

## SUMMARY

This *Report of the Visa Office* is a compilation of statistical data for Fiscal Year 2001 (October 1, 2000 – September 30, 2001).

The *Report* includes information on all visa issuances by consular offices and on the use of visa numbers in the numerically limited categories. The sources of information for the data are workload reports from visa-issuing offices abroad and immigrant visa number allocation records maintained at the Visa Office.

The *Report* does not contain information on refugees or on persons granted adjustment to permanent resident status by the Immigration and Naturalization Service (INS), **except** to the extent that such adjustments of status in the numerically limited categories are reflected in the tables of immigrant number use.

## RECENT IMMIGRATION LEGISLATION

### Extension of Employment Fourth Preference Status for Certain Religious Workers

The Religious Workers Act of 2000 (Public Law 106–409 enacted November 1, 2000) extended the Employment Fourth Preference status for certain religious workers specified in Section 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act for 3 additional years, to September 30, 2003.

### Extension of Regional Investor Pilot Program Immigrant Categories

Section 610 of Public Law 102–395 enacted October 6, 1992, as amended by Section 116 of Public Law 105–119 enacted November 26, 1997, modified Section 203(b)(5) of the Immigration and Nationality Act by creating a 7-year pilot program which set aside up to 3,000 immigrant visas annually for aliens investing in qualifying regional centers in the United States for the promotion of economic growth (the “R5” and “I5” categories). Section 402 of the Visa Waiver Permanent Program Act (Public Law 106–396 enacted October 30, 2000) extended the program to 10 years (October 1, 1993 through September 30, 2003).

### New Employment Fourth Preference Classes

Section 421(a) of the American Competitiveness and Workforce Improvement Act, Title IV of Division C of the Act of October 21, 1998 (Public Law 105–277) created a new Employment Fourth Preference class under Section 101(a)(27)(L) of the Immigration and Nationality Act for certain retired NATO–6 civilian employees and spouse, unmarried sons or daughters of retired NATO–6 civilian employees, or surviving spouses of deceased NATO–6 civilian employees.

Public Law 106–536 enacted November 22, 2000 created a new Employment Fourth Preference class under Section 101(a)(27)(M) of the Immigration and Nationality Act for immigrants who will be employed as broadcasters by the International Broadcasting Bureau of the Broadcasting Board of Governors or by grantees of the Broadcasting Board of Governors, and accompanying spouse and children, in a number not to exceed 100 principal aliens in any fiscal year. This provision became effective October 1, 2000.

The Department of State added these new classes to the immigrant visa classification table in its rule published on June 18, 2001.

### Limitation on Per-Country Ceiling with Respect to Employment-Based Immigrants

The American Competitiveness in the Twenty-First Century Act (Title I of Public Law 106–313 enacted October 17, 2000) contains several provisions intended to increase the availability of Employment-Based immigrant visa numbers. In Fiscal Years 1999 and 2000, due in part to the per-country limitation, the annual numerical limits for Employment-Based visa numbers were not reached. Section 104 of Public Law 106–313 attempts to rectify this situation in regard to the Employment-Based per-country limit by providing that if the total of Employment-Based visa numbers available for a calendar quarter is greater than the number of qualified applicants who may otherwise be issued such visa numbers, the per-country limitation on Employment-Based visa numbers will be lifted for the remainder of that quarter.

## **Recapture of Employment-Based Immigrant Visa Numbers Unused in Fiscal Years 1999 and 2000**

Section 106(d) of Public Law 106–313 provides for the recapture of those Employment-Based numbers that were available but not used in Fiscal Years 1999 and 2000. Beginning in Fiscal Year 2001, those unused numbers (which totaled 130,107) will be made available to applicants in the Employment First, Second, and Third preference categories once the annual Employment-Based numerical limit has been reached. The total of Employment-Based preference numbers available for a fiscal year is thus increased by the total of such numbers remaining in the pool (i.e., 130,107 minus the cumulative total of such numbers actually used for previous fiscal years.) See Appendix D for totals of numbers provided annually under Section 106(d) outside the Employment-Based numerical limit, and numbers remaining in the pool for future allocation.

## **Legal Immigration Family Equity (LIFE) Act of 2000**

On December 21, 2000 the President signed into law the Legal Immigration Family Equity (LIFE) Act of 2000, Title XI of Public Law 106–553. Sections 1102 and 1103 of the LIFE Act add to the existing nonimmigrant categories of Section 101(a)(15) of the Immigration and Nationality Act a new V category divided into three subcategories (V–1, V–2, V–3) and two new K subcategories (K–3, K–4). The underlying purpose of this legislation is to reunite families that have been or could be subject to a lengthy period of separation during the process of immigrating to the United States. The new categories permit issuance of nonimmigrant visas to the spouse, child, and in some instances the child of the spouse or child, of a lawful permanent resident alien (V–1, V–2 and V–3 classification), and to the spouse of a U.S. citizen and the child(ren) of the spouse (K–3 and K–4 classification). The visa recipients may then apply for admission into the United States as nonimmigrants to await the completion of the immigration process with their lawful permanent resident alien or U.S. citizen family member.

A discussion of the requirements for obtaining the new V or K nonimmigrant classification is included in the “Nonimmigrant Visas” section of this Summary.

