

THE FP VISA BULLETIN FOR FEBRUARY: DATES FOR FILING AND AN EMPLOYER'S IMMIGRATION ACTION PLAN

Insights
Jan 12, 2024

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 February'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.

February 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 February 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.

No Movement in Any Employment-Based Preference Classes for February

There was no movement for Employment-Based Preferences Classes for February. USCIS will continue to

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rely on the Dates for Filing chart, with employment category priority dates as follows:

EB-1

- EB-1 remains current for All Chargeability Areas, Mexico, and Philippines
- EB-1 China remains the same with a priority date of January 1, 2023
- EB-1 Indian remains the same with a priority date of January 1, 2021

EB-2

- EB-2 All Chargeability Areas, Mexico, and Philippines remains the same with a priority date of February 15, 2023
- EB-2 China remains the same with a priority date of June 1, 2020
- EB-2 India remains the same with a priority date of May 15, 2012

EB-3

- EB-3 All Chargeability and Mexico remains the same with a priority date of February 1, 2023
- EB-3 China remains the same with a priority date of July 1, 2021
- EB-3 India remains the same with a priority date of August 1, 2012
- EB-3 Philippines remains the same with a priority date of 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	PH
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EB-1	Current	1/1/23	1/1/21	Current	Cu
EB-2	2/15/23	6/1/21	5/15/12	2/15/23	2/1
EB-3	2/1/23	7/1/21	8/1/12	2/1/23	1/1/

What Should You Do? Your Action Plan

For February, USCIS is using the Dates for Filing chart. This means an Adjustment of Status may 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, a filing application will be in the queue, and USCIS will process requests for EAD cards and Advanced Parole.

If you have employees who have priority dates that will be current in February, you should reach out to your immigration attorney to prepare and submit their Adjustment of Status Application in February.

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](#).