

August 2023 Visa Bulletin – EB-1 India Retrogresses More Than 10 Years; EB-1 All Other Countries Stuck Until October; EB-3 All Other Countries Retrogresses Almost 2 Years

Article By:

Immigration & Nationality Law Practice

The Visa Bulletin is released monthly by the Department of State and is used to determine when a sponsored foreign national can submit the final step of the green card process, or if already pending, when the final step can be adjudicated.

Below is a summary of the **August Visa Bulletin**, including **Final Action Dates** and changes from the previous month.

India: EB-1 retrogresses **more than 10 years** to January 1, 2012, likely a temporary setback. See **NOTE 1** below. EB-2 holds at January 1, 2011, and EB-3 and EB-3 Other Workers stall at January 1, 2009.

China: Small advances seen in EB-2—1 month to July 8, 2019—and EB-3—2 months to June 1, 2019. EB-1 holds at February 1, 2022, and EB-3 Other Workers at September 1, 2015.

All Other Countries: For the first time this fiscal year, EB-1 is no longer current, with a final action date of August 1, 2023. See **NOTE 2** below. In addition, EB-3 retrogresses 1.75 years, to May 1, 2020; EB-2 inches ahead only 1.5 months, to April 1, 2022; and EB-3 Other Workers advances 4 months, to May 1, 2020.

NOTE 1: As it predicted in the May Visa Bulletin, the State Department has retrogressed the Final Action Date for the over-subscribed EB-1 India preference category. This 10-year retreat is attributable to the worldwide Final Action Date for EB-1 (see **NOTE 2** below), meaning the State Department may no longer issue EB-1 visas without regard to the per-country numerical limitations. As a result, applicants who are chargeable to India may no longer receive prior unused EB-1 numbers. The State Department anticipates this setback will be brief and EB-1 India Final Action will advance to at least February 1, 2022, in October, the start of the new fiscal year. DOS cautions, however, that the date is “dependent on the demand for EB-1 visas by Indian applicants and the FY-2024 annual limit on employment-based preference visas.”

NOTE 2: The State Department established the August 1, 2023, final action date for EB-1 All Other

Countries “due to steady number use and high demand,” but expects this preference category to be current again in October.

NOTE 3: USCIS will accept I-485 applications in July based on Final Action Dates, not the more favorable Dates for Filing chart.

Carol Schlenker also contributed to this article.

Copyright © 2025, Hunton Andrews Kurth LLP. All Rights Reserved.

National Law Review, Volume XIII, Number 194

Source URL: <https://natlawreview.com/article/august-2023-visa-bulletin-eb-1-india-retrogresses-more-10-years-eb-1-all-other>