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Visa Bulletin For September 2013

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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; U.S. Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible, in chronological order of reported priority dates, for demand received by August 12th. If not all demand could be satisfied, 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. If 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 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. 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.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. 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, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second

preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

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-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15SEP06	15SEP06	15SEP06	08SEP93	08MAY01
F2A	C	C	C	C	C
F2B	15FEB06	15FEB06	15FEB06	22FEB94	22JAN03
F3	22JAN03	22JAN03	22JAN03	15MAY93	22DEC92
F4	22JUL01	22JUL01	22JUL01	08OCT96	15FEB90

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

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 Pub. L. 102-395.

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.)

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	08AUG08	15JUN08	C	C
3rd	01JUL10	01JUL10	22SEP03	01JUL10	01DEC06
Other Workers	01JUL10	15JUN04	22SEP03	01JUL10	01DEC06
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Targeted Employment Areas/ Regional Centers and Pilot Programs	C	C	C	C	C

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, 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.

6. The Department of State has a recorded message with visa availability information which can be heard at: (202) 663-1541. This recording is updated on or about the tenth of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF SEPTEMBER

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA 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 resulted in reduction of the DV-2013 annual limit 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-2013 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	CURRENT	
ASIA	CURRENT	
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
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-2013 program ends as of September 30, 2013. DV visas may not be issued to DV-2013 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2013 principals are only entitled to derivative DV status until September 30, 2013. DV visa availability through the very end of FY-2013 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. 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-2014 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	7,500	Except: Egypt: 5,000 Ethiopia: 5,000 Nigeria: 5,500

ASIA	1,800	
EUROPE	8,000	
NORTH AMERICA (BAHAMAS)	3	
OCEANIA	300	
SOUTH AMERICA, and the CARIBBEAN	500	

D. VISA AVAILABILITY IN THE COMING MONTHS

FAMILY-sponsored:

F2A: This category was made "Current" in an effort to generate new demand for the upcoming fiscal year. Information received during discussions with the National Visa Center and U.S. Citizenship and Immigration Services indicates that this action is already having the intended result. Therefore, it is likely that a cut-off will be imposed for October. This cut-off is unlikely to have any negative impact on those who have already initiated action on their case prior to the announcement of the October cut-off dates.

EMPLOYMENT-based:

SECOND:

India: This cut-off date has been advanced significantly more than originally expected, based on the projection that there would be "otherwise unused" numbers under the overall Employment Second preference annual limit. This is the result of a decrease in Employment First preference number use, and a similar decrease in Employment Second preference demand for most other countries during the past two months. It is expected that such movement will generate a very significant amount of new India demand during the coming months.

THIRD:

The Employment-based Third preference cut-off date for most countries was advanced at an extremely rapid pace in April through July in an effort to generate demand. Historically such movements have resulted in a dramatic increase in applicant demand for numbers within a few months. At this time there is no indication that the expected increase is materializing or will do so in the near future. This has resulted in significant movements in the September cut-off for all countries.

It is unlikely that there will be any forward movement for most Employment-based cut-off dates during the next couple of months. In addition, a sudden surge in demand could require the retrogression of a cut-off date at any time. Such action would be required if it appears that such number use could impact visa availability under the FY-2014 annual limits.

E. DETERMINATION OF THE NUMERICAL LIMITS ON IMMIGRANTS 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 U.S. Citizenship and Immigration Services (CIS) 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 USCIS data, the Visa Office (VO) bases allocations on the minimum annual limits outlined in Section 201 of the INA. On July 25th, USCIS provided the required data to VO.

The Department of State has determined the Family and Employment preference numerical limits for FY-2013 in accordance with the terms of Section 201 of the INA. These numerical limits for FY-2013 are as follows:

Worldwide Family-Sponsored preference limit:	226,000
Worldwide Employment-Based preference limit:	158,466

Under INA Section 202(A), the per-country limit is fixed at 7% of the family and employment annual limits. For FY-2013 the per-country limit is 26,913. The dependent area annual limit is 2%, or 7,689.

F. DIVERSITY VISA LOTTERY 2014 (DV-2014) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2014 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 140,660 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-2014 numbers will be used during fiscal year 2014 (October 1, 2013 until September 30, 2014).

Applicants registered for the DV-2014 program were selected at random from 9,374,191 qualified entries (14,633,767 with derivatives) received during the 30-day application period that ran from noon, Eastern Daylight Time on Tuesday, October 2, 2012, until noon, Eastern Daylight Time on Saturday, November 3, 2012. 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 2014 will end. Selected applicants who do not receive visas by September 30, 2014 will derive no further benefit from their DV-2014 registration. Similarly, spouses and children accompanying or following to join DV-2014 principal applicants are only entitled to derivative diversity visa status until September 30, 2014.

Dates for the DV-2015 program registration period will be widely publicized in the coming months. Those interested in entering the DV-2015 program should check the Department of State's Visa web page for more details in September.

