

Visa Bulletin For June 2012

Number 45

Volume IX

Washington, D.C.

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A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during June. 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 May 8th. 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.

AILA InfoNet Doc. No. 12050947. (Posted 05/09/12)

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.)

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-Listed Sponsored	All Charge-ability Areas Except Those	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22JUN05	22JUN05	22JUN05	15MAY93	01JUL97
F2A	01JAN10	01JAN10	01JAN10	08DEC09	01JAN10
F2B	15APR04	15APR04	15APR04	01JAN92	08DEC01
F3	01APR02	01APR02	01APRR02	15JAN93	22JUL92
F4	08JAN01	15DEC00	08JAN01	01JUN96	22JAN89

*NOTE: For June, F2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 08DEC09. F2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 08DEC09 and earlier than 01JAN10. (All F2A numbers provided for MEXICO are exempt from the per-country limit; there are no F2A numbers for MEXICO subject to per-country limit.)

*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 **AILA InfoNet Doc. No. 12050947. (Posted 05/09/12)**

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.

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	U	U	C	C
3rd	08JUN06	08AUG05	15SEP02	08JUN06	22MAY06
Other Workers	08JUN06	22APR03	15SEP02	08JUN06	08JUN06
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

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-2012 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 **June**, immigrant numbers in the DV category are available to qualified DV-2012 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	Except: Uzbekistan 17,050
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-2012 program ends as of September 30, 2012. DV visas may not be issued to DV-2012 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2012 principals are only entitled to derivative DV status until September 30, 2012. DV visa availability through the very end of FY-2012 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-2012 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	Except: Uzbekistan 17,050
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

D. CHINA-MAINLAND AND INDIA EMPLOYMENT SECOND PREFERENCE CATEGORY IS UNAVAILABLE

Despite the retrogression of the China and India Employment Second preference cut-off date to August 15, 2007, demand for numbers by applicants with priority dates earlier than that

date remained excessive. Such demand is primarily based on cases which had originally been filed with the U.S. Citizenship and Immigration Services (USCIS) for adjustment of status in the Employment Third preference category, and are now eligible to be upgraded to Employment Second preference status. The potential amount of such "upgrade" demand is not currently being reported, but it was evident that the continued availability of Employment Second preference numbers for countries other than China and India was being jeopardized. Therefore, it was necessary to make the China and India Employment Second preference category "Unavailable" in early April, and it will remain so for the remainder of FY-2012.

Numbers will once again be available for China and India Employment Second preference cases beginning October 1, 2012 under the FY-2013 annual numerical limitations. Every effort will be made to return the China and India Employment Second preference cut-off date to the May 1, 2010 date which had been reached in April 2012. Readers should be advised that it is impossible to accurately estimate how long that may take, but current indications are that it would definitely not occur before spring 2013.

USCIS has indicated that it will continue accepting China and India Employment Second preference I-485 filings during May, based on the originally announced May cut-off date.

E. EMPLOYMENT FIRST AND SECOND PREFERENCE VISA AVAILABILITY

Item F of the May Visa Bulletin (number 44) provided projections regarding visa availability in the coming months. Information received from the USCIS after the publication of that item requires an update in the projections for the Employment First and Second preference categories.

Employment First: Based on the current rate of demand, it may be necessary to establish a cut-off date at the end of the fiscal year in an effort to limit number use within the annual numerical limit.

Employment Second: Based on the current rate of demand, it may be necessary to establish a cut-off date for this category for all countries other than China and India. Such action may be required at any time during the next few months.

Please be advised that the above are only estimates for what could happen during the next few months based on applicant demand patterns experienced in recent months.

F. DIVERSITY VISA LOTTERY 2013 (DV-2013) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2013 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 105,628 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-2013 numbers will be used during fiscal year 2013 (October 1, 2012 until September 30, 2013).

Applicants registered for the DV-2013 program were selected at random from 7,941,400 qualified entries (12,577,463 with derivatives) received during the 30-day application period that ran from noon, Eastern Daylight Time on Tuesday, October 4, 2011, until noon, Eastern Daylight Time on Saturday, November 5, 2011. 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 2013 will end. Selected applicants who do not receive visas by September 30, 2013 will derive no further benefit from their DV-2013 registration. Similarly, spouses and children accompanying or following to join DV-2013 principal applicants are only entitled to derivative diversity visa status until September 30, 2013.