## **Grounds for Refusal Under the Terms of the Immigration and Nationality Act**

Section 212(a)(2)(H), which was added by Section 111(d), Division A (Trafficking Victims Protection Act of 2000) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386 enacted October 28, 2000), provides that an alien who has engaged in severe forms of trafficking in persons, or who has been a knowing aider, abettor, assister, conspirator, or colluder in severe forms of trafficking in persons, or the spouse, son or daughter (except for a child) of such an alien who within the previous 5 years has obtained any financial or other benefit from the illicit activity of that alien, is inadmissible.

## **IMMIGRANT VISA CATEGORIES AND NUMERICAL LIMITATIONS**

See Appendix A for an outline of the categories of immigrants and the numerical limits established under the terms of the Immigration and Nationality Act, and Appendix B for background on the numerical limits for Fiscal Year 2001.

### **Numerical Limitations**

During Fiscal Year 2001, 226,000 family-sponsored and 192,074 employment-based preference visas were available, for a worldwide family and employment preference limit of 418,074.

Through June 2001, employment-based preference visas were available to most applicants without a waiting period; exceptions were applicants chargeable to CHINA—mainland born and INDIA, for whom heavy visa demand in excess of the per-country annual limit set by law resulted in a visa availability cut-off date, and all applicants in the "Other (i.e., Unskilled) Worker" subgroup within Employment Third preference. In July 2001, employment-based preference visas became available to all applicants without a waiting period. All family-sponsored preference categories were oversubscribed.

The per-country limit on **preference** immigrants is set by the Immigration and Nationality Act at 7% of the worldwide family and employment preference limits. For Fiscal Year 2001, the per-country limit came to 29,265. The dependent area limit came to 8,361, 2% of the worldwide family and employment preference limits.

When demand for preference immigrant numbers exceeds the annual limitation set by law for a country, that country is considered oversubscribed. All oversubscribed chargeabilities are subject to the provisions of Section 202(e) of the Immigration

and Nationality Act, which makes immigrant numbers within the per-country limitation available to each preference category in proportion to its worldwide numerical limitation. (See Appendix A, Section II.B. for breakdown.) The following chargeabilities were oversubscribed throughout Fiscal Year 2001: MEXICO and PHILIPPINES.

## **Diversity Immigrant (DV) Category**

Section 203(c) of the Immigration and Nationality Act makes available 55,000 immigrant visas annually to persons from countries with low rates of immigration to the United States. Applicants for these visas are selected by means of an annual lottery. Congress established this category to provide more visas for Europe (the traditional source of immigration) and Africa (long underrepresented in total immigration) without restricting immigration from Asia and Latin America, from which about 80 percent of legal immigrants have come in recent years. The program also offers a chance to immigrants who do not already have close family members or employers in the United States and who thus cannot qualify for visas in other categories.

The Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 (Pub. L. 105-500 enacted November 19, 1997) provides that beginning with Fiscal Year 1999, and for as long as necessary, the 55,000 diversity visa numbers available for a fiscal year will be reduced by up to 5,000 annually to offset adjustments under the NACARA program. This provision resulted in the reduction of the Fiscal Year 2001 DV limit to 50,000 numbers.

Not more than 3,500 DV visas (7% of the annual visa limit) may be provided to immigrants from any one country. Under a complex formula in the law based upon statistical data concerning immigration over a 5-year period, the visas are apportioned among six geographic regions. The allotment of Fiscal Year 2001 visa numbers for each region was: Africa, 19,715; Asia, 6,056; Europe, 21,148; North America (Bahamas), 8; South America, Central America, and the Caribbean, 2,309; and Oceania, 764.

Natives of all countries except those defined as "high admission" countries are eligible to participate in the DV program. For Fiscal Year 2001, the "high admission" countries were: Canada, China (mainland and Taiwan, except Hong Kong Special Administrative Region), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, South Korea, Mexico, Philippines, Poland, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Applicants registered for the Fiscal Year 2001 DV program were selected from the approximately 11 million qualified entries received during the 1-month application period which ran from noon October 4 through noon November 3, 1999. The Department of State picked at random by computer and assigned rank order numbers to approximately 90,000 applicants. That figure anticipated that many of the registrants would not pursue their cases or might be ineligible to receive visas, and was intended to insure that all 50,000 Fiscal Year 2001 visa numbers could be used.

Entitlement to status for DV applicants registered for Fiscal Year 2001 expired at the end of the fiscal year, i.e., as of September 30, 2001. Of the visa numbers available for this category in Fiscal Year 2001, 45,450 numbers were issued.

