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Immigration

Visa Bulletin for February 2023 Includes Retrogressions in the Employment Third Preference ‘Other Workers’ Category, and ‘Certain Religious Workers’ Availability

Legal Update

02.08.2023

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The Department of State’s Visa Bulletin for February 2023 includes the following information about retrogressions in the worldwide final action and application filing dates in the employment third preference “Other Workers” category:

Higher than expected number use in the Employment Third Preference “Other Workers” (EW) category, most notably amongst applicants with earlier priority dates, has necessitated further retrogressions in the worldwide final action date and application filing date for February to hold number use within the maximum allowed under the Fiscal Year 2023 annual limit. Except for China and India, all countries are subject to a final action date of January 1, 2020, and an application filing date of February 1, 2020. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

The bulletin also notes the availability of the Certain Religious Workers category:

The Consolidated Appropriations Act, 2023, enacted on December 29, 2022, extended the Employment Fourth Preference Certain Religious Workers (SR) category until September 30, 2023. As indicated in item E of the January 2023 Visa Bulletin, the extension resulted in this category immediately becoming available, subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.