

Visa Bulletin

Number 11
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VISA BULLETIN FOR AUGUST 2009

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **August**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by July 9th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date which has been announced in this bulletin.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	08JAN03	08JAN03	08JAN03	01JAN91	15SEP93
2A	15JAN05	15JAN05	15JAN05	22SEP02	15JAN05
2B	01MAY01	01MAY01	01MAY01	08MAY92	01MAY98
3rd	01NOV00	01NOV00	01NOV00	01JUL91	08AUG91
4th	22DEC98	22DEC98	22DEC98	01AUG95	08SEP86

***NOTE:** For August, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22SEP02. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 22SEP02 and earlier than 15JAN05. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Employment-Based					
1st	C	C	C	C	C
2nd	C	01OCT03	01OCT03	C	C
3rd	U	U	U	U	U
Other Workers	U	U	U	U	U
4th	C	C	C	C	C

Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2009 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For **August**, immigrant numbers in the DV category are available to qualified DV-2009 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	64,300	Except: Egypt: 22,750 Ethiopia: 22,800 Nigeria: 15,650
ASIA	Current	
EUROPE	Current	
NORTH AMERICA (BAHAMAS)	Current	
OCEANIA	Current	
SOUTH AMERICA, and	Current	

the CARIBBEAN		
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Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2009 program ends as of September 30, 2009. DV visas may not be issued to DV-2009 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2009 principals are only entitled to derivative DV status until September 30, 2009. DV visa availability through the very end of FY-2009 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN SEPTEMBER

For September, immigrant numbers in the DV category are available to qualified DV-2009 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	CURRENT	Except: Egypt: 22,900 Ethiopia: 23,900
ASIA	CURRENT	
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

D. SEPTEMBER VISA AVAILABILITY

Heavy applicant demand for numbers in the Employment Fourth preference is likely to require the establishment of a cut-off date, or the preference becoming "Unavailable" for September. This action would be necessary to keep visa issuances within the annual preference numerical limits. The preference can be expected to return to a "Current" status for October, the first month of the new fiscal year.

E. DETERMINATION OF THE NUMERICAL LIMITS ON IMMIGRANTS REQUIRED UNDER THE TERMS OF THE IMMIGRATION AND NATIONALITY ACT (INA)

The State Department is required to make a determination of the worldwide numerical limitations, as outlined in Section 201(c) and (d) of the INA, on an annual basis. These calculations are based in part on data provided by Citizenship and Immigration Services (CIS) regarding the number of immediate relative adjustments in the preceding year and the number of aliens paroled into the United States under Section 212 (d)(5) in the second preceding year. Without this information, it is impossible to make an official determination of the annual limits. To avoid delays in processing while waiting for the CIS data, the Visa Office (VO) bases allocations on the minimum annual limits outlined in Section 201 of the INA. On June 9th, CIS provided the required data to VO.

The Department of State has determined the family and employment preference numerical limits for FY-2009 in accordance with the terms of Section 201 of the INA. These numerical limitations for FY-2009 are as

follows:

Worldwide Family-Sponsored preference limit: 226,000
 Worldwide Employment-Based preference limit: 140,000

Under INA Section 202(A), the per-country limit is fixed at 7% of the family and employment annual limits. For FY-2009 the per-country limit is 25,620. The dependent area annual limit is 2%, or 7,320.

F. DIVERSITY VISA LOTTERY 2010 (DV-2010) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2010 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available *50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 102,800 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first *50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2010 numbers will be used during fiscal year 2010 (October 1, 2009 until September 30, 2010).

Applicants registered for the DV-2010 program were selected at random from over 13.6 million qualified entries received during the 60 day application period that ran from noon on October 2, 2008, until noon, December 1, 2008. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact the Bureau of Citizenship and Immigration Services for information on the requirements and procedures. Once the total *50,000 visa numbers have been used, the program for fiscal year 2010 will end. Selected applicants who do not receive visas by September 30, 2010 will derive no further benefit from their DV-2010 registration. Similarly, spouses and children accompanying or following to join DV-2010 principal applicants are only entitled to derivative diversity visa status until September 30, 2010.

Only participants in the DV-2010 program who were selected for further processing have been notified. Those who have not received notification were not selected. They may try for the upcoming DV-2011 lottery if they wish. The dates for the registration period for the DV-2011 lottery program will be widely publicized during August 2009.

