

Visa Bulletin

Number 84
Volume VIII
Washington, D.C.

VISA BULLETIN FOR AUGUST 2005

IMMIGRANT NUMBERS FOR AUGUST 2005

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 11th 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". Schedule A Workers are entitled to up to 50,000 "recaptured" numbers.

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.)

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Family					
1 st	08APR01	08APR01	08APR01	01JAN83	01MAR91
2A*	22JUL01	22JUL01	22JUL01	01JUL98	22JUL01
2B	22JAN96	22JAN96	22JAN96	01JAN91	22JAN96
3 rd	01FEB98	01FEB98	01FEB98	01JAN92	08SEP90
4 th	08OCT93	08OCT93	22FEB93	01JAN87	01FEB83

*NOTE: For August, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 01JUL98. 2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 01JUL98 and earlier than 22JUL01. (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	CH	IN	ME	PH
Employment-Based					
1 st	C	C	C	C	C
2 nd	C	C	C	C	C
3 rd	U	U	U	U	U
Schedule A Workers	C	C	C	C	C
Other Workers	U	U	U	U	U
4 th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5 th	C	C	C	C	C
Targeted Employment 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.

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-2005 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-2005 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	39,500	Except: Ethiopia 30,100
ASIA	AS	10,200	Except: Bangladesh 7,820
EUROPE	EU	20,500	Except: Ukraine 15,100
NORTH AMERICA (BAHAMAS)	NA	13	
OCEANIA	OC	1,275	
SOUTH AMERICA, and the CARIBBEAN	SA	2,300	

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-2005 program ends as of September 30, 2005. DV visas may not be issued to DV-2005 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2005 principals are only entitled to derivative DV status until September 30, 2005. DV visa availability through the very end of FY-2005 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 SEPTEMBER

For September, immigrant numbers in the DV category are available to qualified DV-2005 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	46,700	Except: Ethiopia 32,500
ASIA	AS	11,400	Except: Bangladesh 8,850
EUROPE	EU	20,500	Except: Ukraine 18,150
NORTH AMERICA (BAHAMAS)	NA	13	
OCEANIA	OC	Current	
SOUTH AMERICA, and the CARIBBEAN	SA	2,755	

D. EMPLOYMENT VISA AVAILABILITY FOR THE REMAINDER OF FY-2005

Demand for numbers by CIS Offices for adjustment of status cases remains very high. As the end of the fiscal year approaches, it might be necessary to establish an Employment Second preference cut-off date for September to keep visa issuances within the annual numerical limits set by law. If required, such a cut-off date is likely to be limited to the China-mainland born and India chargeability areas.

E. DIVERSITY VISA LOTTERY 2006 (DV-2006) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2006 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 90,000 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-2006 numbers will be used during fiscal year 2006 (October 1, 2005 until September 30, 2006).

Applicants registered for the DV-2005 program were selected at random from over 6.3 million qualified entries received during the 60-day application period that ran from 12:00 AM on November 5, 2004, until midnight, January 7, 2005. 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 2006 will end. Selected applicants who do not receive visas by September 30, 2006 will derive no further benefit from their DV-2006 registration. Similarly, spouses and children accompanying or following to join DV-2006 principal applicants are only entitled to derivative diversity visa status until September 30, 2006.

Only participants in the DV-2006 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-2007 lottery if they wish. The dates for the registration period for the DV-2007 lottery program will be widely publicized during August 2005.

* 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-2006 program:

AFRICA			
ALGERIA	1,377	ERITREA	672
ANGOLA	21	ETHIOPIA	6,995
BENIN	328	GABON	26
BOTSWANA	11	GAMBIA, THE	127
BURKINA FASO	164	GHANA	3,880
BURUNDI	60	GUINEA	249
CAMEROON	1,639	GUINEA-BISSAU	3
CAPE VERDE	2	KENYA	2,827
CENTRAL AFRICAN REP.	10	LESOTHO	0
CHAD	30	LIBERIA	695
COMOROS	3	LIBYA	51
CONGO	149	MADAGASCAR	22
CONGO, DEMOCRATIC REPUBLIC OF THE	665	MALAWI	27
COTE D'IVOIRE	374	MALI	99
DJIBOUTI	12	MAURITANIA	31
EGYPT	6,439	MAURITIUS	8
EQUATORIAL GUINEA	5	MOROCCO	5,980
		MOZAMBIQUE	6
NAMIBIA	5	SOUTH AFRICA	311
NIGER	62	SUDAN	805
NIGERIA	6,191	SWAZILAND	9
RWANDA	26	TANZANIA	251
SAO TOME AND PRINCIPE	2	TOGO	2,138
SENEGAL	280	TUNISIA	122
SEYCHELLES	4	UGANDA	190
SIERRA LEONE	555	ZAMBIA	99
SOMALIA	221	ZIMBABWE	157

