

October 2020 Visa Bulletin: Significant Advancement for Most Employment-Based Categories

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The U.S. Department of State has announced the per-country priority date cut-offs for the October 2020 Visa Bulletin. The monthly visa bulletins indicate who may file an Adjustment of Status application based on their "priority date"—the date when an application for PERM Labor Certification was filed to the Department of Labor, or the date that an I-140 petition was filed to USCIS where a PERM filing was not required. As explained below, the Visa Bulletin provides two separate charts for priority dates, called "Final Action" and "Dates for Filing."

The dates in the Visa Bulletin determine if an individual may file a Form I-485 Adjustment of Status application ("green card" application) to USCIS. In order to be eligible to file, the individual's priority date must be earlier than the date listed in the Visa Bulletin. The sections that are current, notated by a "C," indicate that all applications can be filed regardless of priority date. As expected given the commencement of the new government fiscal year on October 1st, there has been forward movement in many categories due to the new allocation of immigrant visa numbers. Most significantly, the EB-3 "All Chargeability" category will become current for both charts; and the EB-1, EB-2 and EB-3 preference categories for individuals born in India advance by at least two years and up to nearly five years under the Dates for Filing chart.

USCIS will announce on its [website](#) in the coming days whether they will accept the Final Action or the Dates for Filing Chart. The Final Action Chart designates which I-485 filings may be adjudicated and approved by USCIS; and the Dates for Filing Chart designates which I-485 applications may be filed in the month of October to obtain further immigration benefits. Given the significant movement in the Dates for Filing chart, we will provide an update as soon as USCIS makes their announcement.

The cut-off dates for the employment-based categories will be as follows:

Final Action Dates:

EB-1: Both China and India will advance by three months to June 1, 2018. All other countries remain current.

EB-2: China and India will both advance by 2 months. All other countries remain current.

EB-3: All Chargeability category will become current. China will advance by 5 months to July 1, 2017 and India will advance by 3.5 months to January 15, 2010.

Other workers: China will advance by 4 months to December 1, 2008 and India will advance by 3.5 months to January 15, 2010. All remaining categories will be current.

Dates for Filing:

EB-1: Both China and India will advance significantly to September 1, 2020. All other countries remain current.

EB-2: India will advance significantly to May 15, 2011. China will advance by 2 months. All other countries remain current.

EB-3: All Chargeability category will become current. India will advance significantly to January 1, 2015 and China will advance significantly to June 1, 2018.

Other workers: China will remain the same and India will advance significantly to January 15, 2015. All remaining categories will be current.

Authors



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John's practice encompasses all aspects of immigration and nationality law. John draws on over two decades of experience to help companies and their employees obtain nonimmigrant visas, including B, E, H, J, L, O, and TN visas. He also handles applications for PERM labor certification; extraordinary ability, outstanding researcher, and national interest waiver petitions; adjustment of status procedures; consular processing; and naturalization.

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Update: October 2020 Visa Bulletin – USCIS Will Accept Adjustment of Status Applications Based on “Dates for Filing” Chart

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