



GMS Flash Alert

Immigration Edition

2020-205 | April 28, 2020

United States - May 2020 Visa Bulletin Released; USCIS Final Action Announcement

On April 24, 2020, the U.S. Department of State released the May 2020 Visa Bulletin.¹ In addition, U.S. Citizenship and Immigration Services (USCIS) announced that it will honor “Final Action” dates when determining eligibility of employment-based applicants to adjust status next month.²

WHY THIS MATTERS

The priority cut-off dates reflected in the May 2020 Visa Bulletin and USCIS’ announcement that it will adhere to the final action dates in accepting employment-based applications for U.S. permanent residence next month are critical factors in assessing eligibility for beneficiaries or intended beneficiaries of an I-140, *Immigrant Petition for Alien Worker*, to file an I-485, *Application to Register Permanent Residence or Adjust Status*. The most notable change in the May 2020 Visa Bulletin is that all foreign nationals in the EB-1 preference category will be eligible to file an I-485, except for those chargeable to the People’s Republic of China (“China”) or India.

Employers that are currently preparing to file a stand-alone I-140 petition on behalf of a beneficiary in the EB-1 category before the end of April 2020 may wish to wait until after May 1, 2020, so that the beneficiary may simultaneously file an I-485 application with the I-140 petition. All I-485 applicants should, however, bear in mind that USCIS’ extended suspension of in-person services until at least June 3, 2020, may delay I-485 processing.³

Updated Cut-off Dates

The priority date cut-offs for adjustment of status filing eligibility to take effect starting May 1, 2020, are as follows:

- **EB-1:** Beneficiaries chargeable to any country other than China or India will be eligible to apply to adjust status in the month of May 2020. The priority date cut-offs for EB-1 beneficiaries chargeable to China and India will move forward to July 15, 2017, and August 1, 2015, respectively.
- **EB-2:** All countries except China and India will remain current next month. Priority date cut-offs for persons chargeable to China and India will advance to October 1, 2015, and June 2, 2009, respectively.
- **EB-3 Professional and Skilled Workers:** Priority date cut-offs for China and India will advance to May 15, 2016, and March 1, 2009, respectively, while all other countries will remain subject to a priority date cut-off of January 1, 2017.
- **EB-3 Other Workers:** China's priority date cut-off will advance to July 15, 2008. Cut-off dates for all other countries will match those for EB-3 Professional and Skilled Workers.
- **EB-5:** China will advance to July 1, 2015, India will move forward to October 1, 2019, and Vietnam will advance to April 1, 2017. The EB-5 category will remain current for beneficiaries chargeable to all countries other than China, India, and Vietnam.

KPMG NOTE

For now, persons applying for an employment-based adjustment of status from within the U.S. are not affected by President Trump's recent suspension on entry of certain immigrants for a 60-day period.⁴

KPMG Law LLP will continue to monitor all developments affecting individuals applying for U.S. Permanent Resident status, as certain additional restrictions may be implemented in the foreseeable future.

FOOTNOTES:

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

2 See the "Adjustment of Status Filing Charts from the Visa Bulletin" page on the U.S. Citizenship and Immigration Services [website](#).

3 See the "USCIS Office Closings" page on the U.S. Citizenship and Immigration Services [website](#).

4 See [Presidential Proclamation](#); for coverage in GMS *Flash Alert*, see [2020-198](#) (April 27, 2020).

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Contact us

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