

THE FP VISA BULLETIN FOR AUGUST: FINAL ACTION DATES AND AN EMPLOYER'S IMMIGRATION ACTION PLAN

Insights
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Each month, federal immigration authorities publish a list of dates informing immigrant visa applicants when they should expect to be notified to assemble and submit required documentation to government officials. This Insight reviews August's release to help employers determine whether and when you should provide corresponding notifications to any of your foreign-national employees to assist their efforts. You'll also find a specific action plan so you can adapt your immigration strategy given this month's information. If you want to ensure you follow compliant processes to address your critical workforce needs in a timely manner, read on.

August Dates: An Overview

U.S. Citizenship and Immigration Services (USCIS) announced that it will follow the State Department's Final Action Dates chart published in the August Visa Bulletin to determine whether candidates are eligible to submit an Adjustment of Status application on Form I-485 for that month. Dates which appear in this chart must be compared with an employee's Immigration Priority Date shown on their EB-1/2/3 I-140 approval notice with their current employer to determine eligibility.

Some Changes for Employment Based Visa Dates

There were changes to Final Action Dates for nearly all Employment-Based Preferences Classes (EB-1, EB-2, and EB-3), the most notable include:

- EB-1 India retrogressed over 10 years, to January 1, 2012

Related People



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- EB-2 India remained the same
- EB-3 All Chargeability, Mexico, and Philippines retrogressed to May 1, 2020

Final Action Dates Chart

The recently announced Final Action Dates for EB-1, EB-2 and EB-3 appear in the table below. Please note this table can always change, [so check here for the most accurate and updated information](#) before acting on these dates.

PREFERENCE	ALL CHARGEABILITY AREAS EXCEPT THOSE LISTED	CHINA-MAINLAND BORN	INDIA	MEXICO	PH
EB-1	8/1/23	2/1/22	1/1/12	8/1/23	8/1/23
EB-2	4/1/22	7/8/19	1/1/11	4/1/22	4/1/22
EB-3	5/1/20	6/1/19	1/1/09	5/1/20	5/1/20

What Should You Do? Your Action Plan

Most retrogressions for August 2023 do not represent an urgent call to action on the part of employers. However, the EB-1 India category retrogressed over 10 years, from February 1, 2022, to January 1, 2012, and EB-3 for All Chargeability, Mexico, and Philippines retrogressed nearly two years, from February 1, 2022 to May 1, 2020. If you have any employees who are impacted by this change, you should begin to have extensions of work authorization underway, and discuss any potential issues with legal counsel.

Conclusion

We will continue to monitor developments from immigration officials and provide similar guidance monthly. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information – including next month's FP

Visa Bulletin. If you have any questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Immigration Practice Group](#).