



# GMS Flash Alert

## Immigration Edition

2022-139 | July 19, 2022



# United States - August 2022 Visa Bulletin

The U.S. Department of State (DOS) has released the August 2022 *Visa Bulletin*.<sup>1</sup> U.S. Citizenship and Immigration Services (USCIS) has also confirmed that in August 2022, it will accept employment-based Forms I-485, *Applications to Register Permanent Residence or Adjust Status*, under the Final Action Dates chart of the *Visa Bulletin*.<sup>2</sup>

## 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 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.

If an applicant falls into a category for which an immigrant visa number is not current (i.e., authorized for issuance to all qualified applicants), then an immigrant visa number may only be issued if the applicant has a priority date that is earlier than the applicable Final Action Date cut-off.

## Employment-Based Preference Category Cut-Off Dates

USCIS has announced that in August 2022, it will allow applicants to submit I-485 applications based on the Final Action Dates chart.

Notably, the employment-based Final Action Dates chart of the August 2022 *Visa Bulletin* does not reflect any forward movement for EB-2 China or India.

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 China and India will remain current. China's cut-off date will remain at April 1, 2019, and India's cut-off date will remain at December 1, 2014.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India remain current. China's cut-off date will advance one month to April 22, 2018, and India's cut-off date will also advance one month to February 15, 2012.

EB-3 Other Workers: All countries of chargeability except China and India will have a cut-off date of May 8, 2019. China's cut-off date will remain at June 1, 2012, and India's cut-off date will advance one month to February 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 remain at November 8, 2017, and Mexico's cut-off date will remain at April 1, 2020.

On March 15, 2022, the non-minister special immigrant program under the EB-4 category was extended through September 30, 2022. The law allows these workers to immigrate or adjust status to permanent resident by that date. The Final Action Dates for individuals applying under this category are immediately 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.<sup>4</sup>

EB-5: Final Action Date will be current for all set aside sub-categories (i.e., rural, high unemployment, and infrastructure), regardless of the country of chargeability. The Final Action Date will also be current in unreserved subcategories – including C5, T5, I5, and R5 – for all countries, except for China. The EB-5 China cut-off for intending immigrants in an unreserved sub-category will remain at November 22, 2015.

## 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 July 2022 *Visa Bulletin*, read [GMS Flash Alert 2022-117](#), June 17, 2022.

4 See USCIS, "[Special Immigrant Religious Workers](#)."

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## Contact us

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