

GMS Flash Alert



Immigration Edition

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United States - March 2021 Visa Bulletin Published, Immigrant Visa Ban Lifted

On February 23, 2021, the U.S. Department of State (DOS) released the March 2021 "Visa Bulletin."¹ On the same day, the U.S. Citizenship and Immigration Services (USCIS) determined that it will accept employment-based Form I-485, *Applications to Register Permanent Residence or Adjust Status* (Form I-485 application) next month according to the Visa Bulletin's "Final Action Dates" chart.²

On February 24, 2021, President Biden revoked a temporary suspension on the issuance of certain immigrant visas that was implemented by former President Trump.³ The ban on immigrant visas was to remain in effect until March 31, 2021, but was lifted immediately following President Biden's proclamation of February 24, 2021.

WHY THIS MATTERS

The significant advancement in first preference category cut-off dates for India and the People's Republic of China ("China") in March 2021 means that many intending immigrants who have been waiting several months to be eligible to apply to adjust their status to permanent resident or apply for an immigrant visa at a U.S. Consulate or Embassy will now be able to do so.

President Biden's revocation of the immigrant visa ban is not expected to have a notable impact on priority date cut-offs in the short-term, as U.S. Consulates and Embassies will likely not be able to issue a high volume of immigrant visas in the foreseeable future due to service limitations related to the ongoing pandemic. Still, the DOS has published guidelines for immigrant visa applicants who are in the process of applying, and those who were refused an immigrant visa while the ban was in effect.⁴

Context

Each month, the DOS releases a Visa Bulletin indicating the availability of statutorily limited visas for prospective

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immigrants.⁵ 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 application in a given month. In addition, the Final Action Dates chart in the applicable Visa Bulletin determines whether pending Form I-485 applications may be approved.

The modest forward movement in priority date cut-offs applicable to second and third preference employment-based applicants chargeable to India and China is anticipated to continue to May 2021, at which time USCIS will likely provide an updated projection.

Employment-Based Preference Categories

The cut-off dates under the Final Action Dates chart for employment-based immigrant visas under the March 2021 Visa Bulletin will be as follows:

EB-1: All countries of chargeability except India and China will remain current. India's and China's cut-off date will advance seven (7) months to August 1, 2020.

EB-2: All countries of chargeability except India and China will remain current. China's cut-off date will advance one (1) month to July 15, 2016. India's cut-off date will advance three (3) months to January 15, 2010.

EB-3: All countries of chargeability except India and China will remain current. China will advance five (5) weeks to February 8, 2018, and India will advance three (3) months to July 1, 2010.

EB-4: All countries of chargeability, except for El Salvador, Guatemala, Honduras, and Mexico, will remain current in March. The cut-off date for El Salvador, Guatemala, and Honduras will advance to June 1, 2018. The cut-off date for Mexico will move forward to January 1, 2019.

EB-5: All countries of chargeability, except China and Vietnam, will remain current. China will remain at August 15, 2015, while Vietnam will advance by three (3) weeks to October 22, 2017.

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 See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/a-proclamation-on-revoking-proclamation-10014/> for President Biden's revocation ("A Proclamation on Revoking Proclamation 10014" (February 24, 2021)), and [GMS Flash Alert 2020-198](#) (April 27, 2020) and [GMS Flash Alert 2021-006](#) (January 5, 2021) for details of former President Trump's ban on immigrant visas.

4 See "Rescission of Presidential Proclamation 10014" at: <https://travel.state.gov/content/travel/en/News/visas-news/rescission-of-presidential-proclamation-10014.html> .

5 For our prior coverage of the February 2021 Visa Bulletin, read [GMS Flash Alert 2021-040](#) (January 26, 2021).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Victor Francis
Manager, Attorney, U.S. Immigration
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1 416-943-7894
victorfrancis1@kpmg.ca

Elizabeth Nanton
Partner, Practice Leader, U.S. Immigration,
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1 604-691-3316
bnanton@kpmg.ca

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