



GMS Flash Alert

Immigration Edition

2022-207 | November 18, 2022



United States - December 2022 Visa Bulletin

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

As predicted in the November 2022 *Visa Bulletin*, increased demand in the EB-2 category has resulted in establishment of a worldwide cut-off on next month's Final Action Dates chart.³ Also, the December 2022 *Visa Bulletin* confirmed that corrective action was taken on EB-2 cut-offs due to demand being higher than expected. The December 2022 *Visa Bulletin* further confirmed that Final Action and Dates of Filing cut-offs will likely be imposed for the People's Republic of China ("China") and India EB-1 in the coming months to hold number use within the maximum allowed under the FY 2023 annual limits.

WHY THIS MATTERS

Each month, the DOS 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 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.

Retrogression in the EB-2 category and anticipated retrogression for EB-1 China and India will result in longer wait times for impacted immigrant visa and adjustment of status applicants.

Employment-Based Preference Category Final Action Date Cut-Offs

USCIS has announced that it will allow applicants to submit I-485 applications in December 2022 based on the Dates of Filing chart.

Notably, the December *Visa Bulletin* imposes a new cut-off date for worldwide EB-2 applicants, the EB-2 India category will retrogress by more than six months, and EB-3 cut-offs will advance for India and China.

The Final Action Dates for next month are as follows:

EB-1: All countries, including India and China, will remain current.

EB-2: All other countries will retrogress to November 1, 2022. India will retrogress by more than six months to October 8, 2011. China will remain unchanged at June 8, 2019.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India remain current. India will advance by more than two months to June 15, 2012, and China will advance by six weeks to August 1, 2018, respectively.

EB-3 Other Workers: The cut-off date for China is June 22, 2013, and the cut-off date for India moves ahead to June 15, 2012. All other countries will remain at June 1, 2020.

EB-4: All countries, except El Salvador, Guatemala, Honduras, and Mexico, will be subject to a cut-off of June 22, 2022. The cut-off date for El Salvador, Guatemala, and Honduras will remain March 15, 2018, and Mexico's cut-off date will be September 15, 2020.

EB-5: For the EB-5 Unreserved categories (C5, T5, I5, and R5), China and India will remain at March 22, 2015, and November 8, 2019, respectively. EB-5 Final Action dates will remain current for all other countries, and for all EB-5 "Set-Aside" categories.

Employment-Based Preference Category Dates for Filing Cut-Offs

The December 2022 Dates for Filing are listed below.

EB-1: All countries, including India and China, will remain current.

EB-2: All countries of chargeability except China and India will retrogress to December 1, 2022. China and India will remain at July 8, 2019, and May 1, 2012, respectively.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India remain current. China will retrogress to September 1, 2018, and India to August 1, 2012.

EB-3 Other Workers: All countries of chargeability except China and India will have a cut-off date of September 8, 2022. China will remain at November 1, 2015, and India will change to August 1, 2012.

EB-4: All countries, except El Salvador, Guatemala, Honduras, and Mexico, will retrogress to July 22, 2022. The cut-off date for El Salvador, Guatemala, and Honduras will remain April 15, 2018, and Mexico's cut-off date will be October 15, 2020.

H.R. 6833, enacted on September 30, 2022, extended the Employment Fourth Preference Certain Religious Workers (SR) category until December 16, 2022. As of this date, no SR visas may be issued overseas and no final action may be taken on adjustment of status cases. Visas issued prior to this date will be valid only until December 15, 2022, and all individuals seeking admission in the non-ministerial special immigrant category must be admitted to the U.S. no later than midnight December 15, 2022. If legislative action is taken to extend this category, the December dates will be applicable for the entire month. Otherwise, the category will become “unavailable” effective December 16, 2022.

EB-5: For the EB-5 Unreserved categories (C5, T5, I5, and R5), China and India will remain at January 1, 2016, and December 8, 2019, respectively, and all other countries will remain current. For the EB-5 “Set-Aside” categories (Rural, High Unemployment, and Infrastructure), the Date for Filing will remain current for all countries.

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 Department of State, “[Visa Bulletin For November 2022](#).”
- 4 For our prior coverage of the November 2022 *Visa Bulletin*, read [GMS Flash Alert 2022-187](#), October 20, 2022.

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