



# GMS Flash Alert

Immigration Edition

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

The U.S. Department of State released the June 2020 Visa Bulletin earlier this month,<sup>1</sup> and on May 21, 2020, 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.<sup>2</sup>

### WHY THIS MATTERS

The priority cut-off dates as indicated in the recent Visa Bulletin along with USCIS’ announcement are critical factors in assessing eligibility for beneficiaries of an I-140, *Immigrant Petition for Alien Worker*, to file an I-485, *Application to Register Permanent Residence or Adjust Status*. For the second month in a row, 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. The EB-1 preference category includes Aliens of Extraordinary Ability, Outstanding Researchers/Outstanding Professors, as well as Managers and Executive Transferees.

Employers who are currently preparing to file an I-140 immigrant petition on behalf of a beneficiary in the EB-1 category may simultaneously file an I-485 application with the I-140 petition. Those EB-1 beneficiaries who already have an approved I-140 will also be eligible to file an I-485 until at least the end of June, 2020. All I-485 applicants should, however, bear in mind that USCIS’ current suspension of in-person services may delay I-485 processing.<sup>3</sup>

### Updated Cut-Off Dates

The priority date cut-offs for adjustment of status filing eligibility to take effect starting June 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 June 2020. The priority date cut-offs for EB-1 beneficiaries chargeable to China and India will move forward to August 15, 2017, and June 8, 2016, 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 November 1, 2015, and June 12, 2009, respectively.
- **EB-3 Professional and Skilled Workers:** Priority date cut-offs for China and India will advance to June 15, 2016, and April 1, 2009, respectively, while all other countries will advance by just over 10 months to a priority date cut-off of November 8, 2017.
- **EB-3 Other Workers:** China's priority date cut-off remains the same as last month, 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 15, 2015, India will move forward to January 1, 2020, and Vietnam will advance to April 22, 2017. The EB-5 category will remain current for beneficiaries chargeable to all countries other than China, India, and Vietnam.

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## KPMG NOTE

Persons applying for an employment-based adjustment of status from within the U.S. are not affected by President Trump's proclamation "Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak."<sup>4</sup>

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.

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## FOOTNOTES:

1 U.S. Department of State, [June 2020 Visa Bulletin](#).

2 See the "Adjustment of Status Filing Charts from the Visa Bulletin" page on the [USCIS website](#).

3 See the [USCIS' extended suspension of in-person services](#).

4 See [Presidential Proclamation](#) 10014 (April 22, 2020); for coverage in *GMS Flash Alert*, see [Flash Alert 2020-198](#) (April 27, 2020).

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