Dates for the DV-2014 program registration period will be widely publicized in the coming months. Those interested in entering the DV-2014 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-2013 program:

AFRICA

ALGERIA 2,161	GABON 38	SAO TOME AND PRINCIPE 0
ANGOLA 47	GAMBIA, THE 85	SENEGAL 394
BENIN 809	GHANA 5,105	SEYCHELLES 0
BOTSWANA 18	GUINEA 1,350	SIERRA LEONE 2,516
BURKINA FASO 296	GUINEA-BISSAU 25	SOMALIA 197
BURUNDI 94	KENYA 4,410	SOUTH AFRICA 956
CAMEROON 3,858	LESOTHO 6	SOUTH SUDAN 5
CAPE VERDE 25	LIBERIA 1,916	SUDAN 747
CENTRAL AFRICAN REP. 18	LIBYA 138	SWAZILAND 3
CHAD 28	MADAGASCAR 40	TANZANIA 150
COMOROS 8	MALAWI 29	TOGO 1,065
CONGO 156	MALI 80	TUNISIA 145
CONGO, DEMOCRATIC	MAURITANIA 31	UGANDA 513
REPUBLIC OF THE 3,924	MAURITIUS 67	ZAMBIA 87

COTE D'IVOIRE 805	MOROCCO 2,068	ZIMBABWE 169
DJIBOUTI 79	MOZAMBIQUE 10	
EGYPT 5,015	NAMIBIA 21	
EQUATORIAL GUINEA 19	NIGER 53	
ERITREA 804	NIGERIA 6,218	
ETHIOPIA 4,910	RWANDA 369	

ASIA

AFGHANISTAN 128	ISRAEL 175	OMAN 10
BAHRAIN 15	JAPAN 440	QATAR 24
BHUTAN 4	JORDAN 251	SAUDI ARABIA 287
BRUNEI 8	NORTH KOREA 0	SINGAPORE 31
BURMA 403	KUWAIT 137	SRI LANKA 802
CAMBODIA 986	LAOS 1	SYRIA 170
HONG KONG SPECIAL ADMIN. REGION 92	LEBANON 269	TAIWAN 360
INDONESIA 215	MALAYSIA 67	THAILAND 75
IRAN 6,029	MALDIVES 0	TIMOR-LESTE 1
IRAQ 164	MONGOLIA 167	UNITED ARAB EMIRATES 98
	NEPAL 4,370	YEMEN 266

EUROPE

ALBANIA 1,520	GERMANY 1,253	Sint Maarten 2
ANDORRA 0	GREECE 99	NORTHERN IRELAND 45
ARMENIA 1,174	HUNGARY 246	NORWAY 50
AUSTRIA 108	ICELAND 38	POLAND 2,038
AZERBAIJAN 373	IRELAND 138	PORTUGAL 40
BELARUS 1,195	ITALY 396	Macau 2
BELGIUM 79	KAZAKHSTAN 533	ROMANIA 711
BOSNIA & HERZEGOVINA 54	KOSOVO 183	RUSSIA 2,846
BULGARIA 1,299	KYRGYZSTAN 237	SAN MARINO 0
CROATIA 75	LATVIA 140	SERBIA 303
CYPRUS 10	LIECHTENSTEIN 0	SLOVAKIA 100
CZECH REPUBLIC 73	LITHUANIA 248	SLOVENIA 5
DENMARK 77	LUXEMBOURG 4	SPAIN 196
Faroe Islands 9	MACEDONIA 262	SWEDEN 162
ESTONIA 47	MALTA 4	SWITZERLAND 131
FINLAND 72	MOLDOVA 1,330	TAJIKISTAN 330
FRANCE 549	MONACO 3	TURKEY 1,807
French Polynesia 11	MONTENEGRO 11	TURKMENISTAN 94
New Caledonia 0	NETHERLANDS 109	UKRAINE 6,424
Saint Barthelemy 4	Aruba 8	UZBEKISTAN 5,101
GEORGIA 723	Curacao 7	VATICAN CITY 0

NORTH AMERICA

BAHAMAS, THE 16

OCEANIA

AUSTRALIA 1,035	NAURU 14	TONGA 91	
Christmas Islands 0	NEW ZEALAND 373	TUVALU 3	
Cocos Island 2	Cook Islands 0	VANUATU 5	
Norfolk Island 4	Niue 7	WESTERN SAMOA 30	
FIJI 597	Tokelau 7	KIRIBATI 5	PALAU
1			
MARSHALL ISLANDS 1	PAPUA NEW GUINEA 18		
MICRONESIA, FEDERATED	SAMOA 0		
STATES OF 1	SOLOMON ISLANDS 0		

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN

ANTIGUA AND BARBUDA 3	DOMINICA 17	SAINT LUCIA 19
ARGENTINA 117	GRENADA 18	SAINT VINCENT
BARBADOS 5	GUYANA 43	AND THE GRENADINES 14
BELIZE 22	HONDURAS 90	SURINAME 4
BOLIVIA 74	NICARAGUA 65	TRINIDAD AND TOBAGO 137
CHILE 42	PANAMA 31	URUGUAY 15
COSTA RICA 63	PARAGUAY 8	VENEZUELA 924
CUBA 490	SAINT KITTS AND NEVIS 5	

Natives of the following countries were not eligible to participate in DV-2013: Bangladesh, Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R., Macau S.A.R., and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, 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

The Department of State's Bureau of Consular Affairs publishes the monthly Visa Bulletin on their website at www.travel.state.gov under the Visas section. Alternatively, visitors may access the Visa Bulletin directly by going to:

http://www.travel.state.gov/visa/bulletin/bulletin_1360.html

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The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (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 May 8, 2012