

**Annual Report of Immigrant Visa Applicants in the Family-sponsored and
Employment-based preferences Registered at the National Visa Center
as of November 1, 2009**

Most prospective immigrant visa applicants qualify for status under the law on the basis of family relationships or employer sponsorship. Entitlement to visa processing in these classes is established ordinarily through approval by Citizenship and Immigration Services (CIS) of a petition filed on the applicant's behalf. The petitions of applicants who will be processed at an overseas post are forwarded by CIS to the Department of State; applicants in categories subject to numerical limit are registered on the visa waiting list. Each case is assigned a priority (i.e., registration) date based on the filing date accorded to the petition. Visa issuance within each numerically limited category is possible only if the applicant's priority date is within the applicable cut-off dates which are published each month by the Department of State in the Visa Bulletin. Family and Employment preference applicants compete for visa numbers within their respective categories on a worldwide basis according to priority date; a per-country limit on such preference immigrants set by INA 202 places a maximum on the amount of visas which may be issued in a single year to applicants from any one country, however.

In October, the Department of State asked the National Visa Center (NVC) at Portsmouth, New Hampshire to report the totals of applicants on the waiting list in the various numerically-limited immigrant categories. Applications for adjustment of status under INA 245 which are pending at CIS Offices are not included in the tabulation of the immigrant waiting list data which is being provided at this time. As such, the following figures ONLY reflect petitions which the Department of State has received, and do not include the significant number of applications held with the CIS Offices.

The following figures have been compiled from the NVC report submitted to the Department on November 3, 2009, and show the number of immigrant visa applicants on the waiting list in the various preferences and subcategories subject to numerical limit. All figures reflect persons registered under each respective numerical limitation, i.e., the totals represent not only principal applicants or petition beneficiaries, but their spouses and children entitled to derivative status under INA 203(d) as well.

Family-sponsored Preferences

<u>Category</u>	<u>Total</u>
FAMILY FIRST	245,516
FAMILY SECOND TOTAL	842,762
2A-Spouses/Children: 324,864	
2B- Adult Sons/Daughters: 517,898	
FAMILY THIRD	553,280
FAMILY FOURTH	1,727,897
TOTAL	3,369,455

Employment-based Preferences

<u>Category</u>	<u>Total</u>
EMPLOYMENT FIRST	3,601
EMPLOYMENT SECOND	6,295
EMPLOYMENT THIRD TOTAL	119,759
Skilled Workers: 103,448	
Other Workers: 16,311	
EMPLOYMENT FOURTH TOTAL	529
EMPLOYMENT FIFTH TOTAL	325
TOTAL	130,509
 GRAND TOTAL	 3,499,964

Immigrant Waiting List By Country

Immigrant visa issuances during fiscal year 2010 are limited by the terms of INA 201 to no more than 226,000 in the family-sponsored preferences and approximately 150,000 in the employment-based preferences. (Visas for "Immediate Relatives" (i.e., spouses, unmarried children under the age of 21 years, and parents) of U.S. citizens are not subject to numerical limitation, however.)

It should by no means be assumed that once an applicant is registered, the case is then continually included in the waiting list totals unless and until a visa is issued. The consular procedures mandate a regular culling of visa cases to remove from the count those unlikely to see further action, so that totals are not unreasonably inflated. If, for example, a consular post receives no response within one year from an applicant to whom the visa application instruction letter (i.e., the consular "Packet 3" letter) is sent when the movement of the visa availability cut-off date indicates a visa may become available within a reasonable time frame, the case is considered "inactive" under the consular procedures and is no longer included in waiting list totals.

The thirteen countries with the highest number of waiting list registrants are listed below; together these represent 79% of the total. This list includes all countries with at least 50,000 persons on the waiting list. The per-country limit in INA 202 sets an annual maximum on the amount of preference visas which may be issued to applicants from any one country; the 2010 per-country limit will be approximately 26,260.

<u>Country</u>	<u>Total</u>
Mexico	1,178,761
Philippines	482,694
China-mainland born	197,559
India	194,954
Vietnam	184,692
Dominican Republic	115,565
Cuba	70,069
Bangladesh	67,662
El Salvador	65,150
Pakistan	57,881
Haiti	54,716
Korea, South	52,196
Jamaica	51,782
All Others	726,283
Worldwide Total	3,499,964

**Immigrant Waiting List
By Preference Category**

FAMILY-SPONSORED PREFERENCES

Family FIRST Preference:

The worldwide Family FIRST preference numerical limitation is 23,400. The top ten countries with the highest F1 waiting list totals are:

<u>Country</u>	<u>Family First Preference Total</u>	<u>Percent of Category Waiting List</u>
Mexico	68,628	27.9%
Philippines	35,789	14.6%
Jamaica	16,947	6.9%
Dominican Republic	13,594	5.5%
Haiti	11,503	4.7%
Vietnam	7,764	3.2%
Cuba	7,402	3.0%
Guyana	7,378	3.0%
El Salvador	6,124	2.5%
Colombia	5,347	2.2%
<u>All Others</u>	<u>65,040</u>	<u>26.5%</u>
Total	245,516	100%

Cases are being added to the waiting list in this category not only by the approval of new FIRST preference petitions, but also through automatic conversion of pending 2B cases into FIRST preference upon the naturalization of the petitioner.