## **IMMIGRANT VVISAS**

### **Immigrant Visa Workload**

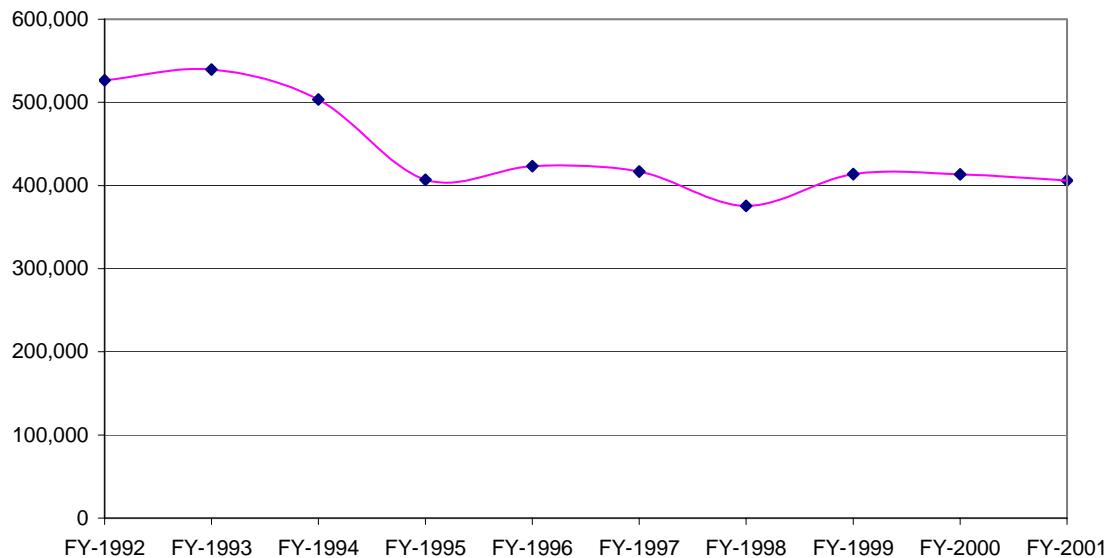
The total number of immigrant visas (including replaced visas) issued at offices abroad in Fiscal Year 2001 was 408,774. This figure is a decrease of 5,540 from the immigrant visa issuances for Fiscal Year 2000. Immediate Relative issuances were up 5.2 percent, Family-Sponsored Preference issuances decreased 19.3 percent, and Employment-Based Preference issuances were up 92.6 percent from the prior year. In the Family Preference classes, the numerical limits were lower, and the percentage of adjustments of status at Immigration and Naturalization Service offices in the United States were higher, in Fiscal Year 2001 than in Fiscal Year 2000. The resulting decline in Family Preference visa issuances more than offset the increases in Immediate Relative and Employment Preference visa issuances.

**Immigrant Visas Issued At Foreign Service Posts  
By Geographic Areas  
Fiscal Years 1997 – 2001**

<b>Region Of Birth Or Chargeability</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Africa	30,514	27,141	29,579	29,364	29,988
Asia	173,614	152,801	148,819	162,772	164,614
Europe	50,059	49,478	52,769	53,533	53,631
North America	132,622	120,260	154,762	140,081	128,151
Oceania	2,601	2,835	2,802	2,771	2,927
South America	27,509	23,169	24,931	25,000	26,769
<b>Total</b>	<b>416,919</b>	<b>375,684</b>	<b>413,662</b>	<b>413,521</b>	<b>406,080</b>

**Note:** The above figures do not include replaced visas. Issuances to persons chargeable to dependent areas are included in the figure for the region of the governing country.

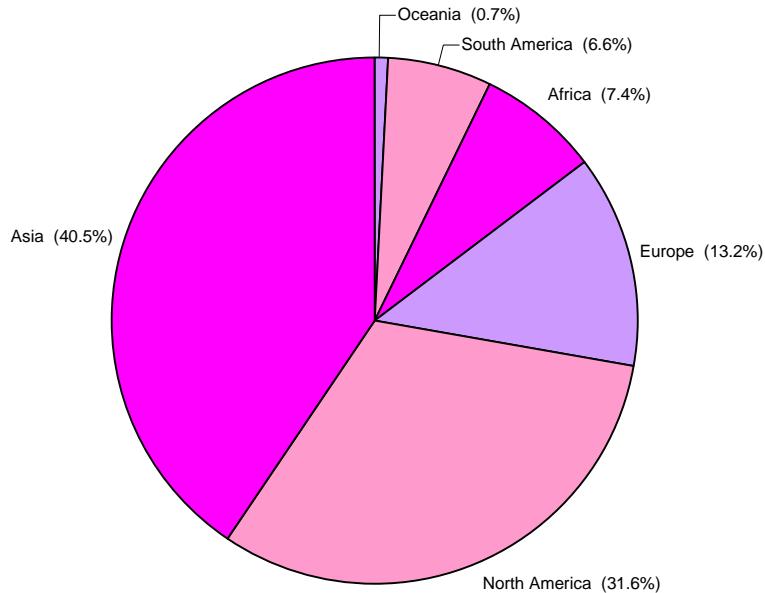
**Immigrant Visas Issued  
Fiscal Years 1992 – 2001**



On a regional basis the following variations are noted: Africa up 624 (+2.1%), Asia up 1,842 (+1.1%), Europe up 98 (+0.2%), North America down 11,930 (-8.5%), Oceania up 156 (+5.6%), and South America up 1,769 (+7.1%).

Immigrants from Asia represented 40.5% of the total visa issuances, with North America following with 31.6%.

