



GMS Flash Alert

Immigration

2024-170 | August 15, 2024



United States – September 2024 Visa Bulletin

The September 2024 *Visa Bulletin* released by the U.S. Department of State reflects significant retrogression in the EB-3 categories of Skilled Workers, Professionals, and Other Workers.¹ United States Citizenship and Immigration Services (“USCIS”) will continue to accept Form I-485, *Application to Register Permanent Residence or Adjust Status*, utilizing the Final Action Dates chart for all employment-based preference categories.²

WHY THIS MATTERS

Congress limits the number of immigrant visas (“green cards”) which may be issued each year. A per-country limit of 7 percent of the annual quota of available employment-based immigrant visas applies. Each month, the U.S. Department of State (DOS) releases a *Visa Bulletin* indicating the availability of statutorily-limited visas for prospective immigrants.

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.

In the September 2024 *Visa Bulletin*, the DOS notes that it was necessary to retrogress the EB-3 Final Action Dates for Professional and Skilled Workers (rest of the world, Mexico, and the Philippines), and Other Workers (rest of the world and Mexico) as the totals in these categories are “rapidly” approaching the annual limit for FY 2024, necessitating a slow down of issuance rates.³ The DOS anticipates that the Final Action Dates will advance in the October 2024 *Visa Bulletin*, however, the movement will depend on the worldwide demand for EB-3 visas and the estimated FY 2025 category limit.⁴ Due to the retrogression, it is recommended to submit I-485 applications for eligible applicants, especially those in the EB-3 preference category, in early September.

© 2024 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. © 2024 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.

Employment-Based Preference Category Cut-Off Dates

Cut-Off Dates for Dates of Filing Chart for September 2024⁵

EB-1: All countries of chargeability except the People's Republic of China ("China") and India will remain current. The cut-off date for China remains January 1, 2023, and the cut-off date for India remains February 8, 2022.

EB-2: The cut-off dates for all countries except China and India remain March 22, 2023. The cut-off date for China will stay at June 1, 2020, and the cut-off date for India of July 22, 2012, is unchanged.

EB-3 Professional and Skilled Workers: The cut-off dates for all countries of chargeability except China, India, and the Philippines remain February 1, 2023. China's cut-off date will stay July 1, 2021. India's cut-off date will stay November 1, 2012. The Philippines' cut-off date will stay January 1, 2023.

EB-3 Other Workers: All countries of chargeability except China, India, and the Philippines will keep their cut-off dates of January 8, 2021. China's cut-off date will remain June 1, 2017. India's cut-off date will remain November 1, 2012. The Philippines' cut-off date will remain May 15, 2020.

EB-4: The cut-off dates for all countries remain February 1, 2021.

Certain Religious workers: The cut-off dates for all countries remain February 1, 2021.

EB-5: Cut-off dates are current for all countries, except for the C5, T5, I5, and R5 (i.e., 5th Unreserved) programs for China and India. The 5th Unreserved cut-off date for China remains January 1, 2017, and the 5th Unreserved cut-off date for India remains April 1, 2022.

Cut-Off Dates for Dates of Final Action Chart for September 2024⁶

EB-1: All countries of chargeability except China and India will be current. The cut-off date for China remains November 1, 2022. The cut-off date for India remains February 1, 2022.

EB-2: The cut-off dates for all countries except China and India remain March 15, 2023. The cut-off date for China will stay March 1, 2020, and the cut-off date for India will be unchanged at July 15, 2012.

EB-3 Professional and Skilled Workers: The cut-off dates for all countries of chargeability except China and India retrogressed by one (1) year to December 1, 2020. China's cut-off date will remain September 1, 2020, and India's cut-off date will stay October 22, 2012.

EB-3 Other Workers: All countries of chargeability except China, India, and the Philippines have retrogressed by one (1) month to December 1, 2020. China's cut-off date will remain January 1, 2017. India's cut-off date will remain October 22, 2012. The cut-off date for the Philippines will remain May 1, 2020.

EB-4: The cut-off dates for all countries remain January 1, 2021.

Certain Religious workers: The cut-off dates for all countries remain January 1, 2021.

EB-5: Final Action Dates are current for all countries, except for the C5, T5, I5, and R5 (i.e., 5th Unreserved) programs for China and India. The 5th Unreserved cut-off date for China will remain December 15, 2015, and the cut-off date for India remains December 1, 2020.

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

* * * *

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
Practice Leader & Partner, U.S. Immigration
KPMG Law LLP – Tax + Immigration, Canada
Tel. +1 604-691-3316
bnanton@kpmg.ca



Nashrah Rahman
Manager— Attorney, U.S. Immigration
KPMG Law LLP – Tax + Immigration, Canada
Tel. +1 416-468-7557
nashrahrman@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.

© 2024 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. © 2024 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

Some or all of the services described herein may not be permissible for KPMG audit clients and their affiliates or related entities.

Learn about us:



kpmg.com

© 2024 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. Printed in the U.S.A. USCS001250-2F

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.

KPMG International Limited is a private English company limited by guarantee and does not provide services to clients. No member firm has any authority to obligate or bind KPMG International or any other member firm vis-à-vis third parties, nor does KPMG International have any such authority to obligate or bind any member firm. The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.