*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-2014 program:

AFRICA		
ALGERIA 2,583	GABON 72	RWANDA 477
ANGOLA 84	GAMBIA, THE 67	SAO TOME AND PRINCIPE 0
BENIN 639	GHANA 3,945	SENEGAL 824
BOTSWANA 19	GUINEA 1,759	SEYCHELLES 5
BURKINA FASO 267	GUINEA-BISSAU 14	SIERRA LEONE 2,977
BURUNDI 138	KENYA 4,245	SOMALIA 273
CAMEROON 4,268	LESOTHO 6	SOUTH AFRICA 1,038
CAPE VERDE 33	LIBERIA 3,809	SOUTH SUDAN 18
CENTRAL AFRICAN REP. 45	LIBYA 156	SUDAN 2,281
CHAD 49	MADAGASCAR 50	SWAZILAND 5
COMOROS 5	MALAWI 52	TANZANIA 209
CONGO 236	MALI 176	TOGO 1,481
CONGO, DEMOCRATIC REPUBLIC OF THE 6,025	MAURITANIA 21	TUNISIA 159
COTE D'IVOIRE 1,399	MAURITIUS 68	UGANDA 620
DJIBOUTI 75	MOROCCO 2,428	ZAMBIA 117
EGYPT 5,757	MOZAMBIQUE 21	ZIMBABWE 196
EQUATORIAL GUINEA 4	NAMIBIA 12	

ERITREA 837	NIGER 137	
ETHIOPIA 5,718	NIGERIA 6,043	
ASIA		
AFGHANISTAN 447	JAPAN 861	QATAR 43
BAHRAIN 27	JORDAN 581	SAUDI ARABIA 467
BHUTAN 21	NORTH KOREA 3	SINGAPORE 119
BRUNEI 3	KUWAIT 275	SRI LANKA 1,616
BURMA 696	LAOS 9	SYRIA 493
CAMBODIA 1,892	LEBANON 396	TAIWAN 723
HONG KONG SPECIAL ADMIN. REGION 159	MALAYSIA 167	THAILAND 131
INDONESIA 379	MALDIVES 4	TIMOR-LESTE 0
IRAN 6,027	MONGOLIA 224	UNITED ARAB EMIRATES 167
IRAQ 384	NEPAL 6,082	YEMEN 532
ISRAEL 330	OMAN 12	
EUROPE		
ALBANIA 3,289	GERMANY 1,696	NORTHERN IRELAND 37
ANDORRA 2	GREECE 230	NORWAY 63
ARMENIA 2,221	HUNGARY 363	POLAND 1,552
AUSTRIA 150	ICELAND 49	PORTUGAL 124
AZERBAIJAN 494	IRELAND 175	Macau 12
BELARUS 1,873	ITALY 787	ROMANIA 1,245
BELGIUM 120	KAZAKHSTAN 784	RUSSIA 4,544
BOSNIA & HERZEGOVINA 153	KOSOVO 257	SAN MARINO 1
BULGARIA 1,957	KYRGYZSTAN 537	SERBIA 582
CROATIA 125	LATVIA 147	SLOVAKIA 115
CYPRUS 24	LIECHTENSTEIN 1	SLOVENIA 14
CZECH REPUBLIC 133	LITHUANIA 385	SPAIN 485
DENMARK 103	LUXEMBOURG 13	Western Sahara 1
Greenland 1	MACEDONIA 421	SWEDEN 225
ESTONIA 75	MALTA 6	SWITZERLAND 224
FINLAND 111	MOLDOVA 2,903	TAJIKISTAN 531
FRANCE 958	MONACO 2	TURKEY 3,972
French Polynesia 8	MONTENEGRO 20	TURKMENISTAN 216

French Southern and Antarctic Territories 4	NETHERLANDS 225	UKRAINE 6,009
New Caledonia 1	Aruba 6	UZBEKISTAN 5,014
Saint Martin 2	Curacao 4	VATICAN CITY 0
GEORGIA 806	Sint Maarten 2	
<u>NORTH AMERICA</u>		
BAHAMAS, THE 23		
<u>OCEANIA</u>		
AUSTRALIA 2,104	NAURU 12	SAMOA 43
Cocos Islands 1	NEW ZEALAND 674	SOLOMON ISLANDS 3
Norfolk Island 2	Cook Islands 4	TONGA 105
FIJI 1,174	Niue 25	TUVALU 1
KIRIBATI 6	Tokelau 3	VANUATU 17
MARSHALL ISLANDS 2	PALAU 0	
MICRONESIA, FEDERATED STATES OF 5	PAPUA NEW GUINEA 34	
<u>SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN</u>		
ANTIGUA AND BARBUDA 11	DOMINICA 22	SAINT KITTS AND NEVIS 15
ARGENTINA 218	GRENADA 31	SAINT LUCIA 42
BARBADOS 34	GUATEMALA 225	SAINT VINCENT AND THE GRENADINES 13
BELIZE 18	GUYANA 50	SURINAME 27
BOLIVIA 145	HONDURAS 121	TRINIDAD AND TOBAGO 246
CHILE 50	NICARAGUA 78	URUGUAY 41
COSTA RICA 101	PANAMA 22	VENEZUELA 1,905
CUBA 1,178	PARAGUAY 27	

Natives of the following countries were not eligible to participate in DV-2014:

Bangladesh, Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R., Macau S.A.R., and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

G. OBTAINING THE MONTHLY VISA BULLETIN

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