**Immigrant Visa Issuances  
by Applicants' Area of Birth/Chargeability  
Regional Breakdown  
Fiscal Year 2001**



## **Classes of Immigrants**

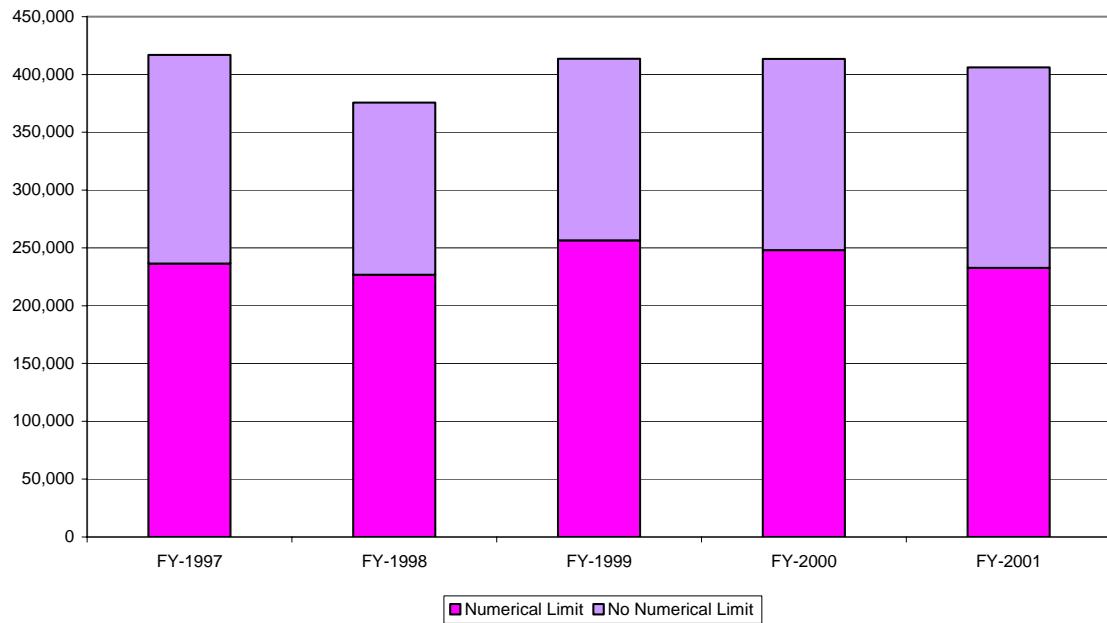
Immigrants may be divided into two broad categories: Those who are in classes subject to numerical limitations, and those in classes for which there are no numerical restrictions.

### ***Classes Not Subject to Limitations***

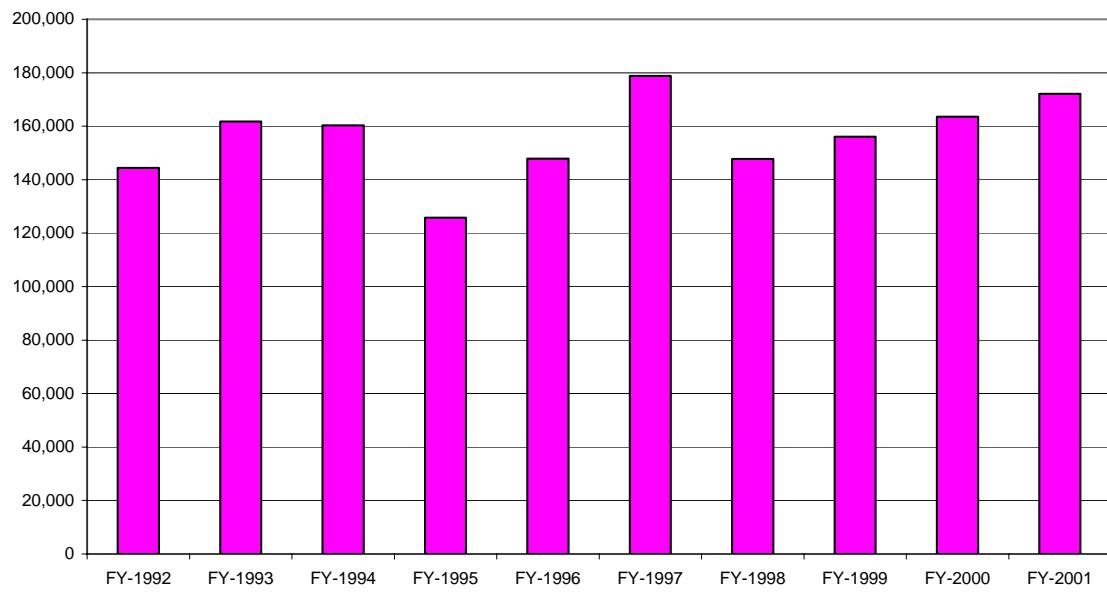
The classes not subject to numerical limitations include: "Immediate Relatives" of U.S. citizens, defined as spouse, child, orphan adopted or to be adopted, parent (if the citizen is at least 21 years of age), and certain widow(er)s and their children, and some "Special Immigrants," primarily returning resident aliens. The Vietnam Amerasian immigrant category also falls in this group.

The majority of nonlimited visas are issued to immediate relatives. During Fiscal Year 2001, the total of immediate relative visas issued at overseas posts was 172,087, an increase of 8,477 (+5.2%) from the Fiscal Year 2000 figure.

