

## March 2024 Chart B AOS Filings Disallowed by USCIS

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The U.S. State Department has published the [March 2024 Visa Bulletin](#). For EB-5 cases, the Chart A priority dates for the new “set aside” visa categories of rural areas, high unemployment areas, and infrastructure projects available under the EB-5 Reform and Integrity Act (RIA) remain current for all countries. For pre-RIA I-526 Petition cases in the unreserved EB-5 category, a visa backlog under Chart A of the Visa Bulletin continues for those investors born in mainland China (with a priority date of Dec. 15, 2015) and India (with a priority date of Dec. 1, 2020).

Importantly, the State Department previously moved forward the Chart B priority dates in the unreserved EB-5 category to Jan. 1, 2017, for mainland China and April 1, 2022, for India. U.S. Citizenship and Immigration Services (USCIS) has been allowing adjustment of status (AOS) filings on Form I-485 using Chart B of the Visa Bulletin since Oct. 1, 2023. On Feb. 12, 2024, USCIS [announced](#) that applicants filing Form I-485 in March 2024 must use Chart A of the March 2024 Visa Bulletin, and that it will not allow employment-based AOS filings using Chart B of the Visa Bulletin. As a result, EB-5 applicants born in mainland China or India and who are eligible to file an AOS based on Chart B must file Form I-485 no later than Feb. 28, 2024, to be received at USCIS by Feb. 29, 2024. It is not clear when USCIS will allow Chart B AOS filings again, as this determination is based on visa usage by the State Department and USCIS.

The State Department updates the Visa Bulletin each month, and thereafter USCIS determines whether it will allow Chart B AOS filings in the family-based and employment-based green card categories. Applicants for AOS must check the Visa Bulletin and the USCIS website each month for whether Chart B filings will be available.

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