

# Department of State Releases October 2019 Visa Bulletin

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The Department of State has released the visa bulletin for October 2019, and USCIS has indicated that the employment-based categories may rely on the “filing date chart” in establishing eligibility to file I-485 Applications for Adjustment of Status.

Since the introduction of the dual chart system in 2015, employment-based immigrants have rarely been permitted to rely on the filing date chart. Where USCIS indicates that the *Dates for Filing Visa Applications* (“filing date”) chart applies – as opposed to the *Application Final Action Date* chart – many employment-based immigrants are able to file their I-485 applications much earlier than would otherwise be possible.

The October 2019 visa bulletin filing chart significantly advances the cutoff dates for filing I-485 applications for employment-based first preference Chinese and Indian chargeable applicants. China advances more than 3 years and India reintroduces a cutoff date, whereas in September, first preference for India was unavailable. The second preference category for India advances only 2 months, but India third preference advances by almost 5 years, to 1 Feb 2010, surpassing the second preference category.

In addition, although the first preference category for “all other” nationalities remains backlogged, the filing date chart lists a cutoff date of 1 Jul 2019, which will allow many with pending and approved I-140 petitions to file I-485 applications. The second and third preference categories for “all other” nationalities have returned to “current,” meaning that individuals in these categories may immediately file I-485 applications.

The cutoff date difference between the filing date chart and the final action chart is significant for a number of categories, and as a result, many I-485 applications filed in October may be pending for lengthy periods of time. Nevertheless, the opportunity to file an I-485 application has significant benefit, including the ability to file for an employment authorization document, and this is an opportunity that may not occur again for some time. In November, USCIS may revert to the final action chart, limiting I-485 filing only to those whose priority dates are current under the more restricted chart.

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