



GMS Flash Alert

Immigration Edition

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United States - State Department Releases October 2020 Visa Bulletin

The U.S. Department of State (DOS) recently published the October 2020 Visa Bulletin with the latest cut-off dates for employment-based and family-sponsored preference categories.¹

For October 2020, U.S. Citizenship and Immigration Services (USCIS) will accept Forms I-485, *Applications to Register Permanent Residence or Adjust Status*, for employment-based applicants according to the Visa Bulletin's "Dates for Filing" chart.² With the exception of the F2A family-sponsored preference category, USCIS will accept Forms I-485 for applicants in all other family-sponsored categories according to the Visa Bulletin's "Dates for Filing" chart. Applicants in the F2A family-sponsored category may use the Visa Bulletin's "Final Action Dates" chart to file their Forms I-485.

WHY THIS MATTERS

Each month, the DOS releases a Visa Bulletin indicating the availability of statutorily limited visas for prospective immigrants, based on country of birth and the visa preference category under which the application is filed.³ While the U.S. government can only issue a limited number of immigrant visas each fiscal year, unused visa numbers from the prior fiscal year roll over to the next fiscal year.

The cut-off dates reflected in the Visa Bulletin, coupled with USCIS' confirmation of which chart will apply, dictate eligibility to file a Form I-485 in a given month. In addition, the "Final Action Dates" chart in the applicable Visa Bulletin determines whether pending Forms I-485 may be approved.

As October marks the start of a new fiscal year (FY), the October 2020 Visa Bulletin released by the DOS incorporates the unused visa numbers from last fiscal year to reflect the total number of immigrant visas available for FY 2021. The October 2020 Visa Bulletin shows significant advancement for most employment-based categories.

The use of "Dates for Filing" for all employment-based applicants is good news as well, as the "Dates for Filing" chart generally contains more favorable cut-off dates compared to the "Final Action Dates" chart. The cut-off dates for all family-based categories remain unchanged from the previous month for October 2020.

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Employment-Based Preference Categories

The cut-off dates under the Final Action Dates chart for employment-based immigrant visas will be as follows:

- EB-1: All countries of chargeability except India and the People's Republic of China ("China") will remain current. India and China will advance by two years and six months to September 1, 2020.
- EB-2: All countries of chargeability except India and China will remain current. China's cut-off date will advance to October 1, 2016, and India's cut-off date will advance to May 15, 2011.
- EB-3: All countries of chargeability except India and China have become current. China's cut-off date will advance to June 1, 2018, and India's cut-off date will advance to January 1, 2015.
- EB-4: All countries of chargeability, including China, India, and the Philippines, will remain current in October. Mexico will become current, and El Salvador, Guatemala and Honduras will advance to February 1, 2018.
- EB-5: All countries of chargeability, except China, will remain current. China will advance by three months to December 15, 2015.

Family-Sponsored Preference Categories

In October 2020, the cut-off dates for the filing of family-sponsored adjustment of status applications will be as follows:

- F1: All countries except Mexico and the Philippines will remain at July 22, 2015. Mexico will remain at February 22, 2000, and the Philippines will remain at October 8, 2012.
- F2A: All countries of chargeability will remain current under the Final Action Date chart.
- F2B: All countries except Mexico and the Philippines will remain at May 1, 2016. Mexico will remain at December 1, 1999, and the Philippines remain at April 1, 2012.
- F3: All countries except Mexico and the Philippines will remain at June 1, 2009. Mexico will remain at August 15, 2000, and the Philippines will remain at December 22, 2002.
- F4: All countries except India, Mexico, and the Philippines will remain at September 15, 2007. India will remain at November 22, 2005; Mexico will remain at April 22, 1999; and the Philippines will remain at September 1, 2002.

KPMG NOTE

Immigrant visa processing in FY 2020 was impacted significantly by the COVID-19 pandemic, restricted consular services, and the immigrant visa ban put into effect on April 23, 2020. Current demand for visa numbers is well below the estimated annual limit of 261,500.⁴ Consequently, continued advancements in many employment-based categories are expected in the coming months.

KPMG Law LLP in Canada monitors Visa Bulletins closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTES:

- 1 U.S. Department of State [website](#).
- 2 See the "[Adjustment of Status Filing Charts from the Visa Bulletin](#)" page on the USCIS website.
- 3 For our prior coverage of the September 2020 Visa Bulletin, see GMS *Flash Alert*: [2020-368](#) (August 25, 2020).
- 4 U.S. Department of State [website](#).

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Contact us

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