

# Allott Immigration Law Firm

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## March 2012 Visa Bulletin

<b>Family-Sponsored</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
F1	01FEB05	01FEB05	01FEB05	01MAY93	22JUN97
F2A	22JUL09	22JUL09	22JUL09	01JUL09	22JUL09
F2B	15NOV03	15NOV03	15NOV03	01DEC92	08DEC01
F3	01JAN02	01JAN02	01JAN02	08JAN93	22JUL92
F4	08OCT00	08OCT00	08OCT00	22MAY96	22DEC88

\*NOTE: For February, F2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 08MAY09. F2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 08MAY09 and earlier than 08JUN09. (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.)

<b>Employment-Based</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
1st	C	C	C	C	C
2nd	C	01MAY10	01MAY10	C	C
3rd	15MAR06	01JAN05	22AUG02	15MAR06	15MAR06
Other Workers	15MAR06	22APR03	22AUG02	15MAR06	15MAR06
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

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.

### Employment Based (EB) Immigrants

**Employment First Preference EB-1A:** Persons of extraordinary ability in the sciences, arts, education, business, or athletics. Applicants in this category must have extensive documentation showing sustained national or international acclaim and recognition in the field of expertise. Such applicants do not have to have a specific job offer so long as they are entering the U.S. to continue work in the field in which they have extraordinary ability. Such applicants can file their own petition with the USCIS, rather than through an employer.

**EB-1B:** Outstanding professors and researchers with at least three years experience in teaching or research, who are recognized internationally. No labor certification is required for this classification, but the prospective employer must provide a job offer and file a petition with the USCIS.

**EB-1C:** Certain executives and managers who have been employed at least one of the three preceding years by the overseas affiliate, parent, subsidiary, or branch of the U.S. employer. The applicant must be coming to work in a managerial or executive capacity. No labor certification is required for this classification, but the prospective employer must provide a job offer and file a petition with the USCIS.

**Employment Second Preference EB-2:** Professionals holding an advanced degree (beyond a baccalaureate degree), or a baccalaureate degree and at least five years progressive experience in the profession; and Persons with exceptional ability in the arts, sciences, or business. Exceptional ability means having a degree of expertise significantly above that ordinarily encountered within the field.

**Employment Third Preference EB-3:** Skilled workers are persons capable of performing a job requiring at least two years" training or experience; Professionals with a baccalaureate degree are members of a profession with at least a university bachelor's degree; and other workers are those persons capable of filling positions requiring less than two years" training or experience.

**Employment Fourth Preference EB-4** Minister of Religion; Certain Religious Workers. The guiding principle in determining whether or not an alien in a "minister" is whether there is a connection between the activities performed and the religious calling. Religious vocations are not limited to occupations that require taking vows. Religious professionals must have a B.A. degree.

**Employment Fifth Preference EB-5:** Employment Creation Investors receive 7.1 percent of the yearly worldwide limit. All applicants must file a Form I-526, Immigrant Petition by Alien Entrepreneur with USCIS. To qualify, an alien must invest between U.S. \$500,000 and \$1,000,000, depending on the employment rate in the geographical area, in a commercial enterprise in the United States which creates at least 10 new full-time jobs for U.S. citizens, permanent resident aliens, or other lawful immigrants, not including the investor and his or her family.

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### Family Based (FB) Immigrants

**Family First Preference (FB-1):** Unmarried sons and daughters (over 21) of U.S. citizens, and their children, if any.

**Family Second Preference (FB-2):** Spouses, minor children, and unmarried sons and daughters (over age 20) of lawful permanent residents. At least seventy-seven percent of all visas available for this category will go to the spouses and children; the remainder will be allocated to unmarried sons and daughters.

- A. Unmarried spouse or child under 21 of a LPR
- B. Unmarried child of any age of an LPR and their children

**Family Third Preference (FB-3):** Married sons and daughters of U.S. citizens, and their spouses and children.

**Family Fourth Preference (FB-4):** Brothers and sisters of United States citizens, and their spouses and children, provided the U.S. citizens are at least 21 years of age.

Immediate Relatives: Do not have back logs for immigrant Visa numbers. There are:

1. Spouse of USC
2. Unmarried children of USC including step children (under 21)
3. Parent of USC (USC must be over 21 years old)
4. widow of USC

[http://travel.state.gov/visa/immigrants/types/types\\_1310.html](http://travel.state.gov/visa/immigrants/types/types_1310.html)