Global Immigration alert

May 2026

United States

DOS announces per-country limit has been reached for EB-2 India

Executive summary

On 22 May 2026, the Department of State (DOS) announced it has issued all available immigrant visas for the employment-based second preference (EB-2) category for applicants chargeable to India for fiscal year 2026 (FY 26). As the limit has been reached for EB-2 India only, at this time, immigrant visa issuance may continue for applicants born in India who have applied in other preference categories and for applicants not born in India who have applied under the EB-2 category.

Background and analysis

The Immigration and Nationality Act (INA) limits the number of immigrant visas (green cards) that may be issued in each employment-based preference category each fiscal year and the percentage of available visas that can be issued to any one country's population. INA 203(b)(2) provides that the annual limit for EB-2 is 28.6% percent of the worldwide limit for employment-based categories. Additionally, individuals born in any single foreign state may not receive more than 7% of the total of employment-based and family-sponsored visas, which is prorated among the different visa categories.

The announcement from DOS confirms that these limits have been reached for EB-2 India for FY 26 at this time. As a result, US embassies and consulates and US Citizenship and Immigration Services (USCIS) are currently not authorized to issue immigrant visas or approve I-485 applications for adjustment of status for this population for the remainder of FY 26. The annual limits will reset with the start of the 2027 fiscal year on 1 October 2026.

However, the immigrant visa allocation system does permit employment-based numbers to move *down* from a higher preference category to the next category below (e.g., numbers may be reallocated from EB-1 to EB-2) during the same fiscal year to ensure they are used before the year ends. In addition, if visa numbers would otherwise go unused because of the per-country limit, DOS may make them available *across* countries without regard to that limit for the remainder of the fiscal year.

In practical terms, this means unused numbers can flow between employment-based preference categories and can also be redistributed to oversubscribed countries when worldwide demand from other countries is insufficient, subject to the DOS's allocation rules. Therefore, it is possible, but not likely, that additional immigrant visas could be allocated to the EB-2 India category, if there are any left over from other categories at the end of the fiscal year.

What this means

Immigrant visa numbers currently remain available to individuals born in India with applications pending in other employment-based preference categories and EB-2 applicants who were born in countries other than India. On 1 October 2026, embassies and consulates may resume issuing immigrant visas in the EB-2 India category and USCIS may resume approving adjustment of status applications to qualified applicants in that category. DOS is expected to issue additional announcements through 30 September 2026 when other limits are reached or if processing for EB-2 India is able to resume sooner based on reallocation from other preference categories or countries.

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We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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