

Visa Bulletin Released – Are You Eligible to Apply for a Green Card in October?

September 25, 2020

On September 24, 2020, the Department of State published the October Visa Bulletin, the first of the new government fiscal year (FY 2021). USCIS announced on the same day that it would utilize the "**Dates for Filing of Employment-Based Visa Applications**" chart reflected on the October Visa Bulletin, in order to determine if an individual is eligible to file an employment-based adjustment of status application (commonly known as a "Green Card" application). This is welcome news for many individuals, particularly those born in China and India, as this chart substantially advances their ability to file "Green Card" applications after waiting many years for an immigrant visa number to become available.

Individuals who have an approved I-140 petition are strongly encouraged to review the "**Dates for Filing of Employment-Based Visa Applications**" chart below to confirm whether they are eligible to file their adjustment of status ("Green Card") applications during the month of October.

Are you eligible to file your Green Card application in October?

1. Find the appropriate preference category in the first column (on the left) of the chart (i.e. EB-1, EB-2, or EB-3), based on your approved I-140 petition filed by the sponsoring employer;
2. Stay in that row and move directly to the right to find the corresponding date under the country of birth;
3. If the priority date noted on the I-140 petition approval notice is either the same date as the date indicated on the chart above, or a date prior to the date indicated on the chart above, you are eligible to file an adjustment of status application during the month of October 2020.

Please note that it may be possible to file a new I-140 petition under a different preference category than the preference category originally designated on the previous I-140 petition. This option would be available if the individual's priority date is not current in one category, but would be current in another. For example, an employer may chose to "downgrade" a previous I-140 petition approved under the EB-2 preference category, to instead request approval under the EB-3 preference category. This would be advantageous to the foreign national, as it would then allow the foreign national to file an adjustment of status application during the month of October 2020, as long as their priority date remains current under the new preference category (i.e., under the EB-3 preference category in this example).

In order to utilize the above chart, USCIS must receive eligible adjustment of status ("Green Card") applications between Oct. 1, 2020 and Oct. 31, 2020.

Please note that this alert does not constitute legal advice, and individuals should consult their attorney to determine if they are eligible. **Please contact the Miller Canfield Immigration Team immediately** with any questions or to evaluate potential adjustment of status filing options under the October 2020 visa bulletin.