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GMS Flash Alert

Immigration Edition

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United States – February 2022 Visa Bulletin

The U.S. Department of State (DOS) has released the February 2022 *Visa Bulletin*.[1] The U.S. Citizenship and Immigration Services (USCIS) has also confirmed that it will accept employment-based Form I-485, *Applications to Register Permanent Residence or Adjust Status*, next month according to the *Visa Bulletin's* "Dates of Filing" chart.[2]

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.[3] 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 on the employment-based Final Action Dates chart in the February 2022 *Visa Bulletin* reflect progression in the EB-2 category for the People's Republic of China ("China") and India. EB-2 India advanced by 5 months and 24 days to January 1, 2013. The Final Action Dates are as follows:

EB-1: All countries of chargeability will remain current.

EB-2: All countries of chargeability except India and China will remain current. China's cut-off date will progress to March 1, 2019, and India's cut-off date will progress to January 1, 2013.

EB-3 Professionals and Skilled Workers: All countries of chargeability except India and China will remain current. China's cut-off date will remain at March 22, 2018, and India's cut-off date will remain at January 15, 2012.

EB-3 Other Workers: All countries of chargeability except India and China will remain current. China's cut-off date will progress to April 1, 2012, and India's cut-off date will remain at January 15, 2012.

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EB-4: All countries of chargeability except El Salvador, Guatemala, Honduras, and Mexico will remain current. The cut-off date for El Salvador, Guatemala, and Honduras will remain at March 15, 2019. Mexico's cut-off date will remain at April 1, 2020.

EB-5: The Non-Regional Center program will be current for all countries. The Regional Center program has expired. If the Regional Center program is reauthorized next month, then the cut-off dates will mirror those of the Non-Regional Center program, except China, which would be subject to a November 22, 2015, final action date.

USCIS announced that in February it will follow the Dates for Filing chart. The cut-off dates per the Dates for Filing chart in the February 2022 *Visa Bulletin* are below.

EB-1: All countries of chargeability will be current.

EB-2: All countries of chargeability except India and China will be current. China's cut-off date will remain at April 1, 2019, and India's cut-off date will progress to September 1, 2013.

EB-3 Professionals and Skilled Workers: All countries of chargeability except India and China will be current. China's cut-off date will remain at April 1, 2018, and India's cut-off date will remain at January 22, 2012.

EB-3 Other Workers: All countries of chargeability except India and China will remain current. China's cut-off date will progress to June 1, 2015, and India's cut-off date will remain at January 22, 2012.

EB-4: All countries of chargeability except El Salvador, Guatemala, and Honduras will remain current. The cut-off date for El Salvador, Guatemala, and Honduras remains May 15, 2019.

EB-5: The Non-Regional Center program remains current for all countries. The Regional Center program remains current for all countries except for China. China's cut-off date will remain at December 15, 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 January 2021 *Visa Bulletin*, read *GMS Flash Alert* 2021-312 (December 20, 2021).

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