Visa Bulletin

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VISA BULLETIN FOR JULY 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **July**. 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 June **6th** 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.)

Fam-ily	**All Charge-ability Areas Except Those Listed**	**CHINA-mainland born**	**INDIA**	**MEXICO**	**PHILIPP-INES**
1st	15MAR02	15MAR02	15MAR02	22JUL92	15MAR93
2A	01AUG03	01AUG03	01AUG03	U	01AUG03
2B	15SEP99	15SEP99	15SEP99	08APR92	01MAR97
3rd	08JUN00	08JUN00	08JUN00	08AUG92	01APR91
4th	01SEP97	15FEB97	15FEB97	22DEC94	08MAR86

***NOTE**: For July, 2A numbers **EXEMPT from per-country limit** will be unavailable because the annual limit for such visas will have been reached. This will only impact the processing of Mexico F2A applicants.

	All Charge-ability Areas Except Those Listed	**CHINA-mainland born**	**INDIA**	**MEXICO**	**PHILIP-PINES**
Employ-ment -Based					
1st	C	C	C	C	C
2nd	C	01APR04	01APR04	C	C
3rd	U	U	U	U	U
Other Workers	01JAN03	01JAN03	01JAN03	01JAN03	01JAN03
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employ-ment 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-2008 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 **July**, immigrant numbers in the DV category are available to qualified DV-2008 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	38,050	Except: Egypt: 25,000 Ethiopia: 19,800 Nigeria: 14,650
ASIA	13,400	
EUROPE	29,000	
NORTH AMERICA (BAHAMAS)	13	
OCEANIA	1,650	
SOUTH AMERICA, and the CARIBBEAN	Current	

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-2008 program ends as of September 30, 2008. DV visas may not be issued to DV-2008 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2008 principals are only entitled to derivative DV status until September 30, 2008. DV visa availability through the very end of FY-2008 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 AUGUST

For **August**, immigrant numbers in the DV category are available to qualified DV-2008 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	47,000	Except: Egypt: 31,000 Ethiopia: 22,800 Nigeria: 16,600
ASIA	CURRENT	
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

D. MEXICO F2A VISA AVAILABILITY DURING THE COMING MONTHS

The demand for numbers under the F2A exempt from per-country category limit remains very heavy. It is anticipated that the annual limit will be reached by the end of June, and as a result the category will become “unavailable” for July. This will only affect the processing of applicants in the Mexico F2A category which will be “unavailable” through the end of the fiscal year. The Mexico F2A cut-off date will return to 01MAY02 in October, the first month of the new fiscal year.

E. EMPLOYMENT SECOND PREFERENCE VISA AVAILABILITY

There have been questions raised regarding the way numbers have been provided to the China and India in the Employment Second preference categories beginning in April. Section 202(a)(5) of the Immigration and Nationality Act states that if total demand for visas in an Employment preference category is insufficient to use all available visa numbers in that category in a calendar quarter, then the unused numbers may be made available without regard to the annual per-country limit. (For example: If the second preference annual limit were 40,000, number use by “All Other Countries” were estimated to be only 25,000, and the China/India combined number use based on their per-country limits were 6,000, then there would be 9,000 numbers unused. Those 9,000 numbers could then be made available to China and India applicants without regard to their per-country limits.)

Based on the informaiton available, it was been determined that the demand from “All Other Countries” for Second preference numbers, plus the amount of numbers available under China and India Second preference per-country limit, would be insufficient to utilize all available numbers under the annual limit for this category. Therefore, pursuant to Section 202(a)(5) of the Act, the unused numbers have been made available to China and India Second preference applicants. Since Section 203(e)(1) of the Act requires that such unused numbers be made available strictly in priority date order, the China and India applicants have been subject to the identical cut-off date. As there are more Employment Second preference applicants from India and the Indian applicants may have earlier priority dates, it is likely that Indian applicants will receive a larger portion of the available numbers than Chinese applicants.

It should be noted that the Employment Second preference category is "Current" for all countries except China and India. If at any point it appears that demand from “All Other Countries” would utilize all available numbers, then an adjustment would be made to the China/India cut-off date. Therefore, providing the unused numbers to China and India in no way disadvantages applicants from any other country, and helps to insure that the worldwide annual limit can be reached.

F. EMPLOYMENT THIRD PREFERENCE VISA AVAILABILITY

Demand for numbers, primarily by USCIS for adjustment of status cases, will bring the entire Employment Third preference category to the annual numerical limit by the end of June. As a result, this category will become “unavailable” beginning in July and will remain so for the remainder of FY-2008. Such action will only be temporary, however, and Employment Third preference availability will return to the cut-off dates established for June in October, the first month of the new fiscal year.

G. DIVERSITY VISA LOTTERY 2009 (DV-2009) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2009 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 99,600 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-2009 numbers will be used during fiscal year 2009 (October 1, 2008 until September 30, 2009).

Applicants registered for the DV-2009 program were selected at random from over 9.1 million qualified entries received during the 60-day application period that ran from noon on October 3, 2007, until noon, December 2, 2007. 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 2009 will end. Selected applicants who do not receive visas by September 30, 2009 will derive no further benefit from their DV-2009 registration. Similarly, spouses and children accompanying or following to join DV-2009 principal applicants are only entitled to derivative diversity visa status until September 30, 2009.

