

Visa Bulletin

*Number 72
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IMMIGRANT NUMBERS FOR AUGUST 2004

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 **13th** 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: 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	INDIA	MEXICO	PHILIPPINES
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	Areas Except Those Listed			
Family				
1st	22OCT00	22OCT00	01JAN92	15JUL90
2A*	15APR00	15APR00	15SEP97	15APR00
2B	01JUL95	01JUL95	01DEC91	01JUL95
3rd	15OCT97	15OCT97	01MAY92	01SEP88
4th	15AUG92	01AUG91	15AUG92	22MAR82

*NOTE: For August, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 15SEP97. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 15SEP97 and earlier than 15APR00. (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	INDIA	MEXICO	PHILIPPINES
Employment-Based				
1st	C	C	C	C
2nd	C	C	C	C
3rd	C	C	C	C
Other Workers	C	C	C	C
4th	C	C	C	C
Certain Religious Workers	C	C	C	C
5th	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: (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.

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 **August**, 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:

Region	All DV Chargeability Areas Except Those Region Listed Separately		
AFRICA	AF	34,300	Except: Ethiopia 30,500 Ghana 22,000 Nigeria 17,900
ASIA	AS	13,600	
EUROPE	EU	25,900	
NORTH AMERICA (BAHAMAS)	NA	15	
OCEANIA	OC	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	SA	2,175	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal

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 SEPTEMBER

For **September**, 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:

Region	All DV Chargeability Areas Except Those Region Listed Separately		
AFRICA	AF	35,450	Except: Ethiopia 31,600 Ghana 27,600 Nigeria 18,600
ASIA	AS	16,300	
EUROPE	EU	28,700	
NORTH AMERICA (BAHAMAS)	NA	15	
OCEANIA	OC	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	SA	CURRENT	

D. RETROGRESSION OF CUT-OFF DATES FOR AUGUST

As mentioned in Visa Bulletin number 71, there has been a significant increase in demand for numbers in many categories. As the end of the fiscal year approaches, it has been necessary to retrogress the Philippines F3 and Mexico F1, F2B, and F3 cut-off dates for August to keep issuances within the annual numerical limits. Further retrogressions in these cut-off dates for September cannot be ruled out.

With the start of the new fiscal year in October, an attempt will be made to return the cut-off dates to the latest dates established during FY-2004.

E. VISA AVAILABILITY FOR THE COMING MONTHS

During the past several years, the Citizenship and Immigration Service (CIS) demand for numbers has been low. To compensate for the lack of demand from CIS, the Visa Office advanced the immigrant visa cut-off dates very rapidly to provide sufficient qualified applicants at our overseas posts and permit the maximum use of immigrant visa numbers. Such advances also meant that many thousands of additional applicants became eligible to file for adjustment of status at CIS offices. During recent months, CIS demand for numbers has increased significantly as they have begun to address their backlog situation. This increase in CIS demand for numbers is expected to continue, and immigrant visa cut-off date movement is likely to slow or stop in the Family preference categories.

Depending upon the rate at which demand is received, it may become necessary to establish cut-off dates in Employment preference categories. At this time, it is not known if or when this may happen during FY-2005.

F. DIVERSITY VISA LOTTERY 2005 (DV-2005) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2005 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 100,000 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-2005 numbers will be used during fiscal year 2005 (October 1, 2004 until September 30, 2005).

Applicants registered for the DV-2005 program were selected at random from over 9.5 million qualified entries received during the 60-day application period that ran from 12:00 AM on November 1, 2003, until midnight, December 30, 2003. 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 2005 will end. Selected applicants who do not receive visas by September 30, 2005 will derive no further benefit from their DV-2005 registration. Similarly, spouses and children accompanying or following to join DV-2005 principal applicants are only entitled to derivative diversity visa status until September 30, 2005.

Only participants in the DV-2005 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-2006 lottery if they wish. The dates for the registration period for the DV-2006 lottery program will be widely publicized during August 2004.