**Immigrant Visas Issued  
At Offices Abroad  
Fiscal Years 1997 – 2001**



**Immediate Relative Visas Issued  
At Offices Abroad  
Fiscal Years 1992 – 2001**

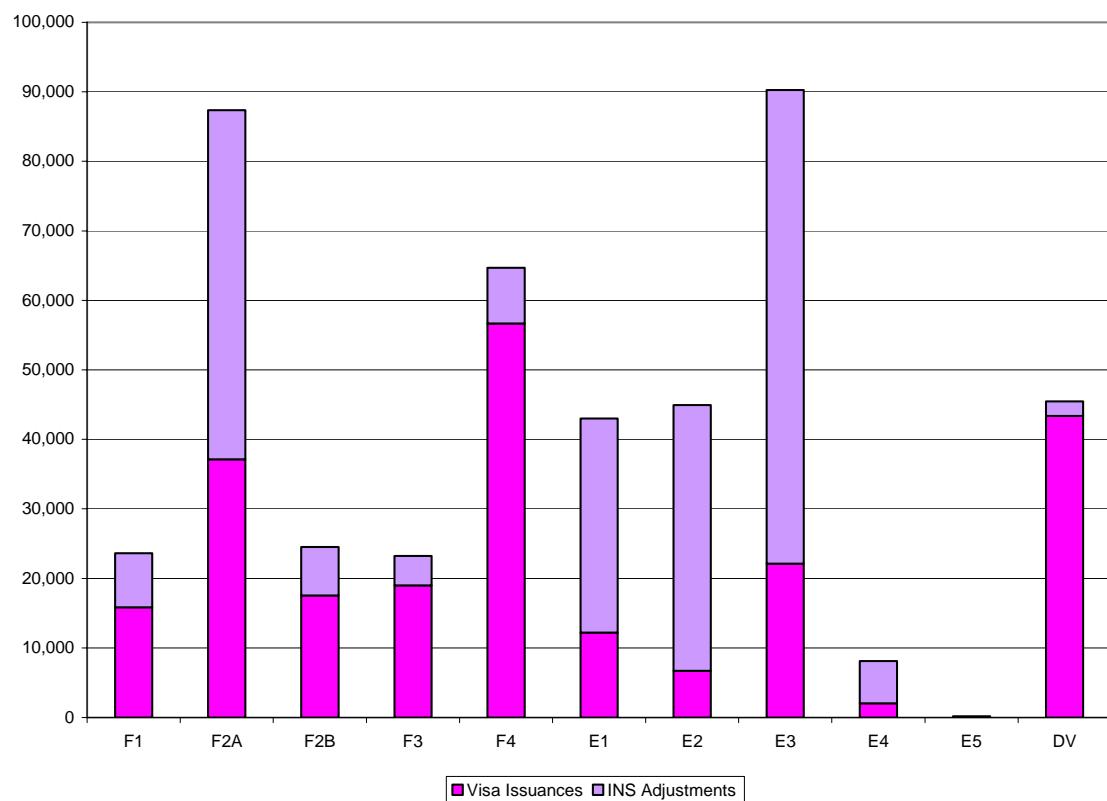


### **Numerically Limited Classes**

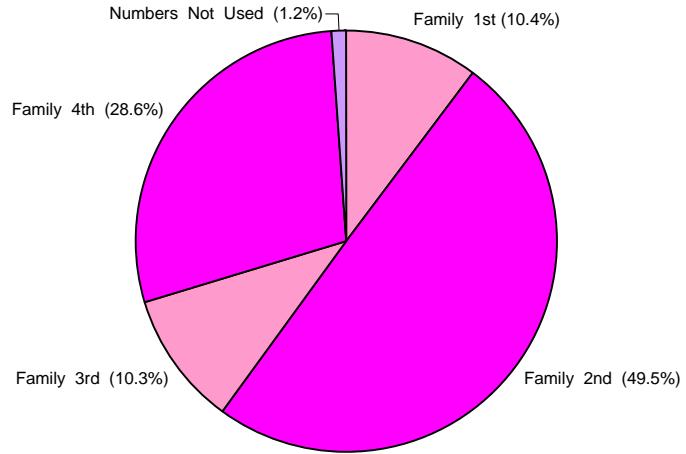
Most immigrant visas are issued to persons in the classes subject to numerical limitation. A description of these classes and numerical limits can be found in Appendix A, Section II.

For Fiscal Year 2001, visas provided at posts abroad represented 65% of the issuances in the Family preferences, 23% of the Employment preference number use, and 95% of the Diversity Immigrant category issuances. The balance were applicants for adjustment of status at offices of the Immigration and Naturalization Service in the United States. The overall percentage of visas in these classes provided at posts abroad decreased from Fiscal Year 2000, when such visas represented 75% of the Family preference issuances, 20% of the Employment preference number use, and 93% of the Diversity Immigrant issuances.

