

THE FP VISA BULLETIN FOR JULY: FINAL ACTION 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 July'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. Read on to ensure you follow compliant processes to address your critical workforce needs in a timely manner.

July Dates: An Overview

U.S. Citizenship and Immigration Services (USCIS) announced that it will follow the State Department's Final Action Chart published in the July Visa Bulletin to determine whether candidates are eligible to submit an Adjustment of Status application on Form I-485 for that month. Dates that 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.

What's new? Retrogression for the Final Action date for EB-3 excluding China and India. State Department likely to continue retrogression for EB-3 in August. Advancement for the Final Action date for EB-1 India by 11 months. Minor advancements for other categories.

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USCIS will continue to use the Final Action chart for processing Adjustment of Status applications. The State department expects further retrogression for the Final Action date for EB-3 workers or make the category "Unavailable" in August due to high demand.

EB-1

- EB-1 remains current for All Chargeability Areas, Mexico, and the Philippines.
- EB-1 China is now accepting applications with a priority date of November 1, 2022.
- EB-1 India is now accepting applications with a priority date of February 1, 2022.

EB-2

- EB-2 All Chargeability Areas, Mexico, and Philippines are now accepting applications with a priority date of March 15, 2023.
- EB-2 China is now accepting applications with a priority date of March 1, 2020.
- EB-2 India is now accepting applications with a priority date of June 15, 2012.

EB-3

- EB-3 All Chargeability, Mexico, and Philippines are now accepting applications with a priority date of December 1, 2021.
- EB-3 China is now accepting applications with a priority date of September 1, 2020.

EB-3 India is now accepting applications with a priority date of September 22, 2012.

Final Action Chart

The recently announced Final Action 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	Current	01NOV22	01FEB22	Current	Cu
EB-2	15MAR23	01MAR20	15JUN12	15MAR23	15M
EB-3	01DEC21	01SEP20	22SEP12	01DEC21	01E

What Should You Do? Your Action Plan

For July, USCIS is using the “Final Action Dates” chart in accepting new applications for Adjustment of Status to Lawful Permanent Residence. This means an application may be filed by a candidate with an immigration priority date that is earlier than the listed cutoff date for their preference category and country of chargeability, or whose category is otherwise listed as current.

For Adjustment of Status cases that are already pending and were filed in a category that has since fallen behind in its cutoff date, USCIS will not begin processing until the Final Action Date has surpassed the individual immigration priority date or is otherwise deemed current. While overall processing may be delayed, a duly filed application will remain in good standing in the government’s queue, and USCIS will process related requests for EAD cards and Advanced Parole.

If you have employees who have priority dates that will be (or remain) current in July, you should reach out to your immigration attorney to prepare and submit their Adjustment of Status Application in July. Employers should prioritize EB-3 workers that are retrogressing to be filed in June.

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 author of

this Insight, or any attorney in our [Immigration Practice Group](#).