* 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-2005 program:

AFRICA

ALGERIA 1,489	ERITREA 556	NAMIBIA 11
ANGOLA 14	ETHIOPIA 6,060	NIGER 53
BENIN 233	GABON 29	NIGERIA 6,725
BOTSWANA 7	GAMBIA, THE 136	RWANDA 51
BURKINA FASO 76	GHANA 3,974	SAO TOME AND PRINCIPE 0
BURUNDI 34	GUINEA 268	SENEGAL 409
CAMEROON 1,540	GUINEA-BISSAU 3	SEYCHELLES 4
CAPE VERDE 6	KENYA 3,618	SIERRA LEONE 594
CENTRAL AFRICAN REP. 4	LESOTHO 0	SOMALIA 364
CHAD 22	LIBERIA 714	SOUTH AFRICA 390
COMOROS 3	LIBYA 35	SUDAN 1,015
CONGO 47	MADAGASCAR 28	SWAZILAND 6
CONGO, DEMOCRATIC	MALAWI 44	TANZANIA 356
REPUBLIC OF THE 844	MALI 124	TOGO 2,857
COTE D'IVOIRE 321	MAURITANIA 25	TUNISIA 134
DJIBOUTI 12	MAURITIUS 23	UGANDA 244
EGYPT 6,070	MOROCCO 5,298	ZAMBIA 118
EQUATORIAL GUINEA 2	MOZAMBIQUE 12	ZIMBABWE 141

ASIA

AFGHANISTAN 22	IRAQ 48	NEPAL 2,698
BAHRAIN 1	ISRAEL 116	OMAN 0
BANGLADESH 7,404	JAPAN 373	QATAR 1
BHUTAN 1	JORDAN 44	SAUDI ARABIA 30
BRUNEI 1	NORTH KOREA 1	SINGAPORE 35
BURMA 531	KUWAIT 16	SRI LANKA 386
CAMBODIA 164	LAOS 4	SYRIA 26
HONG KONG SPECIAL	LEBANON 83	THAILAND 102

ADMIN. REGION 77	MALAYSIA 87	TAIWAN 367
INDONESIA 258	MALDIVES 0	UNITED ARAB EMIRATES 13
IRAN 820	MONGOLIA 55	YEMEN 40

EUROPE

ALBANIA 3,380	GEORGIA 375	NORTHERN IRELAND 75
ANDORRA 1	GERMANY 1,275	NORWAY 25
ARMENIA 1,004	GREECE 78	POLAND 6,211
AUSTRIA 91	HUNGARY 181	PORTUGAL 51
AZERBAIJAN 235	ICELAND 5	Macau 12
BELARUS 925	IRELAND 205	ROMANIA 2,521
BELGIUM 81	ITALY 202	SAN MARINO 0
BOSNIA & HERZEGOVINA 103	KAZAKHSTAN 296	SERBIA & MONTENEGRO 425
BULGARIA 4,068	KYRGYZSTAN 206	SLOVAKIA 398
CROATIA 69	LATVIA 158	SLOVENIA 6
CYPRUS 14	LIECHTENSTEIN 1	SPAIN 134
CZECH REPUBLIC 169	LITHUANIA 1,114	SWEDEN 115
DENMARK 42	LUXEMBOURG 2	SWITZERLAND 136
ESTONIA 64	MACEDONIA, FORMER	TAJKISTAN 83
FINLAND 59	YUGOSLAV REP. OF 306	TURKEY 1,803
FRANCE 384	MALTA 0	TURKMENISTAN 78
French Southern & Antarctic Lands 1	MOLDOVA 383	UKRAINE 5,361
Martinique 2	MONACO 0	UZBEKISTAN 1,551
New Caledonia 1	NETHERLANDS 130	VATICAN CITY 0
Reunion 3	Netherlands Antilles 10	
	Aruba 2	

NORTH AMERICA

Bahamas, The 14

OCEANIA

AUSTRALIA 787	NAURU 0	SAMOA 6
Cocos Islands 2	NEW ZEALAND 290	SOLOMON ISLANDS 1
FIJI 530	Cook Islands 0	TONGA 96
KIRIBATI 0	Niue 1	TUVALU 0
MARSHALL ISLANDS 0	PALAU 2	VANUATU 0
MICRONESIA, FEDERATED	PAPUA NEW GUINEA 5	

STATES OF 0		
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SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN

ANTIGUA AND BARBUDA 4	DOMINICA 8	PERU 2,514
ARGENTINA 221	ECUADOR 308	SAINT KITTS AND NEVIS 3
BARBADOS 12	GRENADA 7	SAINT LUCIA 4
BELIZE 3	GUATEMALA 25	SAINT VINCENT AND THE GRENADINES 14
BOLIVIA 108	GUYANA 27	SURINAME 3
BRAZIL 592	HONDURAS 35	TRINIDAD AND TOBAGO 96
CHILE 43	NICARAGUA 14	URUGUAY 18
COSTA RICA 24	PANAMA 17	VENEZUELA 299
CUBA 674	PARAGUAY 14	

Natives of the following countries were not eligible to participate in DV-2005: Canada, China (mainland-born, excluding Hong Kong S.A.R., and Taiwan), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, the Philippines, Russia, 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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