Given the 517,898 Family 2B waiting list and the several years' interval between 2B petition filing and visa issuance, it is likely that increasing numbers of petitioners will be naturalized and the petitions converted to Family FIRST preference long before 2B visas become available. The prospect is for increasing oversubscription in the FIRST preference, with slower advances in the worldwide cut-off date the consequence. Only two countries, Philippines and Mexico, have FIRST preference cut-off dates which are earlier than the worldwide date.

Family SECOND Preference:

The total Family SECOND preference waiting list figure is 842,762. Of these, 324,864 (38.5%) are spouses and children of permanent residents of the United States (the 2A class), and 517,898 (61.5%) are adult unmarried sons/daughters of permanent residents (the 2B class). The Family SECOND preference represents 25% of the total Family preference waiting list. It will receive 114,200 visa numbers for FY-2010, just over half of the 226,000 family preference total; 77% of SECOND preference numbers are provided to 2A applicants, while the remaining 23% go to the 2B class.

2A: About 88,000 visa numbers are expected to be available during FY-2010. The top five countries with the highest 2A waiting list totals are:

<u>Country</u>	<u>Family 2A Preference Total</u>	<u>Percent of Category Waiting List</u>
Mexico	173,631	53.4%
Dominican Republic	25,694	7.9%
Philippines	12,117	3.7%
Cuba	12,073	3.7%
El Salvador	11,741	3.6%
All Others	89,608	27.6%
Total	324,864	100%

The 1990 Act increased the number of visas which are available for the 2A class, which provided a greater equalization of the visa waiting period for applicants from all countries. At present, only Mexico has a visa cut-off date earlier than that for all other countries. It is apparent, however, that the large waiting list will ensure the continued oversubscription and a considerable delay between the filing of a petition and the applicant's turn for visa issuance being reached.

One result of the extended wait for a 2A visa is that some of the children (i.e., under 21 years of age) registered in this class will not be reached for visas before their 21st birthday. In such situation, they are automatically moved into the 2B class (for unmarried adult sons/daughters of permanent residents) as soon as they turn 21. The wait for a 2B visa is even longer than in 2A.

The four year interval between the cut-off and calendar dates for most countries assures that many petitioners will be eligible to naturalize before 2A visa numbers become available for their spouses and children. Upon naturalization of the petitioner, a pending 2A case is converted automatically into the "Immediate Relative" visa category, which is not subject to numerical limit and in which, therefore, there is no visa waiting period. As a result, the amount of cases being processed in the "Immediate Relative" category is likely to increase, and the rate of new F2A filings would stabilize the waiting list.

2B: Visa numbers for this class of adult sons and daughters are expected to total about 26,000 during FY-2010. The waiting list far exceeds the annual limit. The top ten countries with the highest 2B waiting list totals are:

<u>Country</u>	<u>Family 2B Preference Total</u>	<u>Percent of Category Waiting List</u>
Mexico	222,006	42.9%
Philippines	55,365	10.7%
Dominican Republic	49,903	9.6%
Haiti	18,739	3.6%
El Salvador	18,608	3.6%
China-mainland born	18,496	3.6%
Cuba	11,184	2.2%
Vietnam	9,380	1.8%
Jamaica	8,158	1.6%
India	7,894	1.5%
<u>All Others</u>	<u>98,165</u>	<u>19.0%</u>
Total	517,898	100%

As noted above, some of the additional 2B cases are applicants converted from the 2A class upon their turning 21.

Family THIRD Preference:

The annual visa limit is 23,400. Two oversubscribed countries (Philippines and Mexico) have sufficiently heavy demand in this preference to require a cut-off date substantially earlier than the worldwide date. The top ten countries with the highest F3 waiting list totals are:

<u>Country</u>	<u>Family Third Preference Total</u>	<u>Percent of Category Waiting List</u>
Philippines	136,111	24.6%
Mexico	90,897	16.4%
Vietnam	54,088	9.8%
India	36,432	6.6%
China-mainland born	21,937	4.0%
Cuba	19,661	3.6%
Poland	15,066	2.7%
Guyana	11,465	2.1%
Jamaica	11,162	2.0%
Pakistan	9,866	1.8%
<u>All Others</u>	<u>146,595</u>	<u>26.5%</u>
Total	553,280	100%

Family FOURTH Preference:

Applicants registered in the Family FOURTH preference total 1,727,897. Annual visa issuances are limited to 65,000. Because of the demand so much in excess of available visas, the waiting period is longer than in any other category. The countries listed below have the largest number of FOURTH preference applicants:

<u>Country</u>	<u>Family Fourth Preference Total</u>	<u>Percent of Category Waiting List</u>
Mexico	618,871	35.8%
Philippines	195,892	11.3%
China-mainland born	134,178	7.8%
India	120,252	7.0%
Vietnam	108,425	6.3%
Bangladesh	58,417	3.4%
Pakistan	39,861	2.3%
China-Taiwan	31,633	1.8%
South Korea	30,069	1.7%
Colombia	24,224	1.4%
All Others	366,075	21.2%
Total	1,727,897	100%

The steadily growing waiting period in this preference, now approaches ten years for countries of most favorable visa availability and even longer for some oversubscribed countries.

