

Visa Bulletin

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IMMIGRANT NUMBERS FOR FEBRUARY 2004

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **February**. 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 January **8th** 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: MEXICO, INDIA 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	INDIA	MEXICO	PHILIPPINES
Family				
1st	08SEP00	08SEP00	15OCT94	01JUN90
2A*	01MAR99	01MAR99	01AUG96	01MAR99
2B	08MAY95	08MAY95	08DEC91	08MAY95
3rd	15SEP97	15SEP97	08JAN95	15JAN90

4 th	01APR92	22DEC90	01APR92	22JAN82
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*NOTE: For February, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01AUG96. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01AUG96 and earlier than 01MAR99. (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	INDIA	MEXICO	PHILIPPINES
Employment-Based				
1 st	C	C	C	C
2 nd	C	C	C	C
3 rd	C	C	C	C
Other Workers	C	C	C	C
4 th	C	C	C	C
Certain Religious Workers	C	C	C	C
5 th	C	C	C	C
Targeted Employment Areas/Regional Centers	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 (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-2004 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 **February**, immigrant numbers in the DV category are available to qualified DV-2004 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 20,400 Except: Ethiopia 18,600, Nigeria 15,400
ASIA: AS 9,225 Except: Bangladesh 5,900
EUROPE: EU 15,600
NORTH AMERICA (BAHAMAS): 11
OCEANIA: OC 600
SOUTH AMERICA, and the CARIBBEAN: 1,250

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-2004 program ends as of September 30, 2004. DV visas may not be issued to DV-2004 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2004 principals are only entitled to derivative DV status until September 30, 2004. DV visa availability through the very end of FY-2004 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-2004 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 MARCH

For **March**, immigrant numbers in the DV category are available to qualified DV-2004 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 23,200 Except: Ethiopia 21,900, Nigeria 16,475
ASIA: AS 10,500 Except: Bangladesh 6,940
EUROPE: EU 17,800
NORTH AMERICA (BAHAMAS): 13
OCEANIA: OC 685
SOUTH AMERICA, and the CARIBBEAN: SA 1,400

D. VISA AVAILABILITY IN THE FAMILY PREFERENCE CATEGORIES DURING FISCAL YEAR 2004

The cut-off date movement during the past two years in most categories has been much greater than might ordinarily be expected. This has been a direct result of a decrease in demand for visa numbers for CIS adjustment of status cases. Continued forward movement can be expected for

the foreseeable future, especially in the F2A category, as the Visa Office attempts to insure the use of as many numbers as possible under the annual numerical limitations.

Should CIS demand begin to increase, the cut-off dates can be expected to slow or stop. Moreover, in some of the categories there could be a retrogression of the cut-off dates.

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 page to access the *Bulletin* is:

<http://travel.state.gov>

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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.

Readers may submit questions regarding *Visa Bulletin* related items by e-mail at the following address:

VISABULLETIN@STATE.GOV

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