



# GMS Flash Alert

## Immigration Edition

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## United States - December 2023 Visa Bulletin

The U.S. Department of State (DOS) has released the December 2023 *Visa Bulletin*.<sup>1</sup> U.S. Citizenship and Immigration Services (USCIS) has also confirmed that it will accept employment-based Forms I-485, *Applications to Register Permanent Residence or Adjust Status*, next month according to the *Visa Bulletin*'s Dates of Filing chart.<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 cut-off dates in the employment-based Final Action Dates chart of the December 2023 *Visa Bulletin* continue the current month's trend of little to no movement. The Final Action Dates for next month are as follows:

EB-1: All countries of chargeability other than the People's Republic of China ("China") and India are current. China's EB-1 cut-off date is February 15, 2022, while India's is January 1, 2017.

EB-2: All countries of chargeability except China and India have a cut-off date of July 15, 2022. China's cut-off date advances to October 22, 2019, whereas India's cut-off date is January 1, 2012.

EB-3 Professional and Skilled Workers: All countries of chargeability except China and India have a cut-off date of December 1, 2021. China's cut-off date will advance to January 22, 2020, and India's cut-off date will be May 1, 2012.

EB-3 Other Workers: China's cut-off date is January 1, 2016, India's cut-off date is May 1, 2012, and the Philippines' cut-off date is May 1, 2020. The cut-off date for all other countries is August 1, 2020.

EB-4: All countries have a cut-off date of January 1, 2019.

H.R. 5860, signed on September 30, 2023, extended the non-minister special immigrant religious worker program through November 17, 2023. The law allows non-minister special immigrants to immigrate or adjust status to permanent resident by this date, also known as the sunset date. Non-minister special immigrant religious workers include those within a religious vocation or occupation engaged in either a professional or non-professional capacity. The program end date also applies to accompanying spouses and children of non-minister special immigrant religious workers.<sup>4</sup>

EB-5 Unreserved: All countries other than China and India are current. China's EB-5 cut-off date for immigrant visas not set aside for rural areas, areas of high unemployment, and infrastructure projects is October 1, 2015, while India's cut-off date is December 15, 2018.

EB-5 Set Asides: All countries of chargeability are current.

USCIS has announced that it will allow employment-based adjustment of status applicants to submit I-485 applications next month based on the Dates for Filing chart. The cut-off dates per the Dates for Filing chart in the December 2023 *Visa Bulletin* are below. Note that there are no changes from the November 2023 *Visa Bulletin*.<sup>5</sup>

EB-1: The cut-off date for China is August 1, 2022, and the cut-off date for India is July 1, 2019. All other countries of chargeability are current.

EB-2: All countries of chargeability except for China and India have a cut-off date of January 1, 2023. China's cut-off date is January 1, 2020, and India's cut-off date is May 15, 2012.

EB-3 Professionals and Skilled Workers: China's cut-off is September 1, 2020, India's cut-off is August 1, 2012, and the Philippines' cut-off is January 1, 2023. The cut-off date for all other countries is February 1, 2023.

EB-3 Other Workers: China's cut-off is June 1, 2017, India's cut-off is August 1, 2012, and the Philippines' cut-off is May 15, 2020. The cut-off date for all other countries is December 15, 2020.

EB-4: The cut-off date for all countries is March 1, 2019.

EB-5 Unreserved: All countries aside from China and India are current. China's EB-5 cut-off date for immigrant visas not set aside for rural areas, areas of high unemployment, and infrastructure projects is January 1, 2017, while India's cut-off date is April 1, 2022.

EB-5 Set Asides: All countries of chargeability are current.

## 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 Ibid.

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

5 See [travel.state.gov/content/dam/visas/Bulletins/visabulletin\\_November2023.pdf](https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_November2023.pdf) .

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