* The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by foreign-state chargeability of those registered for the DV-2010 program:

AFRICA		
ALGERIA 1,957	ETHIOPIA 5,200	NIGER 56
ANGOLA 46	GABON 19	NIGERIA 6,006
BENIN 369	GAMBIA, THE 108	RWANDA 178
BOTSWANA 23	GHANA 8,752	SAO TOME AND PRINCIPE 0
BURKINA FASO 184	GUINEA 737	SENEGAL 520
BURUNDI 83	GUINEA-	SEYCHELLES

	BISSAU 8	4
CAMEROON 3,719	KENYA 4,619	SIERRA LEONE 3,898
CAPE VERDE 6	LESOTHO 2	SOMALIA 229
CENTRAL AFRICAN REP. 20	LIBERIA 2,172	SOUTH AFRICA 863
CHAD 27	LIBYA 152	SUDAN 1,084
COMOROS 9	MADAGASCAR 31	SWAZILAND 11
CONGO 92	MALAWI 50	TANZANIA 221
CONGO, DEMOCRATIC REPUBLIC OF THE 1,817	MALI 129	TOGO 827
COTE D'IVOIRE 658	MAURITANIA 20	TUNISIA 164
DJIBOUTI 33	MAURITIUS 78	UGANDA 396
EGYPT 4,201	MOROCCO 3,124	WESTERN SAHARA 0
EQUATORIAL GUINEA 15	MOZAMBIQUE 8	ZAMBIA 93
ERITREA 799	NAMIBIA 16	ZIMBABWE 170

ASIA		
AFGHANISTAN 345	ISRAEL 99	OMAN 2
BAHRAIN 15	JAPAN 302	QATAR 13
BANGLADESH 6,001	JORDAN 143	SAUDI ARABIA 104
BHUTAN 2	NORTH KOREA 3	SINGAPORE 37
BRUNEI 0	KUWAIT 70	SRI LANKA 650
BURMA 473	LAOS 3	SYRIA 98
CAMBODIA 359	LEBANON 181	TAIWAN 368
HONG KONG SPECIAL ADMIN. REGION 49	MALAYSIA 60	THAILAND 54
INDONESIA 277	MALDIVES 0	TIMOR-LESTE 0
IRAN 2,773	MONGOLIA 144	UNITED ARAB EMIRATES 30
IRAQ 142	NEPAL 2,132	YEMEN 72

EUROPE		
ALBANIA 2,311	GREECE 48	NORWAY 60
ANDORRA 6	HUNGARY 192	PORTUGAL 51 Macau Special Admin Region 17
ARMENIA 1,332	ICELAND 36	ROMANIA 674

AUSTRIA 181	IRELAND 167	RUSSIA 1,912
AZERBAIJAN 324	ITALY 470	SAN MARINO 0
BELARUS 1,178	KAZAKHSTAN 343	SERBIA 367
BELGIUM 117	KYRGYZSTAN 205	SLOVAKIA 108
BOSNIA & HERZEGOVINA 72	LATVIA 90	SLOVENIA 19
BULGARIA 842	LIECHTENSTEIN 0	SPAIN 169
CROATIA 74	LITHUANIA 195	SWEDEN 163
CYPRUS 23	LUXEMBOURG 2	SWITZERLAND 185
CZECH REPUBLIC 116	MACEDONIA, FORMER YUGOSLAV REP. OF 272	TAJIKISTAN 178
DENMARK 75 Greenland 2	MALTA 7	TURKEY 2,826
ESTONIA 66	MOLDOVA 724	TURKMENISTAN 108
FINLAND 83	MONACO 0	UKRAINE 5,499
FRANCE 703 French Guiana 4 French Polynesia 8 French Southern & Antarctic Lands 0 Guadeloupe 13 Martinique 4 New Caledonia 0 Reunion 5 St. Pierre & Miquelon 0	MONTENEGRO 13	UZBEKISTAN 4,059
GEORGIA 648	NETHERLANDS 200 Aruba 16 Netherlands Antilles 22	VATICAN CITY 0
GERMANY 2,188	NORTHERN IRELAND 31	

NORTH AMERICA	
BAHAMAS, THE 18	

OCEANIA	

AUSTRALIA 705 Christmas Islands 2 Coco Island 0	NAURU 3	SOLOMON ISLANDS 3
FIJI 674	NEW ZEALAND 258 Cook Islands 0 Niue 16	TONGA 80
KIRIBATI 1	PALAU 12	TUVALU 1
MARSHALL ISLANDS 0	PAPUA NEW GUINEA 15	VANUATU 7
MICRONESIA, FEDERATED STATES OF 0	SAMOA 0	WESTERN SAMOA 26

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN		
ANTIGUA AND BARBUDA 9	DOMINICA 18	SAINT LUCIA 19
ARGENTINA 188	GRENADA 9	SAINT VINCENT AND THE GRENADINES 9
BARBADOS 29	GUYANA 41	SURINAME 10
BELIZE 10	HONDURAS 82	TRINIDAD AND TOBAGO 226
BOLIVIA 142	NICARAGUA 50	URUGUAY 17
CHILE 53	PANAMA 39	VENEZUELA 624
COSTA RICA 74	PARAGUAY 29	
CUBA 298	SAINT KITTS AND NEVIS 6	

Natives of the following countries were not eligible to participate in DV-2010: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R., and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

G. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs offers the monthly "Visa Bulletin" on the INTERNET'S WORLDWIDE WEB. The INTERNET Web address to access the Bulletin is:

<http://travel.state.gov>

From the home page, select the VISA section which contains the Visa Bulletin.

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