

*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

*Number 31
Volume VIII
Washington, D.C.*

IMMIGRANT NUMBERS FOR MAY 2001

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April **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.

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.)

	All Chargeability Areas Except Those Listed	CHINA - mainland-born	INDIA	MEXICO	PHILIPPINES
Family					
1st	01MAR99	01MAR99	01MAR99	22APR94	22MAY88
2A*	22SEP96	22SEP96	22SEP96	22OCT94	22SEP96
2B	22JUN93	22JUN93	22JUN93	22OCT91	22JUN93
3rd	08MAY96	08MAY96	08MAY96	15JUL95	22NOV87
4th	08OCT89	08OCT89	01APR88	08OCT89	08AUG79

*NOTE: For May, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22OCT94. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 22OCT94 and earlier than 22SEP96. (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					

1 st	C	C	C	C	C
2 nd	C	C	C	C	C
3 rd	C	01JAN00	01JUL98	C	C
Other Workers	01MAY98	01MAY98	01MAY98	01MAY98	01MAY98
4 th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5 th	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 (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

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 (NCARA) 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 NCARA program. **This reduction has resulted in the DV-2001 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 **May**, immigrant numbers in the DV category are available to qualified DV-2001 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:

All DV Chargeability Areas Except Those Listed Separately

Region

AFRICA: AF 14,750

ASIA: AS 9,520

EUROPE: EU 16,550, Except: Albania EU 11,542

NORTH AMERICA (BAHAMAS): NA 15

OCEANIA: OC 800

SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN: SA 1,550

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-2001 program ends as of September 30, 2001. DV visas may not be issued to DV-2001 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2001 principals are only entitled to derivative DV status until September 30, 2001. DV visa availability through the very end of FY-2001 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-2001 program have been used, no further issuances will be possible.**

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

For **June**, immigrant numbers in the DV category are available to qualified DV-2001 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:

All DV Chargeability Areas Except Those Listed Separately

Region

AFRICA: AF 19,930 - Except: Ethiopia AF 16,800

ASIA: AS 10,520

EUROPE: EU 20,000 - Except: Albania EU 12,275

NORTH AMERICA (BAHAMAS): NA 15

OCEANIA: OC 845

SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN: SA 1,600

D. VISA PROCESSING UNDER THE LEGAL IMMIGRATION AND EQUITY ACT

On December 21, 2000, The President signed into law a major immigration legislative package called the Legal Immigration and Family Equity (LIFE) Act and amendments. The LIFE Act creates new categories of Nonimmigrant Visas (NIVs) to benefit certain second preference beneficiaries (V visas), as well as spouses of U.S. citizens (K3 visas.) Pending further discussions with Congress and INS, the Department intends to process applicants for these new NIVs in a manner similar to that currently followed for K1 fiance visa applicants. The following information is provided to inform readers of certain aspects of this legislation.

V Visas: To be eligible for the new V visa, a petition for the applicant must have been filed with INS for second preference (F2A) status as the spouse or child of a legal permanent resident on or before December 21, 2000. In addition, the applicant must demonstrate that since the filing of the petition, he/she has been waiting at least three years for 1) action by the Immigration and Naturalization Service (INS) on the submitted petition, or 2) if the petition has been approved by INS, availability of a visa number under the worldwide numerical limitations, or if a number is available, the alien's application for adjustment of status or an immigrant visa remains pending.

V visa status is intended to permit long-separated families to reunite in the United States and together await availability of a visa number or adjustment of status. Because V status is available only to those whose petitions were filed on or before December 21, 2000, this category effectively sunsets in three years or when the pool of eligible applicants eventually dissipates with V issuances over time. Overseas posts began issuing V visas at the beginning of April.

Notification of V Applicants: The National Visa Center (NVC) will send an information/instruction sheet to those applicants with INS-approved F2A petitions that were filed on or before December 21, 2000 when the priority date is at least 3 years old. The goal of this mailing is to provide the means for applicants to identify themselves to posts as eligible to apply for a V visa. The letter will briefly outline the documentary requirements for the V visa and instruct the applicant to contact the post. Applicants will be directed to posts' web sites for telephone numbers and addresses.

Processing: V visas will be processed only at current IV-issuing posts. Where IV processing is currently centralized, those IV-issuing posts will be responsible for all V visa matters for all countries for which they process IVs. V applicants must apply at the consular post designated as the processing post in the underlying I-130 petition. Posts will process only those V applicants who are resident in their consular districts or for IV centralized regions, for those resident in their region.

K3 Visas: Those who are able to demonstrate that they have concluded a valid marriage with a U.S. citizen and who are the beneficiaries of an I-130 petition filed with INS may apply for a K3 visa. (Eligibility for the K3 visa will require a second petition filed with INS in the United States.) The K3 visa allows these spouses to enter the United States to await INS approval of the I-130 petition. At this time we do not know when K3 processing will begin.

Processing: K3 processing instructions will be released as soon as guidelines are worked out with INS. If married abroad an applicant must apply in the country where the marriage occurred, or if married in the U.S. the applicant must apply in the spouse's country of residence.

E. 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>

Individuals may also obtain the *Visa Bulletin* by fax. From a fax phone, dial (202) 647-3000. Follow the prompts and enter in the code 1522 to have each *Bulletin* faxed.

To be placed on the Department of State's e-mail subscription list for the *Visa Bulletin*, please provide your e-mail information to the following e-mail address:

VISABULLETIN@STATE.GOV

The Department of State also has available a recorded message with visa cut-off dates which can be heard at (202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

The *Visa Bulletin* can also be contacted by e-mail at the following address:

VISABULLETIN@STATE.GOV

Department of State Publication 9514

CA/VO: April 9, 2001

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