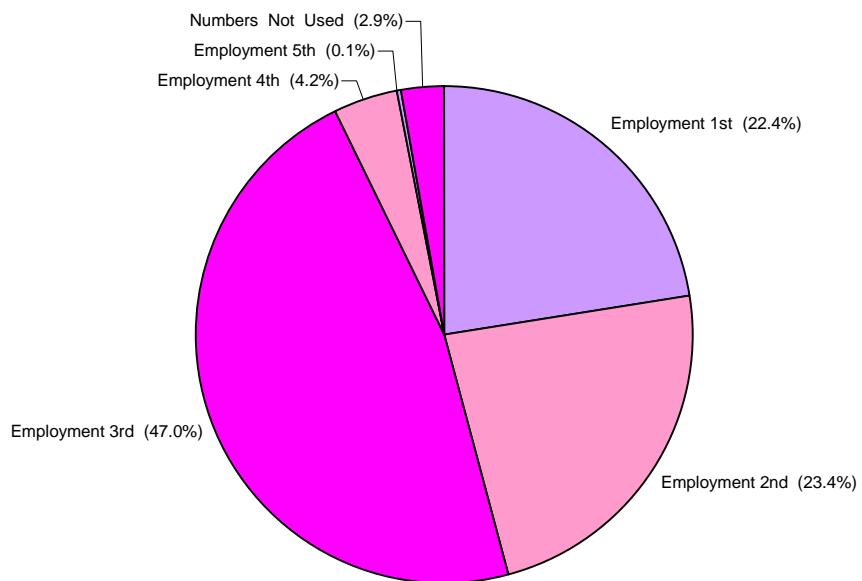
**Immigrant Visa Number Use  
By Category  
Fiscal Year 2001**



**Immigrant Visa Number Use in the  
Family-Sponsored Preference Classes  
226,000 Worldwide Limitation  
Fiscal Year 2001**



**Immigrant Visa Number Use in the  
Employment-Based Preference Classes  
192,074 Worldwide Limitation  
Fiscal Year 2001**



## **NONIMMIGRANT VISAS**

### **Nonimmigrant Visa Workload**

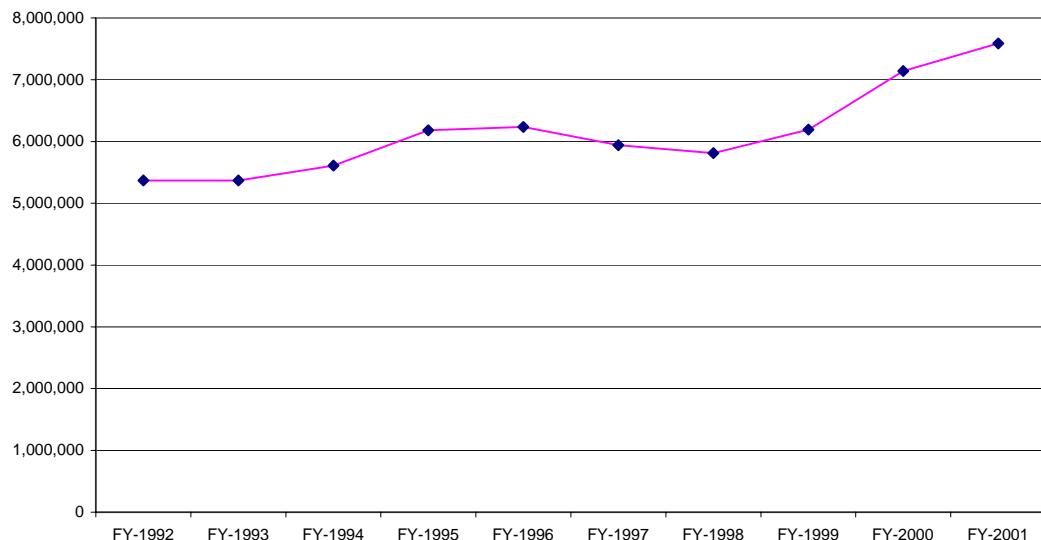
In Fiscal Year 2001, nonimmigrant visa issuances at Foreign Service posts totaled 7,588,778, an increase of 447,142 (+6.3%) from the Fiscal Year 2000 figure of 7,141,636. This increase is attributable mainly to the replacement of existing Mexican Border Crossing Cards by the new machine-readable cards with a biometric indicator mandated by Section 104 of Pub. L. 104-208. Issuances in the H (temporary worker) visa classes also increased.

Nonimmigrant visa issuances remained below the record high of 8,679,709 set in Fiscal Year 1988, a continuing reflection of the Visa Waiver Program. The Visa Waiver Program was permanently authorized by the Visa Waiver Permanent Program Act (Public Law 106-396 enacted October 30, 2000). The 29 countries in the Program during FY-2001 were Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Great Britain and Northern Ireland, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and Uruguay. Under the waiver program, citizens of the designated countries may visit the United States for up to 90 days without the need of obtaining a visitor visa. (Under separate provisions of law, visas are also not required of most Canadians and of certain other limited categories of travelers.)

Nonimmigrant issuances to nationals of North American countries were about 36.8% of the total, and visas issued to nationals of Asian countries equaled about 32.2%. Visitor (B) visas and Border Crossing Cards (BCCs) accounted for about 78.8% of the nonimmigrant visas issued, and temporary employment (E, H, I, L, O, P, Q, R, and NAFTA) visas about 7.7%. Visas issued to 10 nationalities (Mexico, South Korea, India, China (mainland and Taiwan), Brazil, Colombia, Philippines, Great Britain and Northern Ireland, and Israel) accounted for about 60.6% of the total issuances.