ASIA			
AFGHANISTAN	52	IRAQ	84
BAHRAIN	0	ISRAEL	116
BANGLADESH	5,456	JAPAN	336
BHUTAN	3	JORDAN	81
BRUNEI	1	NORTH KOREA	0
BURMA	659	KUWAIT	15
CAMBODIA	107	LAOS	0
HONG KONG SPECIAL ADMIN. REGION	83	LEBANON	108
INDONESIA	263	MALAYSIA	55
IRAN	934	MALDIVES	0
MONGOLIA	141	SRI LANKA	387
NEPAL	1,934	SYRIA	47
OMAN	3	THAILAND	76
QATAR	7	TAIWAN	353
SAUDI ARABIA	55	UNITED ARAB EMIRATES	30
SINGAPORE	40	YEMEN	47

EUROPE			
ALBANIA	2,504	GEORGIA	331
ANDORRA	0	GERMANY	998
ARMENIA	757	GREECE	68
AUSTRIA	62	HUNGARY	152
AZERBAIJAN	196	ICELAND	13
BELARUS	698	IRELAND	145
BELGIUM	28	ITALY	210
BOSNIA & HERZEGOVINA	70	KAZAKHSTAN	244
BULGARIA	2,131	KYRGYZSTAN	132
CROATIA	42	LATVIA	97
CYPRUS	18	LIECHTENSTEIN	0
CZECH REPUBLIC	104	LITHUANIA	488
DENMARK	43	LUXEMBOURG	0
ESTONIA	44	MACEDONIA, FORMER YUGOSLAV REP. OF	202
FINLAND	61	MALTA	7
FRANCE	340	MOLDOVA	285
French Polynesia	1	MONACO	1
Martinique	1	NETHERLANDS	105
Reunion	1		
Netherlands Antilles	8		
NORTHERN IRELAND	63	SLOVENIA	5
NORWAY	30	SPAIN	61
POLAND	3,416	SWEDEN	110
PORTUGAL	28	SWITZERLAND	139
Macau	5	TAJIKISTAN	42
ROMANIA	1,716	TURKEY	1,357
SAN MARINO	0	TURKMENISTAN	76
SERBIA & MONTENEGRO	507	UKRAINE	5,269
SLOVAKIA	223	UZBEKISTAN	1,346
		VATICAN CITY	0

NORTH AMERICA			
BAHAMAS, THE	12		

OCEANIA			
AUSTRALIA	837	NAURU	7
Christmas Islands	4	NEW ZEALAND	292
FIJI	757	Cook Islands	0
KIRIBATI	5	Niue	5
MARSHALL ISLAND	0	PALAU	1
MICRONESIA, FEDERATED STATES OF	7	PAPUA NEW GUINEA	10
SAMOA	11		
SOLOMON ISLAND	0		
TONGA	171		
TUVALU	8		
VANUATU	0		

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN			
ANTIGUA AND BARBUDA	1	DOMINICA	3
ARGENTINA	134	ECUADOR	285
BARBADOS	5	GRENADA	2
BELIZE	8	GUATEMALA	28
BOLIVIA	205	GUYANA	36
BRAZIL	377	HONDURAS	29
CHILE	35	NICARAGUA	32
COSTA RICA	34	PANAMA	24
CUBA	584	PARAGUAY	6
PERU	2,197		
SAINT KITTS AND NEVIS	3		
SAINT LUCIA	2		
SAINT VINCENT AND THE GRENADINES	3		
SURINAME	4		
TRINIDAD AND TOBAGO	120		
URUGUAY	15		
VENEZUELA	266		

Natives of the following countries were not eligible to participate in DV-2006: 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.

F. OBTAININGTHEMONTHLYVISABULLETIN

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.)
Department of State Publication 9514CA/VO: July 11, 2005