EMPLOYMENT-BASED PREFERENCES

It is important to note that approximately ninety percent of all Employment preference immigrants are currently being processed as adjustment of status cases at CIS offices. Cases pending with CIS are not counted in the consular waiting list tally which is presented below. Therefore, in several Employment categories the waiting list totals being provided below understate real immigrant demand. The Employment waiting list counts not only prospective workers, but also their spouses and children entitled under the law to derivative preference status.

Employment FIRST Preference:

Top countries are:

<u>Country</u>	<u>Employment First Preference</u>	<u>Percent of Category Waiting List</u>
Canada	388	10.8%
China-mainland born	385	10.7%
Great Britain	375	10.4%
India	249	6.9%
Japan	209	5.8%
Korea, South	170	4.7%
Germany	114	3.2%
Venezuela	109	3.0%
Iran	108	3.0%
Mexico	108	3.0%
All Others	1,386	38.5%
Worldwide Total	3,601	100%

Visa availability is "current" for all countries.

Employment SECOND Preference:

Top countries are:

<u>Country</u>	<u>Employment Second Preference</u>	<u>Percent of Category Waiting List</u>
India	2,996	47.6%
China-mainland born	936	14.9%
Korea, South	386	6.1%
Philippines	237	3.8%
Canada	191	3.0%
All Others	1,549	24.6%
Worldwide Total	6,295	100%

This category is "current" at present for all but two countries.

Employment THIRD Preference:

Top countries are:

<u>Country</u>	Employment Third Preference: Skilled Worker/ Professional Components	Percent of Waiting List in These Classes
Philippines	45,331	43.8%
India	20,467	19.8%
China-mainland born	7,122	6.9%
Korea, South	3,361	3.2%
Mexico	2,339	2.3%
All Others	24,828	24.0%
Worldwide Total	103,448	100%

Employment Third “Other Workers”:

Top Countries are:

<u>Country</u>	Employment Third Preference: Other Worker Component	Percent of Waiting List in This Class
China-mainland born	5,079	31.1%
Korea, South	3,712	22.8%
Mexico	2,212	13.5%
Philippines	1,756	10.8%
India	533	3.3%
All Others	3,019	18.5%
Worldwide Total	16,311	100%

With visa demand well in excess of the Employment Third Preference annual limits, a significant wait for a visa must be expected to continue for the indefinite future.

Employment FOURTH Preference:

Top countries are:

<u>Country</u>	<u>Employment Fourth Preference</u>	<u>Percent of Waiting List in These Classes</u>
India	111	21.0%
Korea, South	39	7.4%
Afghanistan	28	5.3%
Iran	28	5.3%
Mexico	23	4.3%
Philippines	23	4.3%
All Others	277	52.4%
Worldwide Total	529	100%

Employment FIFTH Preference:

Top countries are:

<u>Country</u>	<u>Employment Fifth Preference</u>	<u>Percent of Waiting List in These Classes</u>
China-mainland born	126	38.8%
Iran	63	19.4%
Korea, South	57	17.5%
All Others	79	24.3%
Worldwide Total	325	100%

**Family
Immigrant Waiting List
By Country**

The six countries with the highest number of Family sponsored waiting list registrants are listed below; together these represent just over 67% of the total. (The per-country limit in INA 202 sets an annual maximum on the amount of Family preference visas which may be issued to applicants from any one country; the FY-2010 per-country limit will be approximately 15,820.)

Family Preferences

Country	Total
Mexico	1,174,033
Philippines	435,274
Vietnam	184,516
China-mainland born	183,910
India	170,589
Dominican Republic	115,478
All Others	1,105,655
Worldwide Total	3,369,455

**Family
Immigrant Waiting List
By Region**

A breakdown of the NVC waiting list by region is:

Region	Total
Africa	69,293
Asia	1,352,539
Europe	110,048
N. America*	1,640,538
Oceania	9,261
S. America	187,776
Family Total	3,369,455

*North America includes Canada, Mexico, Central America and the Caribbean.

**Employment
Immigrant Waiting List
By Country**

The five countries with the highest number of Employment-based waiting list registrants are listed below; together these represent 75% of the total. This list includes all countries with at least 100,000 persons on the waiting list. (The per-country limit in INA 202 sets an annual maximum on the amount of Employment preference visas which may be issued to applicants from any one country; the FY-2010 per-country limit will be approximately 10,440.)

Employment Preferences

Country	Total
Philippines	47,420
India	24,365
China-mainland born	13,649
Korea, South	7,725
Mexico	4,728
All Others	32,622
Worldwide Total	130,509

**Employment
Immigrant Waiting List
By Region**

A breakdown of the NVC waiting list by region is:

Region	Total
Africa	3,213
Asia	104,370
Europe	7,783
N. America*	9,573
Oceania	336
S. America	5,234
Employment Total	130,509

*North America includes Canada, Mexico, Central America and the Caribbean.