Only participants in the DV-2009 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-2010 lottery if they wish. The dates for the registration period for the DV-2010 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-2009 program:

AFRICA		
ALGERIA 2,205	ETHIOPIA 5,200	NIGER 64
ANGOLA 38	GABON 35	NIGERIA 6,041
BENIN 390	GAMBIA, THE 168	RWANDA 111
BOTSWANA 22	GHANA 7,322	SAO TOME AND PRINCIPE 1
BURKINA FASO 129	GUINEA 469	SENEGAL 1,160
BURUNDI 86	GUINEA-BISSAU 9	SEYCHELLES 8
CAMEROON 3,659	KENYA 4,307	SIERRA LEONE 2,230
CAPE VERDE 9	LESOTHO 4	SOMALIA 256
CENTRAL AFRICAN REP. 21	LIBERIA 3,440	SOUTH AFRICA 909
CHAD 27	LIBYA 117	SUDAN 1,143
COMOROS 6	MADAGASCAR 46	SWAZILAND 6
CONGO 1,582	MALAWI 29	TANZANIA 298
CONGO, DEMOCRATIC REPUBLIC OF THE 65	MALI 124	TOGO 956
COTE D'IVOIRE 642	MAURITANIA 39	TUNISIA 155
DJIBOUTI 26	MAURITIUS 62	UGANDA 433
EGYPT 4,831	MOROCCO 3,820	ZAMBIA 156

EQUATORIAL GUINEA 10	MOZAMBIQUE 22	ZIMBABWE 242
ERITREA 829	NAMIBIA 20	

ASIA		
AFGHANISTAN 117	ISRAEL 194	OMAN 10
BAHRAIN 18	JAPAN 320	QATAR 10
BANGLADESH 6,023	JORDAN 161	SAUDI ARABIA 128
BHUTAN 4	NORTH KOREA 2	SINGAPORE 38
BRUNEI 0	KUWAIT 43	SRI LANKA 792
BURMA 556	LAOS 2	SYRIA 108
CAMBODIA 287	LEBANON 193	THAILAND 110
HONG KONG SPECIAL ADMIN. REGION 75	MALAYSIA 85	TAIWAN 431
INDONESIA 230	MALDIVES 4	TIMOR-LESTE 1
IRAN 1,689	MONGOLIA 191	UNITED ARAB EMIRATES 33
IRAQ 154	NEPAL 1,891	YEMEN 102

EUROPE		
ALBANIA 2,894	GREECE 63	NORWAY 54
ANDORRA 0	HUNGARY 271	PORTUGAL 92 Macau 12
ARMENIA 1,285	ICELAND 25	ROMANIA 757
AUSTRIA 145	IRELAND 132	SAN MARINO 0
AZERBAIJAN 345	ITALY 433	SERBIA 656
BELARUS 1,240	KAZAKHSTAN 336	SLOVAKIA 169
BELGIUM 82	KYRGYZSTAN 169	SLOVENIA 21
BOSNIA & HERZEGOVINA 158	LATVIA 100	SPAIN 172
BULGARIA 1,154	LIECHTENSTEIN 1	SWEDEN 226
CROATIA 75	LITHUANIA 273	SWITZERLAND 230
CYPRUS 42	LUXEMBOURG 1	TAJIKISTAN 168
CZECH REPUBLIC 140	MACEDONIA, FORMER YUGOSLAV REP. OF 322	TURKEY 2,331
DENMARK 48 Greenland 1	MALTA 9	TURKMENISTAN 111

ESTONIA 58	MOLDOVA 542	UKRAINE 5,502
FINLAND 72	MONACO 0	UZBEKISTAN 3,284
FRANCE 738 French Guiana 11 French Polynesia 2 French Southern & Antarctic Lands 1 Guadeloupe 6 Martinique 4 Reunion 0	MONTENEGRO 20	VATICAN CITY 0
GEORGIA 661	NETHERLANDS 226 Aruba 9 Netherlands Antilles 34	
GERMANY 1,973	NORTHERN IRELAND 35	

NORTH AMERICA	
BAHAMAS, THE 12	

OCEANIA		
AUSTRALIA 590 Christmas Islands 0	NAURU 1	SOLOMON ISLANDS 0
FIJI 760	NEW ZEALAND 269 Cook Islands 0 Niue 11	TONGA 129
KIRIBATI 2	PALAU 0	TUVALU 1
MARSHALL ISLANDS 0	PAPUA NEW GUINEA 15	VANUATU 1
MICRONESIA, FEDERATED STATES OF 2	SAMOA 20	

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN		
ANTIGUA AND BARBUDA 5	DOMINICA 30	SAINT KITTS AND NEVIS 1
ARGENTINA 174	GRENADA 6	SAINT LUCIA 4
BARBADOS 8	GUATEMALA 6	SAINT VINCENT AND THE GRENADINES 9
BELIZE 4	GUYANA 41	SURINAME 5
BOLIVIA 108	HONDURAS 77	TRINIDAD AND TOBAGO 141

CHILE 50	NICARAGUA 58	URUGUAY 26
COSTA RICA 67	PANAMA 38	VENEZUELA 470
CUBA 555	PARAGUAY 10	

Natives of the following countries were not eligible to participate in DV-2009: 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, Russia, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam

H. OBTAINING THE MONTHLY VISA BULLETIN

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