



GMS Flash Alert

Immigration

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United States – Annual Limit Reached for EB-2 Immigrant Visa Category in FY24

On September 9, 2024, the U.S. Department of State (DOS) announced that all available visas had been issued in the Employment-Based Second Preference (EB-2) category for fiscal year (FY) 2024, ending on September 30, 2024.¹ FY 2025 will commence on October 1, 2024, upon which the annual limit will be reset.

WHY THIS MATTERS

Although the immigrant visa has been reached in the EB-2 category for FY2024, the U.S. Citizenship and Immigration Services (USCIS) will continue to accept adjustment of status applications that are current, per the DOS *Visa Bulletin*, until October 1, 2024. While such applications will be accepted by USCIS, the applications will not be adjudicated nor approved until FY 2025 begins. The EB-2 category joins the EB-1, EB-3, EB-4, EB-5 unreserved, and EW immigrant visa categories as those that reached their annual limits in FY2024. Fortunately, as the new fiscal year is merely days away, applicants will not have to wait an excessive amount of time before the government will resume adjudication of the applications.

Authority to Issue Immigrant Visas

The EB-2 immigrant visa category is for professionals holding advance degrees or individuals of exceptional ability in the sciences, arts, or business.² The category is given 28.6 percent of the worldwide immigrant visa limit each year, per the *Immigration and Nationality Act* (INA).³ The DOS has the authority to issue immigrant visas, and USCIS (under the Department of Homeland Security) has the authority to adjudicate applications for permanent residency (Form I-485). Both departments must do so in line with the percentage allocation offered to each immigrant visa category.

Once the annual quota is met, both departments must wait until the new fiscal year begins before they may begin adjudicating applications again. For USCIS, this means that it may accept filings for those whose priority date is current on the DOS *Visa Bulletin*, but cannot adjudicate them, until the new fiscal year.

KPMG INSIGHTS

Individuals with interviews for adjustment of status between now and September 30, 2024, should not expect that their adjustment of status application will be approved prior to October 1, 2024.

KPMG Law LLP in Canada will be tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* informed on any important developments as they occur.

FOOTNOTES:

- 1 DOS, "[Annual Limit Reach in the EB-2 Category](#)," September 9, 2024.
- 2 USCIS, "[Employment-Based Immigration: Second Preference EB-2](#)".
- 3 DOS, "[Annual Limit Reach in the EB-2 Category](#)," September 9, 2024.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Canada:



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