



GMS Flash Alert

Immigration Edition

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United States – October 2021 Visa Bulletin; COVID-19 Vaccination Requirement

The U.S. Department of State (DOS) released the October 2021 *Visa Bulletin*, which is the first visa bulletin of the next fiscal year.¹ The new *Visa Bulletin* includes short-term projections regarding cut-off date movements through to January 2022. The U.S. Citizenship and Immigration Services (USCIS) has also confirmed that it will accept employment-based Form I-485, *Applications to Register Permanent Residence or Adjust Status*, next month according to the *Visa Bulletin's* "Dates of Filing" chart.²

As of October 1, 2021, immigrants to the U.S. who are eligible to receive the COVID-19 vaccine must be fully immunized with a vaccine authorized for use in the U.S. or designated for emergency use by the World Health Organization in order to adjust status to permanent resident or receive an immigrant visa, unless they are exempt or obtain a waiver.³

WHY THIS MATTERS

Each month, the U.S. Department of State releases a *Visa Bulletin* indicating the availability of statutorily limited visas for prospective immigrants.⁴ 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 a pending Form I-485 or immigrant visa application may be approved.

With respect to the new COVID-19 vaccination requirement, immigrants eligible for the vaccine who are unwilling to receive it may not be admitted to the United States as of October 1, 2021, unless they qualify for an exemption or waiver. Applicants for adjustment of status or an immigrant visa who do not currently satisfy the new vaccination requirement but are willing to comply can expect significant delays in completing the required medical examination. More specifically, it may take weeks before the applicant is considered vaccinated for purposes of the required medical exam, depending on the type of vaccine administered and the length of time between doses.

Employment-Based Preference Category Cut-Off Dates

The cut-off dates on the employment-based Final Action Dates chart in the October 2021 *Visa Bulletin* reflect no forward movement or retrogression relative to the September *Visa Bulletin*. The Final Action Dates are as follows:

EB-1: All countries of chargeability will remain current.

EB-2: All countries of chargeability except India and the People's Republic of China ("China") will remain current. China's cut-off date will remain at July 1, 2018, and India's cut-off date will remain at September 1, 2011.

EB-3 Professionals and Skilled Workers: All countries of chargeability except India and China will remain current. China's cut-off date will remain as January 8, 2019, and India's cut-off date will remain at January 1, 2014.

EB-3 Other Workers: All countries of chargeability except India and China will remain current. China's cut-off date will remain as February 1, 2010, and India's cut-off date will remain at January 1, 2014.

EB-4: The cut-off date for El Salvador, Guatemala, and Honduras will remain at March 15, 2019. Mexico's cut-off date will remain March 1, 2020. All other countries of chargeability will continue to be current in October.

EB-5: The Non-Regional Center program will be current for all countries except China. China's cut-off date will remain at November 22, 2015. The Regional Center program has expired. If the Regional Center program is reauthorized next month, then the cut-off dates will mirror those of the Non-Regional Center program.

The cut-off dates per the Dates for Filing chart in the October 2021 *Visa Bulletin* are below.

EB-1: All countries of chargeability will be current.

EB-2: All countries of chargeability except India and China will be current. China's cut-off date will be September 1, 2018, and India's cut-off date will be July 8, 2012.

EB-3 Professionals and Skilled Workers: All countries of chargeability except India and China will be current. China's cut-off date will be January 15, 2019, and India's cut-off date will be January 8, 2014.

EB-3 Other Workers: All countries of chargeability except India and China will remain current. China's cut-off date will be May 1, 2010, and India's cut-off date will be January 8, 2014.

EB-4: The cut-off date for El Salvador, Guatemala, and Honduras will be May 15, 2019. All other countries of chargeability will be current in October.

EB-5: The category will be current for all countries except China. China's cut-off date will be December 15, 2015.

Predictions Regarding Future Cut-Off Dates

The October 2021 *Visa Bulletin* includes the following predictions that apply through January 2022:

- The EB-1 category is expected to remain current for all countries of chargeability.
- The EB-2 cut-off dates for China and India may move up by several months. The EB-2 category is expected to remain current for all other countries of chargeability.
- EB-3 Final Action Dates for India and China may retrogress as soon as November 1, 2021, and a worldwide Final Action Date cut-off date may need to be imposed for EB-3 applicants as of November 1, 2021.
- No forward movement is expected for China in the EB-5 category, but all other countries should remain current.

Additional Information Regarding the COVID-19 Vaccine Requirement

Fully-vaccinated applicants for adjustment of status or an immigrant visa who have not yet undergone the required medical exam should bring proof of COVID-19 vaccination to their medical appointment to avoid unnecessary delays.

Individuals with a Form I-485 pending as of October 1, 2021, who submitted a medical exam report should expect to receive a Request for Evidence from USCIS for a new medical exam report confirming full vaccination against COVID-19.

A blanket waiver may be granted if the COVID-19 vaccine is not age appropriate, contraindicated due to a medical condition, not routinely available where the civil surgeon practices or the applicant lives, or limited in supply.⁵

Immigrants who have religious or moral objections to receiving a vaccine may apply for a waiver by submitting Form I-601, *Application for Waiver Grounds of Inadmissibility*.

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 [CDC Requirements for Immigrant Medical Examinations: COVID-19 Technical Instructions for Civil Surgeons | Immigrant and Refugee Health | CDC](#) and [CDC Requirements for Immigrant Medical Examinations: COVID-19 Technical Instructions for Panel Physicians | Immigrant and Refugee Health | CDC](#).
- 4 For our prior coverage of the September 2021 *Visa Bulletin*, read [GMS Flash Alert 2021-218](#) (August 18, 2021).
- 5 See [COVID-19 Vaccination Required for Immigration Medical Examinations | USCIS](#) and [Chapter 9 - Vaccination Requirement | USCIS](#).

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