It should be noted that most nonimmigrant visas are valid for several years. The total of persons holding valid visas, therefore, is several times the figure for visas issued in any one year. The Department of State has made a conscious effort to authorize the maximum possible nonimmigrant visa validity for qualified applicants to reduce the need for frequent reapplication, thus helping to make worldwide nonimmigrant visa processing as efficient as possible.

**Nonimmigrant Visas Issued  
Fiscal Years 1992 – 2001**



**Nonimmigrant Visas Issued<sup>1</sup>  
By Geographic Areas  
Fiscal Years 1997 – 2001**

<b>Region Of Nationality</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Africa	267,210	284,071	299,726	327,568	348,935
Asia	2,389,684	2,047,626	2,127,317	2,456,459	2,441,707
Europe	1,145,164	1,099,114	1,081,904	1,095,296	1,065,039
North America	967,475	1,227,651	1,666,356	2,361,973	2,794,848
Oceania	46,409	47,053	52,565	52,835	55,511
South America	1,079,655	1,085,251	941,607	826,236	865,116
No Nationality Recorded <sup>2</sup>	46,464	23,387	23,003	21,269	17,622
<b>Total</b>	<b>5,942,061</b>	<b>5,814,153</b>	<b>6,192,478</b>	<b>7,141,636</b>	<b>7,588,778</b>

**Note:** Issuances to persons with the nationality of a dependent area are included in the figures for the region of the governing country.

<sup>1</sup> Includes border crossing cards.

<sup>2</sup> Crew list visas and issuances in UN Laissez Passer are included in the "No Nationality Recorded" figure.

## **Recent Legislation Regarding H Visas**

Public Law 106–313 makes several changes to the H–1B annual cap and exempts certain H–1B petitions from the cap. Section 102 raised the annual cap on H–1Bs for Fiscal Years 2001, 2002, and 2003 to 195,000 per year; retroactively raised the Fiscal Year 1999 annual cap to the number of aliens actually granted H–1B status during that year; and retroactively raised the Fiscal Year 2000 cap to the number of aliens issued visas or otherwise granted status based on petitions filed before September 1, 2000. Section 103 exempts from the annual H–1B cap aliens employed (or offered employment) at an institution of higher education or a related or affiliated nonprofit entity, or a nonprofit research organization or a governmental research organization; and aliens who have already been counted against the H–1B cap within the past 6 years. Section 114 exempts from the H–1B cap aliens subject to the Section 212(e) foreign residence requirement who have been granted a waiver under Section 214(l)(1)(B).

Section 101(a)(15)(H)(I)(C) of the Immigration and Nationality Act, which was added by Section 2(a) of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106–95 enacted November 12, 1999), created a new visa class for registered nurses coming to areas in which there is a health professional shortage. The new visa class became effective on June 11, 2001, the date on which the Immigration and Naturalization Service published implementing regulations. Since this class is to remain in effect for 4 years from the date the regulations were first promulgated, the program will end by June 11, 2005.

## **T and U Visa Classes Added by the Victims of Violence and Trafficking Protection Act of 2000**

Section 101(a)(15)(T) of the Immigration and Nationality Act, added by Section 107(e)(1), Division A (Trafficking Victims Protection Act of 2000) of Public Law 106–386, created a new nonimmigrant status for eligible victims of severe forms of trafficking in persons who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons, and who can demonstrate that they would suffer extreme hardship involving unusual or severe harm if they were removed from the United States. Applicants for T–1 status must be physically present in the United States at the time of application. However, the T–1 principal alien may apply to the Service for derivative T–2, T–3, or T–4 nonimmigrant status for an eligible spouse, child, or (in the case of an alien child) parent respectively who is following to join the T–1 principal.

Section 101(a)(15)(U) of the Immigration and Nationality Act, added by Section 1513(b), Title V (Battered Immigrant Women Protection Act of 2000), Division B (Violence Against Women Act of 2000) of Public Law 106–386, created a new nonimmigrant status for eligible aliens who have suffered physical or mental abuse as a result of having been victims of criminal activity, who possess information concerning criminal activity, and who are, have been, or are likely to be helpful to government officials investigating or prosecuting criminal activity. The Service may grant derivative U–2, U–3, or U–4 nonimmigrant status

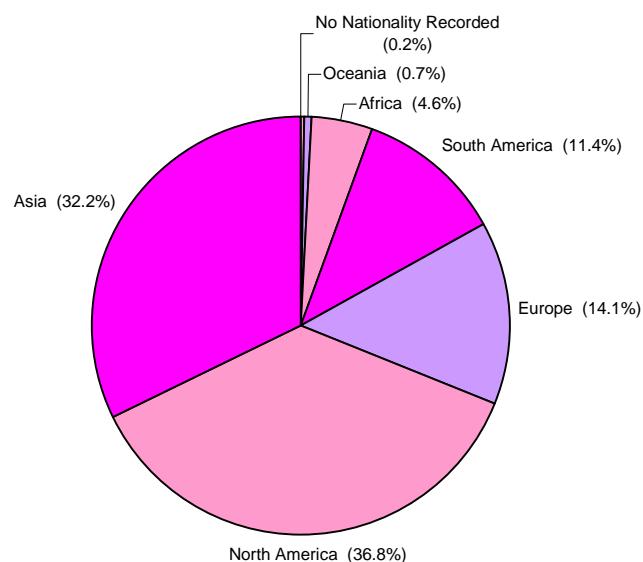
to an eligible spouse, child, or (in the case of an alien child) parent respectively of a U-1 principal if necessary to avoid extreme hardship, upon certification that the investigation or prosecution would be harmed without their assistance.

