



# GMS Flash Alert

Immigration Edition

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## United States - February 2021 Visa Bulletin Published

On January 22, 2021, the U.S. Department of State (DOS) released the February 2021 "Visa Bulletin."<sup>1</sup> U.S. Citizenship and Immigration Services (USCIS) announced that it will accept employment-based Forms I-485, *Applications to Register Permanent Residence or Adjust Status*, next month according to the Visa Bulletin's "Final Action Dates" chart.<sup>2</sup>

The February 2021 Visa Bulletin also included a projection of potential immigrant visa availability under the Final Action Dates chart for family and employment-based categories through May 2021. The projections suggest an anticipated slow-down in forward momentum for the Final Action Date cut-offs in the employment-based second and third preference categories for Indian and Chinese nationals.

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### WHY THIS MATTERS

Each month, the DOS releases a Visa Bulletin indicating the availability of statutorily limited visas for prospective immigrants.<sup>3</sup> 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.

USCIS' projection in the February 2021 Visa Bulletin indicates a slow-down in the rate of forward movement through to May 2021 in the Final Action Dates chart cut-offs applicable to employment-based Forms I-485 filed by applicants in the second and third preference categories chargeable to India or the People's Republic of China ("China").

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### Employment-Based Preference Categories

The cut-off dates under the Final Action Dates chart for employment-based immigrant visas under the February 2021

Visa Bulletin will be as follows:

- EB-1: All countries of chargeability except India and China will remain current. India and China will advance four months to January 1, 2020.
- EB-2: All countries of chargeability except India and China will remain current. China's cut-off date will advance two weeks to June 15, 2016. India's cut-off date will advance four (4) days to October 12, 2009.
- EB-3: All countries of chargeability except India and China will remain current. China will advance to January 1, 2018, and India will advance nine (9) days to April 1, 2010.
- EB-4: All countries of chargeability, including China, India, the Philippines, and Vietnam, will remain current. El Salvador, Guatemala and Honduras will advance to April 15, 2018. Mexico will advance to December 15, 2018.
- EB-5: All countries of chargeability, except China and Vietnam, will remain current. China will remain at August 15, 2015, while Vietnam will advance to October 1, 2017.

## **DOS Projected Employment-Based Immigrant Visa Availability through May 2021**

- EB-1: All countries of chargeability except India and the China are expected to remain current. India and China are expected to advance up to six (6) months in this period.
- EB-2: All countries of chargeability except India and China are expected to remain current. China is expected to advance up to three weeks during this period. India is anticipated to advance up to two (2) weeks during this period.
- EB-3: All countries of chargeability except India and China are expected to remain current. China is anticipated to advance up to one month during this period. India is anticipated to advance up to three (3) weeks.
- EB-4: It is anticipated that most countries of chargeability will remain current. El Salvador, Guatemala and Honduras are expected to advance up to three months, while Mexico is anticipated to advance up to one (1) month.
- EB-5: All countries of chargeability, except China and Vietnam, are projected to remain current. China is anticipated to remain at August 15, 2015, while Vietnam is anticipated to advance by up to three (3) weeks.

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### **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 January 2020 Visa Bulletin, read *GMS Flash Alert 2021-001* (January 4, 2021).

## Contact us

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