

EB-3 India Retrogresses Back to January 15, 2012 While EB-2 India Closes the Gap and Advances to December 1, 2011



By [Andrew M. Wilson](#)

October 14, 2021 | **IMMIGRATION**

The November 2021 Visa Bulletin was released, and we now have the answer on when EB-3 India will retrogress.

See <https://lnkd.in/djKqnvqe>

The bulletin shows EB-3 India pulling back to January 15, 2012, while EB-2 India advances to December 1, 2011. Based on the huge influx of downgraded EB-3 I-140 filings, it was expected that EB-2 India would close the gap at some point.

I was hoping that unused immigrant visa numbers would allow EB-3 India to continue to slowly move forward this fiscal year, but Charlie Oppenheim made it clear during his last chat that we would see retrogression in the near future. That near future is upon us now.

It is telling that EB-2 India Dates for Filing has surpassed EB-3 India Dates for Filing. Based on that and unused immigrant visa numbers going to EB-2 India, my guess is that we should not be surprised to once again see EB-2 India be more favorable than EB-3 India.

What does this mean for pending 485s based on downgraded EB-3 I-140 filings? Will we now see an influx of interfile requests? How will USCIS process those interfile requests?

I continue to use the analogy of cars on a highway switching lanes, back and forth, to try and get through this traffic jam. Rather than horns honking, it will be emails and calls as frustrations will grow.

Related Team



Andrew M. Wilson
Partner | Chief
Advisory Officer |
Team Co-Leader -
Immigration



**Nisha V. Fontaine
(Jagtiani)**
Partner



Elizabeth M. Klarin
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration
| Team Leader -
Canada-U.S. Cross
Border

Disclaimer: The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.

New York: Albany, Buffalo, Clarence, Long Island, New York City, Rochester, Saratoga Springs, Syracuse // **Florida:** Jacksonville, West Palm Beach
Illinois: Chicago // **Ohio:** Cleveland // **Oklahoma:** Oklahoma City // **Ontario:** Greater Toronto Area // **Texas:** San Antonio // **Washington, D.C**

Attorney advertising. Prior results do not guarantee a similar outcome.