



# GMS Flash Alert

## Immigration Edition

2023-041 | February 22, 2023



## United States – March 2023 Visa Bulletin

The U.S. Department of State has released the March 2023 *Visa Bulletin*.<sup>1</sup> U.S. Citizenship and Immigration Services (USCIS) has also confirmed that in March 2023, it will accept employment-based Forms I-485, *Applications to Register Permanent Residence or Adjust Status*, under the Dates for Filing chart of the *Visa Bulletin*.<sup>2</sup>

### 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.<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.

### Employment-Based Preference Category Cut-Off Dates

The Final Action Dates for next month are as follows:

EB-1: All countries of chargeability except the People's Republic of China ("China") and India will remain current. The cut-off date for both China and India remains at February 1, 2022.

EB-2: The cut-off date for all countries except China and India remains November 1, 2022. The cut-off for China will remain at June 8, 2019, and the cut-off for India remains at October 8, 2011.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India remain current. China's cut-off date will remain at August 1, 2018, and India's cut-off date will remain at June 15, 2012.

EB-3 Other Workers: All countries of chargeability except China and India will have a cut-off date of January 1, 2020. China's cut-off date will progress to July 1, 2014, and India's cut-off date will remain at June 15, 2012.

© 2023 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.

2023-041 | February 22, 2023

EB-4: The cut-off for all countries, except El Salvador, Guatemala, Honduras, India and Mexico, will retrogress to February 1, 2022. The cut-off for El Salvador, Guatemala and Honduras will remain at March 15, 2018. The cut-off date for India will retrogress to March 1, 2021, and Mexico's cut-off date will retrogress to August 1, 2020.

Certain Religious workers: The cut-off date for all countries except El Salvador, Guatemala, Honduras, India and Mexico will retrogress to February 1, 2022. For El Salvador, Guatemala and Honduras, the cut-off date will remain at March 15, 2018. Whereas the cut-off date for India will retrogress to March 1, 2021, and for Mexico it will retrogress to August 1, 2020.

EB-5: Final Action Dates are current for all countries, except for the C5, T5, I5 and R5 programs for China and India. The cut-off date for China moves forward July 8, 2015, whereas the cut-off date for India retrogresses to June 1, 2018.

The cut-off dates for the employment-based [Dates for Filing](#) chart of the March 2023 are the following<sup>4</sup>:

USCIS has announced that in March 2023, it will allow applicants to submit I-485 applications based on the Dates for Filing chart.

EB-1: All countries of chargeability except China and India will remain current. The cut-off date for both China and India remains at June 1, 2022.

EB-2: The cut-off date for all countries except China and India remains at December 1, 2022. The cut-off for China will remain at July 8, 2019, and the cut-off for India remains at May 1, 2012.

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

EB-3 Other Workers: All countries of chargeability except India and China will remain at February 1, 2020. China's cut-off date will remain at November 1, 2015, and India's cut-off date will remain at August 1, 2012.

EB-4: All countries of chargeability except El Salvador, Guatemala, Honduras, India and Mexico will retrogress to March 1, 2022. The cut-off date for El Salvador, Guatemala and Honduras will remain at April 15, 2018. Whereas the cut-off date for India will retrogress to April 1, 2021, and Mexico will retrogress to September 1, 2020.

Certain Religious Workers: The Dates of Filing will retrogress to March 1, 2022, for all countries except El Salvador, Guatemala, Honduras, India and Mexico. The cut-off date for El Salvador, Guatemala and Honduras will remain at 15 April 2018. The cut-off date for India will retrogress to April 1, 2021, and the cut-off date for Mexico will retrogress to September 1, 2020.

EB-5: Dates for Filing are current for all countries, except for the C5, T5, I5 and R5 programs for China and India. The cut-off date for China will remain at January 1, 2016, and for India it will remain at December 8, 2019.

The Department State has also provided the following guidance regarding visa availability for various employment-based categories<sup>5</sup>:

EB-2: Since December of 2022 visa demand and use for EB-2 for all countries including India and China have been higher than expected. This will require corrective action in the upcoming months to help ensure that visa number use is within the maximum allowed under the FY 2023 limit.

EB-3: Increased demand for EB-3 visas may require establishment of a worldwide final action date in the upcoming months. This is to keep the visa number use below the maximum allowed under the FY 2023 limit.

EB-4: In December 2022, increased demand led to the establishment of final action and application filing dates to be established for the rest of the world countries, China, India and Philippines. Visa number use and demand in this category has continued to increase and will require further retrogression of final action dates and application filing dates.

EB-5: In October 2022, increased demand led to the establishment of final action date and application filing date for EB-5 unreserved (including C5, T5, I5 and R5) category. Visa number use and demand have continued to remain higher than anticipated, so further retrogression has become necessary.

## 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 December 2022 *Visa Bulletin*, read [GMS Flash Alert 2022-207](#), November 18, 2022.

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

5 Id.

\* \* \* \*

## 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](mailto:victorfrancis1@kpmg.ca)



**Jashan Girm**  
**Associate Attorney, U.S. Immigration**  
KPMG Law LLP – Tax + Immigration, Canada  
Tel. +1 416-468-7557  
[jgirm@kpmg.ca](mailto:jgirm@kpmg.ca)

*\* Please note the KPMG International member firm in the United States does not provide immigration or labour 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 in Canada.**

© 2023 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](http://www.kpmg.com)

[kpmg.com/socialmedia](http://kpmg.com/socialmedia)



© 2023 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.

GMS Flash Alert is a publication of the KPMG LLP Washington National Tax practice.