



The FP Visa Bulletin for October: Dates for Filing Charts 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 October'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.

October Dates: An Overview

U.S. Citizenship and Immigration Services (USCIS) announced that it will follow the State Department's Dates for Filing chart published in the October 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.

New Fiscal Year Results in Movement in all 3 Employment-Based Preference Classes.

With the start of the new fiscal year, more green cards will be available for foreign nationals. Final Action dates progressed in all categories. The most notable areas of movement are:

- EB1 is now current for All Chargeability Areas, Mexico, and Philippines
- EB1 China progressed from February 1, 2022, to August 1, 2022
- EB1 Indian progressed from January 1, 2012, to July 1, 2019
- EB-2 All Chargeability Areas, Mexico and Philippines moved from July 1, 2022, to January 1, 2023
- EB-2 China progressed from July 8, 2019, to January 1, 2020
- EB-2 India progressed from January 1, 2011, to May 15, 2012
- EB-3 All Chargeability and Mexico moved from May 1, 2020, to February 1, 2023

EB-3 China moved from July 1, 2019, to August 1, 2022

- EB-3 China progressed from September 1, 2019, to September 1, 2020
- EB-3 India progressed from January 01, 2009, to August 1, 2012
- EB-3 Philippines moved from May 1, 2020, to January 1, 2023

Dates for Filing Chart

The recently announced Dates for Filing 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	PHILIPPINES
EB-1	Current	8/1/22	7/1/19	Current	Current
EB-2	1/1/23	1/1/20	5/15/12	1/1/23	1/1/23
EB-3	2/1/23	9/1/20	8/1/12	2/1/23	1/1/23

What Should You Do? Your Action Plan

For October, USCIS is using the Dates for Filing chart. This means an Adjustment of Status can be filed for anyone with a priority date that is current. However, USCIS will not begin processing the case until the Final Action date is current.

While overall processing will be delayed, the application is in the queue and USCIS will process requests for EAD cards and Advance Parole. If you have any employees who have priority dates that will be current in October, you should reach out to your immigration attorney to prepare and submit their Adjustment of Status Application in October.

Conclusion

We will continue to monitor developments from immigration officials and provide similar guidance on a monthly basis. 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 authors of this Insight, or any attorney in our [Immigration Practice Group](#).

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