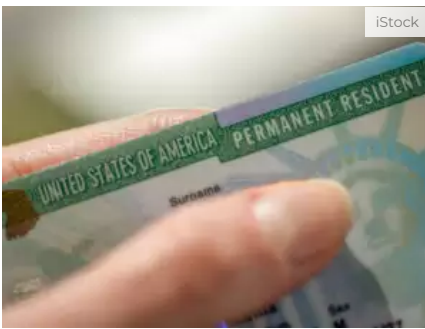


US EB-2 visa retrogresses for India: What it means for your Green Card application

By Ankita Sen, ET Online | Last Updated: Mar 24, 2023, 09:39 PM IST

Synopsis

If you're in line for a green card, it's important to keep track of these changes and prepare all documents needed for your application ahead of time. Once the Visa Bulletin shows that a green card is available to you, you can file as quickly as possible. If you fail to file in a month when a green card is available, you can risk facing a surprise backward movement (retrogression) in the next Visa Bulletin, which would close your window of opportunity for filing a green card application.



The United States has retrogressed EB-2 final action dates for all countries except China in the April [Visa](#) Bulletin in order to keep immigrant visa number use within the FY 2023 annual limit.

This means that the US Citizenship and [Immigration](#) Services ([USCIS](#)) will accept employment-based adjustment of status applications with priority dates that are earlier than the Final Action Dates chart in the State Department's April Visa Bulletin.

According to the bulletin, Final Action cutoff dates for issuance of an immigrant visa and for filing or approval of an adjustment of status application for Indian applicants will be

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- **EB-1:** February 1, 2022
- **EB-2:** India will retrogress by eight months, to January 1, 2011

- **EB-3 Professionals and Skilled Workers:** India will remain at June 15, 2012
- **EB-5:** For the EB-5 Unreserved categories (C5, T5, I5, and R5), India cutoff date will remain at June 1, 2018. The EB-5 “Set-Aside” categories (Rural, High Unemployment, and Infrastructure) will remain current.

What this means for you

If you're in line for a green card, it's important to keep track of these changes and prepare all documents needed for your application ahead of time. Once the Visa Bulletin shows that a [green card](#) is available to you, you can file as quickly as possible.

If you fail to file in a month when a green card is available, you can risk facing a surprise backward movement (retrogression) in the next Visa Bulletin, which would close your window of opportunity for filing a [green card application](#).

Applicants who have filed their Green Card applications on or before the above dates will now have their applications processed. The USCIS updates these dates on the 15th of every month.

According to the latest Bulletin, those who have applied for their EB-2 Green Cards on or before January 1, 2011, will now be getting their applications processed.

"India retrogressing by eight months is a big movement for the EB-2 category, but not abnormal...there is nothing to worry about yet," says Rajiv S Khanna, founder of Immigration.com.

"The big jump could either be because of the consulates opening up post Covid or this could be the start for much longer retrogressions due to volume of applications. We can only wait and watch over the next few months," Khanna added.

What is retrogression?

Retrogression occurs when the cut-off dates that determine visa availability move backward instead of forward. The cut-off dates for nearly all family preference categories and nearly all countries retrogressed significantly in January 2011.

At the beginning of each month, each consular office reports the total number of documentarily qualified immigrant visa applicants to the visa office.

Documentarily qualified applicants are those individuals who have obtained all documents required to meet the formal visa application requirements as specified by their consular office, and, for those applicants, the consular office has completed the necessary processing procedures.

How is it calculated?

Each month the visa office compares the number of reported documentarily qualified applicants with the visa numbers available for the next regular allotment.

The visa office also considers past visa demand, estimates of future visa demand and return rates, and estimates of USCIS demand based on cut-off date movements.

Then, the visa office establishes the cut-off dates for the following month, publishes them in the Visa Bulletin, and notifies consular posts. Applicants, including those overseas, use the Visa Bulletin to determine when their visa will become current.

What can applicants do?

Green Card applicants cannot change their priority dates. Priority date is the date on which you file your Green Card

application.

"Applicants can, however, move into a category that is faster moving like EB-1," Khanna says.

This comes as a setback for Indians, who face very long delays running into decades, to get green cards in other employment based (EB) categories.