

*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

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IMMIGRANT NUMBERS FOR SEPTEMBER 2001

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **September**. 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 **August 3rd** 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. The fiscal year 2001 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 2001 limit for employment-based preference immigrants calculated under INA 201 is 192,074. 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., 29,265 for FY-2001. The dependent area limit is set at 2%, or 8,361.

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.)

Priority Dates for Family Based Immigrant Visas

	All Chargeability Areas Except Those Listed	CHINA - mainland-born	INDIA	MEXICO	PHILIPPINES
Family					
1st	U	U	U	U	U
2A*	01FEB95	01FEB95	01FEB95	U	01FEB95
2B	01FEB93	01FEB93	01FEB93	U	01FEB93
3rd	U	U	U	U	U
4th	22JUN88	22JUN88	22JUN88	22JUN88	15SEP79

*NOTE: For August, 2A numbers **EXEMPT from per-country limit** are available. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates earlier than 01JAN95. (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.)

Priority Dates for Employment-Based Immigrant Visas

	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	C	C	C	C
Other Workers	C	C	C	C	C
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 **September**, 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 Current

ASIA: AS Current

EUROPE: EU Current Except: Albania EU 16,424*

NORTH AMERICA (BAHAMAS): NA Current

OCEANIA: OC Current

SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN: SA Current

*Note: The Albania September cut-off has been amended from that originally provided in Visa Bulletin number 34. 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 OCTOBER

For **October**, immigrant numbers in the DV category are available to qualified DV-2002 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 5,300

ASIA: AS 1,887

EUROPE: EU 4,250 Except: Albania EU 2,725

NORTH AMERICA (BAHAMAS): NA 8

OCEANIA: OC 146

SOUTH AMERICA, and the CARIBBEAN: SA 550

D. RETROGRESSION AND UNAVAILABILITY OF FAMILY-SPONSORED PREFERENCE CUT-OFF DATES

It has been necessary to retrogress the Worldwide (including: China-mainland born and Mexico) cut-off date for the month of September to hold visa issuance within the annual numerical limitation.

With the start of the new fiscal year in October, any Family-sponsored cut-off date that has retrogressed or become unavailable will return to the latest cut-off date established during FY-2001 (i.e., the June 2001 cut-off dates).

E. DETERMINATION OF THE NUMERICAL LIMITS ON IMMIGRANT 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 the Immigration and Naturalization Service (INS) 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 INS data, the Visa Office (VO) bases allocation on the minimum annual limits outlined in Section 201 of the INA. On June 29th, INS provided the required data to VO.

The Department of State has determined the family and employment preference numerical limits for FY-2001 in accordance with the terms of Section 201 of the INA. These numerical limitations for FY-2001 are as follows:

Worldwide Family-Sponsored preference limit: 226,000

Worldwide Employment-Based preference limit: 192,074

Under INA Section 202(a), the per-country limit is fixed at 7% of the family and employment annual limits. For FY-2001 the per-country limit is 29,265. The dependent area annual limit is 2%, or 8,361.

F. 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 page address to access the *Bulletin* is:

<http://travel.state.gov>

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

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

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

VISABULLETIN@STATE.GOV

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