

# Visa Bulletin

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## VISA BULLETIN FOR MAY 2010

### 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 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 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 which has been announced in this bulletin.

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.)

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	08SEP04	08SEP04	08SEP04	15OCT92	01NOV94
2A	01DEC06	01DEC06	01DEC06	01JUN05	01DEC06
2B	01JUL02	01JUL02	01JUL02	15JUN92	15NOV98
3rd	08JUN01	08JUN01	08JUN01	22OCT92	01MAY92
4th	15MAY00	15MAY00	15MAY00	08DEC95	08DEC87

**\*NOTE:** For May, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01JUN05. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01JUN05 and earlier than 01DEC06. (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
<b>Employment-Based</b>					
1st	C	C	C	C	C
2nd	C	22SEP05	01FEB05	C	C
3rd	22APR03	22APR03	01OCT01	U	22APR03
Other Workers	01JUN01	01JUN01	01JUN01	U	01JUN01
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C
5th Pilot Programs	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-2010 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-2010 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	39,200	Except: Egypt: 23,600 Ethiopia: 22,500 Nigeria: 16,200
ASIA	16,400	
EUROPE	29,250	
NORTH AMERICA (BAHAMAS)	4	
OCEANIA	1,100	
SOUTH AMERICA, and the CARIBBEAN	1,200	

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-2010 program ends as of September 30, 2010. DV visas may not be issued to DV-2010 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2010 principals are only entitled to derivative DV status until September 30, 2010. DV visa availability through the very end of FY-2010 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 JUNE

For **June**, immigrant numbers in the DV category are available to qualified DV-2010 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	45,600	Except: Egypt: 24,200 Ethiopia: 25,100 Nigeria: 17,500
ASIA	19,550	
EUROPE	31,000	
NORTH AMERICA (BAHAMAS)	4	
OCEANIA	1,175	
SOUTH AMERICA, and the CARIBBEAN	1,300	

## **D. MEXICO EMPLOYMENT THIRD AND THIRD OTHER WORKER VISA AVAILABILITY**

Due to continued heavy applicant demand, primarily by USCIS Offices for adjustment of status cases, the annual limits for the Mexico Employment Third and Third preference Other Worker categories have been reached. As a result, both categories have become “unavailable.” Visa numbers will become available once again in October with the start of the new fiscal year.

## **E. VISA AVAILABILITY IN THE COMING MONTHS**

Family-sponsored: During the past fifteen months, the level of demand for numbers in the Family-sponsored preference categories has been very low. As a result, the cut-off dates for most Family preference categories have been advancing at a very rapid pace, in an attempt to generate demand so that the annual numerical limits may be fully utilized. If demand for numbers should begin to materialize cut-off date movements may begin to slow or stop.

Dominican Republic: Continued heavy applicant demand for Dominican Republic numbers is likely to result in the oversubscription of this chargeability in June. This would cause the cut-off dates for the Family second preference categories to be earlier than those which apply to most other countries.

Employment-based: Applicant demand for Employment Fourth preference numbers remains very heavy. It is likely that a cut-off date will need to be established in an effort to keep number use within the annual limits. Depending upon number use, this action could occur as early as June.

## **F. MONITORING CUT-OFF DATE MOVEMENT AND REPORTING CHANGES OF ADDRESS FOR CASES BEING PROCESSED OVERSEAS**

This Visa Bulletin allows applicants in the numerically controlled immigrant visa categories to follow the movement of the monthly cut-off dates. The information is also available on-line at [www.travel.state.gov](http://www.travel.state.gov). The cut-off dates are used to determine which applicants may be entitled to either: 1) be scheduled for a formal visa interview if processing their case overseas at an Embassy or Consulate, or 2) file an adjustment of status application if they are already in the United States and eligible to have their case processed at a USCIS Office.

All readers should be aware that any changes of address for applicants processing their case overseas should always be reported to the National Visa Center. It is essential that the National Visa Center have the correct address so that information regarding the processing of the case at an overseas post may be sent to the applicant.

When contacting the National Visa Center (NVC) directly about an immigrant visa application case, always include the following information:

- The NVC case number
- Name of the principal applicant
- Principal applicant's date of birth
- Name of the petitioner
- Petitioner's date of birth

### **E-Mail**

The public may submit inquiries to the NVC via e-mail at: [nvcinquiry@state.gov](mailto:nvcinquiry@state.gov)

In order to ensure a prompt response:

- Provide the relevant NVC Case Number on the subject line of the e-mail.
- Provide the applicant's name and date of birth, and the petitioner's name and date of birth.
- Provide the name of the law office requesting information.
- Provide the name of the employer if the petition is employment based.
- Refer to only one case per e-mail message.

### **Customer Service**

Telephone operators are available to respond to inquiries Monday through Friday from 7:30am until 12:00am (EST). Please call (603) 334-0700

### **Postal Mail**

National Visa Center  
Attn: WC  
31 Rochester Avenue, Suite 200  
Portsmouth, NH 03801-2915

## 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.

To be **placed on** the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

**listserv@calist.state.gov**

and in the message body type:

**Subscribe Visa-Bulletin *First name/Last name***  
**(example: *Subscribe Visa-Bulletin Sally Doe*)**

To be **removed from** the Department of State's E-mail subscription list for the "Visa Bulletin", **send an e-mail message to the following E-mail address:**

**listserv@calist.state.gov**

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 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**

(This address cannot be used to subscribe to the Visa Bulletin.)

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