the links to the right).

The **“Pending Employment-Based Form I-485 Report,”** displays the total number of pending adjustment of status applications, per preference classification. The report shows how many pending adjustment of status (green card) applications in each preference classification have priority dates in a given month and year. You can use this chart to determine how many applicants in your preference classification have priority dates in the same month and year as your own. Also, you can determine how many applicants in your preference classification are ahead of you in line for a visa number by adding together the number of cases with an earlier priority date than your own.

The **All Other Chargeability** report shows how many applicants from countries other than China, India, Mexico, and the Philippines have priority dates in a given month and year. The report is broken down into separate charts for each preference classification. If you are from a country other than China, India, Mexico, or the Philippines, you can use this chart to determine how many applicants for adjustment of status in the same preference classification have a priority date in the same month and year as your own. This chart also lets you know how many

applicants in the same preference classification have earlier priority dates.

Because of historically higher demand for visas from **China, India, Mexico,** and the **Philippines**, each of those countries has its own separate report. As published in the DOS Visa Bulletin, applicants from those countries will need to have earlier priority dates than like applicants from other countries to get a visa in any given month. If you are from China, India, Mexico, or the Philippines, you may want to use the report for your particular country. Your country report will show you how many applicants from the same country and preference classification have a priority date in the same month and year as your own. The report will also let you know how many applicants from the same country and preference classification have earlier priority dates.

Q: Which report should I use, the Pending Employment-Based Form I-485 Report or the country-specific reports?

A: All applicants for an employment-based green card may use the pending Form I-485 report to determine their place in line for a visa. Because certain countries experience higher demand than others, applicants in these “oversubscribed” countries may move forward in line more slowly than applicants in countries experiencing less demand. In other words, in order to obtain a visa, applicants in oversubscribed countries may need to have earlier priority dates than applicants in countries experiencing less demand. Applicants in oversubscribed countries may therefore want to also refer to the report for their specific country of chargeability to determine where they stand in line with other applicants from that country.

Q: What information do I need to have before using the pending Form I-485 inventory reports?

A: You need to know your priority date and your preference category to use the pending Form I-485 inventory reports. For more information on priority dates and preference categories, see the “Visa Availability & Priority Dates” and “Green Card Eligibility” links to the right.

Q: How do I read the pending I-485 inventory reports?

A: First, click on the link to the report you want to view. Once you click on the link, the report will appear and you will see a series of charts, one for each preference category. You will see that each chart has different numbers for each month and year. These numbers show how many green card applicants have priority dates in that month and year. To figure out how many applicants have earlier priority dates, add all the numbers from all the cells that correspond to earlier months.

Q: Can you tell me when I will get a visa?

A: Unfortunately, we cannot determine how long it will take for you to get a visa. However, we hope that by showing applicants with a pending Form I-485 where they stand in line to get a visa, you will get a better sense of how long it may take. We intend to update the data in these reports quarterly. By comparing newer versions of the reports with older ones, you may see that the

number of applicants ahead of you has gotten smaller, and you may be able to tell how much shorter the line has become. We hope this will give you an even better sense of how long it may take for you to get a visa.

Q: Can you provide me an example of how to use the pending Form I-485 inventory charts?

A: Assume your priority date is in January 2007, your petition was approved for third preference, and you are from China. Using the Sample “Pending Employment-Based Form I-485 Report,” below you will see on the third preference chart that there are 2,618 applicants with a priority date in the same month and year as your priority date.

If you want to find out how many third-preference green card applicants have an earlier priority date than yours, you will need to add all the numbers starting with the number at the beginning of the table, January 1997, and ending with the number immediately before the month and year of your own priority date, December 2006. You will see that there are 131,341 third-preference applicants who have a priority date earlier than yours. See the chart below.

Sample “Pending Employment-Based Form I-485 Report”

3rd Preference														
	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	2008	2009	Grand Total
Jan	4	121	10	11	27	541	1,280	1,601	1,726	2,948	2,618	100	9	10,996
Feb	6	6	4	12	75	453	1,287	1,658	1,625	2,971	2,402	46	4	10,549
Mar	8	2	12	20	255	624	1,563	2,108	6,805	3,888	2,455	85	30	17,855
Apr	17	12	11	18	6,170	884	1,753	2,074	87	2,956	2,358	72	7	16,419
May	15	13	4	27	171	891	1,721	1,700	295	3,222	2,067	56	0	10,182
Jun	3	1	4	15	89	841	1,647	1,996	868	3,215	1,877	84	4	10,644
Jul	9	2	13	22	101	961	1,666	1,914	1,630	3,168	3,808	30	1	13,325
Aug	7	2	6	17	132	1,079	1,622	2,032	2,531	3,397	909	21	0	11,755
Sep	23	6	9	10	135	1,185	1,675	2,021	2,685	3,182	266	10	0	11,207
Oct	9	11	11	17	216	1,177	2,032	2,141	2,966	3,683	320	7	0	12,590
Nov	18	7	21	11	405	1,220	1,793	2,283	3,127	3,069	88	15	0	12,057
Dec	18	3	5	27	468	1,399	2,042	2,872	3,684	2,993	127	14	0	13,652
Total	137	186	110	207	8,244	11,255	20,081	24,400	28,029	38,692	19,295	540	55	151,231

Q: How do I know how many applicants from my country have an earlier priority date than mine?

A: Assume your priority date is in June 2005, your petition was approved for third preference, and you are from India. Using the Sample “I-485 Inventory for Individuals Born in India Report” below, you will see that there are 175 green card applicants from India with a priority date in June 2005.

To find out how many applicants born in India have an earlier priority date than yours, add all the

numbers starting at January 1997 and ending at May 2005. You will see that there are 42,796 third-preference applicants from India with a priority date earlier than yours. See the chart below.

Sample I-485 Inventory for Individuals Born in India Report

3rd Preference														
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Grand Total
Jan	0	9	6	2	8	426	906	959	816	712	704	16	4	4,568
Feb	0	2	0	2	13	349	873	985	890	760	650	8	0	4,532
Mar	0	0	2	5	19	498	990	1,238	3,677	984	649	14	0	8,076
Apr	0	4	0	0	452	716	1,106	1,262	46	810	631	8	0	5,035
May	0	2	0	7	49	688	1,115	1,089	92	867	599	6	0	4,514
Jun	0	1	3	5	44	614	1,011	1,172	175	879	521	12	1	4,438
Jul	0	0	3	6	46	725	987	1,187	299	940	893	2	0	5,088
Aug	1	1	0	5	82	805	1,014	1,302	468	906	245	10	0	4,839
Sep	0	2	3	3	66	814	974	1,115	544	900	74	2	0	4,497
Oct	0	1	1	5	143	829	1,216	1,326	520	1,059	91	3	0	5,194
Nov	0	1	0	7	310	874	1,089	1,425	714	1,203	27	5	0	5,655
Dec	0	2	1	3	398	975	1,222	1,674	818	1,047	29	2	0	6,171
Grand Total	1	25	19	50	1,630	8,313	12,503	14,734	9,059	11,067	5,113	88	5	62,607

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