



GMS Flash Alert

Immigration Edition

2022-037 | February 22, 2022



United States – March 2022 Visa Bulletin

The U.S. Department of State (DOS) has released the March 2022 *Visa Bulletin*.¹ 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

WHY THIS MATTERS

Each month, the DOS releases a *Visa Bulletin* indicating the availability of statutorily limited visas for prospective immigrants.³ 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 each 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.

Employment-Based Preference Category Cut-Off Dates

The cut-off dates in the employment-based [Final Action Dates](#) chart of the March 2022 *Visa Bulletin* reflect advancement in the EB-2 category for India and the EB-3 Other Workers category for the People's Republic of China ("China"). More specifically, EB-2 India advanced by four months and EB-3 Other Workers China advanced by one month. The Final Action Dates for next month are as follows:

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

EB-2: All countries of chargeability except for China and India will remain current. China's cut-off date will remain at March 1, 2019, whereas India's cut-off date will progress to May 1, 2013.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India remain current. China's cut-off date will remain at March 22, 2018, and India's cut-off date will remain at January 15, 2012.

EB-3 Other Workers: All countries of chargeability except China and India will remain current. China's cut-off date will advance to May 1, 2012, and India's cut-off date will remain at January 15, 2012.

EB-4: All countries, except El Salvador, Guatemala, Honduras, and Mexico, will remain current. The cut-off for El Salvador, Guatemala and Honduras will retrogress to May 1, 2017, while Mexico's cut-off date will remain at April 1, 2020. The non-minister special immigrant program under the EB-4 category expired on February 18, 2022. Accordingly, no immigrant visas for non-minister special immigrants have been able to receive an immigrant visa or adjust status as of this date.

If the non-minister special immigrant program is reauthorized next month, then the Final Action Dates for individuals applying under this category will immediately become current for all countries, except El Salvador, Guatemala, Honduras, and Mexico, which would be subject to the same Final Action Dates that apply for other EB-4 applicants chargeable to these countries.⁴

EB-5: The Non-Regional Center program will be current for all countries. The Regional Center program has expired. If the Regional Center program is reauthorized next month, then the Final Action Dates will immediately become current for all countries, except China, which would be subject to a cut-off November 22, 2015.

The DOS indicated that it may be necessary to establish an EB-5 Non-Regional Center Final Action Date and Date for Filing cut-off for China as early as April 2022. Also, the DOS warned that the Final Action Date cut-off for EB-2 India may retrogress soon, depending on demand in the EB-5 category. Note that EB-2 India utilizes any unused numbers from the EB-5 category.⁵

USCIS announced it will follow the [Dates for Filing chart](#) in March 2022. The cut-off dates per the Dates for Filing chart in next month's *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 remain at April 1, 2019, and India's cut-off date will progress to September 1, 2013.

EB-3 Professionals and Skilled Workers: All countries of chargeability except India and China will be current. China's cut-off date will remain at April 1, 2018, and India's cut-off date will remain at January 22, 2012.

EB-3 Other Workers: All countries of chargeability except India and China will remain current. China's cut-off date will progress to June 1, 2015, and India's cut-off date will remain at January 22, 2012.

EB-4: All countries of chargeability except El Salvador, Guatemala, and Honduras will remain current. The cut-off date for El Salvador, Guatemala, and Honduras remains May 15, 2019.

EB-5: The Non-Regional Center program remains current for all countries. The Regional Center program remains current for all countries except for China. China's cut-off date will remain at December 15, 2015.

USCIS has announced that in March 2022, it will allow applicants to submit I-485 applications based on the [Dates for Filing](#) chart. The cut-off dates per the Dates for Filing chart of the March 2022 *Visa Bulletin* are below.

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

EB-2: All countries of chargeability except for China and India will be current. China's cut-off date will remain at April 1, 2019, and India's cut-off date will remain at September 1, 2013.

EB-3 Professionals and Skilled Workers: All countries of chargeability except China and India will remain current. China's cut-off date will remain at April 1, 2018, and India's cut-off date will remain at January 22, 2012.

EB-3 Other Workers: All countries of chargeability except China and India will remain current. China's cut-off date will progress to July 1, 2015, and India's cut-off date will remain at January 22, 2012.

© 2022 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. Printed in the U.S.A. NDPPS 530159

EB-4: All countries except El Salvador, Guatemala and Honduras will remain current. The cut-off date for El Salvador, Guatemala, and Honduras will regress to June 15, 2017.

EB-5: The Non-Regional Center program remains current for all countries. The Regional Center program remains current for all countries except for China. The cut-off date for China will remain at December 15, 2015.

Despite the Dates for Filing chart for next month showing that the EB-5 Regional Center program category will be current for most countries, USCIS will reject an I-485 filing based on an I-526 immigrant visa petition filed by an approved Regional Center.⁶

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 February 2022 *Visa Bulletin*, read [GMS Flash Alert 2021-011](#) (January 19, 2022).

4 U.S. Department of State [website](#).

5 Ibid.

6 See USCIS, [Approved EB-5 Immigrant Investor Regional Centers](#).

* * * *

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:



Elizabeth Nanton
Partner, Practice Leader,
U.S. Immigration

KPMG Law LLP – Tax + Immigration,
Canada

Tel. +1 604-691-3316

bnanton@kpmg.ca



Jashan Girn
Associate Attorney,
U.S. Immigration

KPMG Law LLP – Tax + Immigration,
Canada

Tel. +1 416-468-7557

jgirn@kpmg.ca

** Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm Canada.

© 2022 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2022 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click here. To learn more about our GMS practice, please visit us on the Internet: click here or go to <http://www.kpmg.com>.