

Insights, News & Events

THE FP VISA BULLETIN FOR OCTOBER: DATES FOR FILING AND AN EMPLOYER'S IMMIGRATION 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. Read on to ensure you follow compliant processes to address your critical workforce needs in a timely manner.

October Dates: An Overview

The Visa Bulletin includes a list of dates informing overseas immigrant visa applicants when they should expect to be notified to assemble and submit required documentation to move forward with the consular stamping process. These dates are also used to determine eligibility for Adjustment of Status to Lawful Permanent Residence with U.S. Citizenship and Immigration Services (USCIS) for applicants who are already physically present in the US.

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 employment-based Adjustment of Status application for that month.

To determine potential eligibility, dates that appear in this chart must be compared with an employee's immigration

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priority date, as shown on their earliest available I-797 Notice of Action (Receipt Notice) issued by USCIS for any EB-1, EB-2, or EB-3 (I-140) Immigrant Petition filed on their behalf by a sponsoring employer. The October Dates for Filing will advance for all countries in the EB-1, EB-2, and EB-3 Professional/Skilled Worker categories.

October Dates for Filing for EB-1 Nationals, EB-2 Nationals and EB-3 Nationals

For Indian Nationals

- EB-1 Date for Filing Date: April 15, 2023.
- EB-2 Date for Filing Date: December 1, 2013.
- EB-3 Date for Filing Date: August 15, 2014.

For Chinese Nationals

- EB-1 Date for Filing Date: May 15, 2023
- EB-2 Date for Filing Date: December 1, 2021
- EB-3 Date for Filing Date: January 1, 2022

For Mexican Nationals

- EB-1 Date for Filing Date: Current
- EB-2 Date for Filing Date: July 15, 2024
- EB-3 Date for Filing Date: July 1, 2023

For Philippine Nationals

- Date for Filing Date: Current
- Date for Filing Date: July 15, 2024
- Date for Filing Date: July 1, 2023

All Other Nationals

- EB-1 Date for Filing Date: Current
- EB-2 Date for Filing Date: July 15, 2024
- EB-3 Date for Filing Date: July 1, 2023

Dates for Filing Chart

The recently announced Dates for Filing 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.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	P
1st	Current	15MAY23	15APR23	Current	C
2nd	15JUL24	01DEC21	01DEC13	15JUL24	15
3rd	01JUL23	01JAN22	15AUG14	01JUL23	0

Final Action Dates Chart

The Final Action Dates Chart in the Visa Bulletin indicates the cut-off date the US government is using to determine the issuance of an immigrant visa or an approval of an Adjustment of Status application. For the October Final Action Dates Chart, please see below for notable changes:

- **EB-1:** China advances by five weeks to December 22, 2022. India remains unchanged on February 15, 2022, while all other countries remain current.
- **EB-2:** China advances by three and a half months to April 1, 2021. India advances by three months to April 1, 2013. All other countries advance by three months to December 1, 2023.
- **EB-3 (Professionals and Skilled Workers):** China advances by three months to March 1, 2021. India advances by three months to August 22, 2013. The Philippines advances by seven weeks to April 1, 2023. All other countries remain at April 1, 2023.

Commentary: What Should You Do? Your Action Plan

For October, USCIS is using the “Dates for Filing” 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 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 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](#).