



USCIS Responses to Questions from the American Immigration Lawyers Association (AILA)

1. If an AOS applicant has been interviewed at the field office, what happens if the visa retrogresses before final adjudication?

If, at the time of final adjudication, an applicant's priority date no longer meets the cut-off date published in the Visa Bulletin, due to retrogression, his or her case must be held in abeyance until an immigrant visa once again becomes available.

If an AOS applicant has been interviewed at a USCIS office and an immigrant visa is not available, then USCIS may hold the case at the following locations until an immigrant visa becomes available:

- Employment-based visa-retrogressed cases are held at the National Benefits Center (NBC) or Texas Service Center (TSC) upon completion of any required interview and other processing steps. Cases received prior to March 6, 2017, are routed to the TSC; cases received on or after March 6, 2017, are routed to the NBC.
- Family-sponsored visa retrogressed cases are held at the NBC upon completion of the interview and other processing steps.

2. What type of information will the applicant be given about the status of his or her case and where will the application be held until the visa becomes available again?

At the conclusion of the interview, and if the officer has determined the Form I-485 is approvable other than an immigrant visa not being available, the officer will provide the AOS applicant with a Notice of Interview Results informing the applicant of the reason(s) the application is being continued.

3. For employment-based AOS cases, in what scenario would the case be held at the field office versus sent back to the National Benefits Center?

The Field Office will generally not hold cases where an immigrant visa category has retrogressed. As outlined above, the Field Office will forward the case to either the NBC or the TSC.

4. Once the visa number becomes available again, what type of notice will the applicant be given about the further processing of his or her case?

USCIS will not notify the AOS applicant of an immigrant visa becoming available. Applicants may visit the current [Visa Bulletin](#) maintained by the Department of State (DOS), which informs the public of the current month's visa cut-off dates and to monitor when a visa becomes available to them based on their category, country of chargeability, and priority date. DOS also provides a recorded message with visa cut-off dates at 202-663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.



5. How soon after the visa becomes available again will USCIS resume adjudication of the AOS?

USCIS will finalize processing of immigrant visa-retrogressed cases when visas become available to applicants based on their priority dates and the cut-off dates in the current month's Visa Bulletin. Due to the number of immigrant visa numbers that become available on the first date of each month, and the fact that many cases may require updated evidence, it may take several months before USCIS is able to complete the adjudication of some cases.

6. In a situation where the applicant has been interviewed and is simply awaiting a visa number, what is the best method for an applicant to follow up with USCIS on his or her case once a visa has become available again?

If a case was transferred to the TSC or NBC to wait for a priority date to become current, please allow for no less than 120 days after a visa has become available before making a status inquiry. Visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter> for additional information.