

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

Insights
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The FP Visa Bulletin for May: Final Action Dates and an Employer's Immigration Action Plan

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 May'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 that address your critical workforce needs in a timely manner.

May Dates: An Overview

US Citizenship and Immigration Services (USCIS) announced that **it will follow the State Department's Final Action Dates published in the May Visa Bulletin** to determine whether candidates are eligible to submit an Adjustment of Status application on Form I-485 for that month. This is a change from the last visa bulletins and will impact filing eligibility considerably. Dates appearing 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.

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Immigration

Movement in Employment-Based Preference Classes for May

The May 2026 Visa Bulletin shows that EB-1, EB-2, and EB-3 Final Action Dates remain unchanged from April for most countries, with the only notable movement being a three-week advancement in the China EB-5 Unreserved category. However, USCIS has confirmed it will use the Final Action Dates chart and not the Dates for Filing chart for all employment-based adjustment of status filings in May. **This is a significant shift that narrows filing eligibility and makes April 30 a critical deadline for applicants who are current under Chart B but not under Chart A.**

Employers with foreign nationals who are currently eligible to file Adjustment of Status applications should re-evaluate filing prior to month end as there is retrogression in all categories but EB-1 and EB-2 in ROW, Mexico, and the Philippines.

EB-1

- EB-1 remains current for All Chargeability Areas, Mexico, and Philippines
- EB-1 China retrogresses with a priority date of April 1, 2023
- EB-1 Indian retrogresses with a priority date of April 1, 2023

EB-2

- EB-2 remains current for All Chargeability Areas, Mexico, and Philippines
- EB-2 China retrogresses with a priority date of September 1, 2021
- EB-2 India retrogresses with a priority date of July 15, 2014

EB-3

- EB-3 All Chargeability Areas and Mexico retrogresses with a priority date of June 1, 2024
- EB-3 China retrogresses with a priority date of June 15, 2021

- EB-3 India retrogresses with a priority date of November 15, 2013
- EB-3 Philippines retrogresses with a priority date of August 1, 2023

Final Action Dates

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.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO
1st	C	01APR23	01APR23	C
2nd	C	01SEP21	15JUL14	C
3rd	01JUN24	15JUN21	15NOV13	01JUN24
Other Workers	01FEB22	01FEB19	15NOV13	01FEB22
4th	15JUL22	15JUL22	15JUL22	15JUL22
Certain Religious Workers	15JUL22	15JUL22	15JUL22	15JUL22
5th Unreserved (including C5, T5, I5, R5, NU, RU)	C	22SEP16	01MAY22	C
5th Set Aside: Rural (20%, including NR, RR)	C	C	C	C
5th Set Aside: High Unemployment (10%, including NH, RH)	C	C	C	C
5th Set Aside: Infrastructure (2%, including RI)	C	C	C	C

What Should You Do? Your Action Plan

For May, USCIS is using the Final Action Dates chart. This means an Adjustment of Status may be filed for anyone with a priority date that is current on the Final Action Date chart (and not the Date of Filing chart as has been relied upon in recent months). If you have any employees whose priority date is current in April but retrogresses in May you should file their adjustment of status prior to April 30 or they may have to wait several months until they have an opportunity to file again

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

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](#).