## V Visa Classes and K-3 and K-4 Visa Classes Added by the LIFE Act

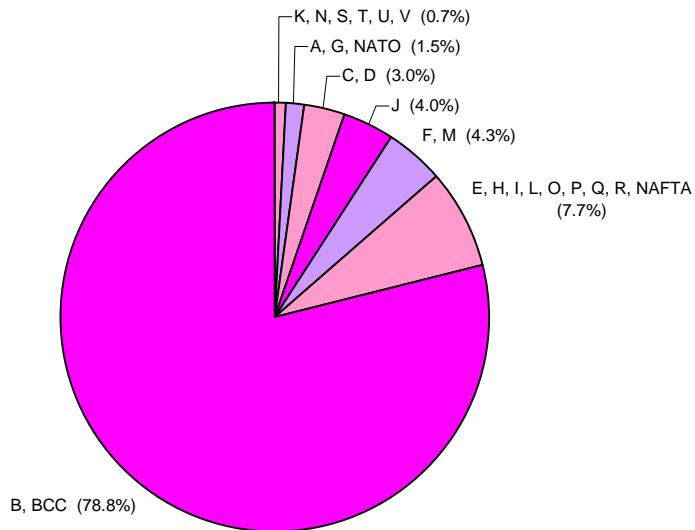
Section 101(a)(15)(V) of the Immigration and Nationality Act, which was added by Section 1102, Title XI (LIFE Act) of Public Law 106-553, creates a new V nonimmigrant status for certain spouses and children of lawful permanent residents who have filed second preference (F2A) petitions in their behalf, and for their children. A spouse who qualifies for V status, a petitioned-for child, and a derivative child of either, will be classified as V-1, V-2 and V-3 respectively. In order to obtain classification as a V-1 or V-2 nonimmigrant, the alien must establish that a second preference (F2A) petition had been filed in his or her name on or before December 21, 2000 (the date the LIFE Act was enacted), and that either (1) the petition has not been acted upon after 3 years or more, or (2) if the petition has been approved, 3 years or more have passed since the petition was filed and either no visa number has become available because of the worldwide or per-country numerical limitation, or even though a number is available the alien's application for a visa or for adjustment of status remains pending. Eligible aliens may enter and work in the United States, and continue to reside here while they wait for the immigrant visa petition to be approved; their priority date to be reached for filing for adjustment of status or an application for an immigrant visa; and the adjudication of that application.

Section 1103, Title XI of Public Law 106-553 adds new subcategory K(ii) to the existing K (fiancé(e)) nonimmigrant category which has been renumbered K(i). (A fiancé(e) of a U.S. citizen and a derivative child of a fiancé(e) will continue to be designated K-1 and K-2 respectively for visa purposes.) The new K-3 visa is intended for use by a spouse of a U.S. citizen for whom a spousal immediate relative petition has been filed in the United States. The spouse's children will be designated K-4. Unlike the new V category, neither existing legislation nor the LIFE Act provides for K visa issuance to the child of a child of the spouse or the petitioner. In order to obtain classification as a K-3 nonimmigrant, the alien must demonstrate that his or her marriage to the U.S. citizen is valid, he or she is the beneficiary of an immigrant visa petition (I-130) filed to accord status as the immediate relative spouse of a U.S. citizen, that he or she is the beneficiary of an approved nonimmigrant visa petition (I-129F) to accord K-3 status, and that he or she wishes to enter the United States to await the approval of the I-130 petition or the availability of an immigrant visa. The nonimmigrant visa petition must have been filed in the United States by the U.S. citizen spouse of the applicant.

**Nonimmigrant Visa Issuances by Applicants' Nationality  
Regional Breakdown  
Fiscal Year 2001**



## **Nonimmigrant Visa Issuances by Classification Fiscal Year 2001**



### **NATIONAL VISA CENTER**

The National Visa Center, located in Portsmouth, New Hampshire, provides administrative support for U.S. embassies and consulates abroad that process immigrant visas. The mailing address of the Center is: National Visa Center, 32 Rochester Avenue, Portsmouth, New Hampshire 03801. The public inquiries telephone number of the Center is: (603) 334-0700.

### **CHANGES IN REPORTING OF VISA SERVICES AT FOREIGN SERVICE POSTS**

During Fiscal Year 2001, the remaining Beirut immigrant visa files, which were transferred to Embassy Abu Dhabi in Fiscal Year 1991, were integrated with and are now being reported as part of Abu Dhabi's immigrant visa workload.

### **CHANGES IN FOREIGN STATE CHARGEABILITY**

Effective December 20, 1999, Macau was returned to Chinese administration and was designated as the Special Administrative Region of Macau. Title II (United States-Macau Policy Act of 2000) of Public Law 106-570 (Assistance for International Malaria Control Act) enacted December 27, 2000 provides that, notwithstanding any change in the exercise of sovereignty over Macau, the laws of the United States shall continue to apply with respect to Macau in the same manner as before December 20, 1999. Consequently, for purposes of immigrant visa chargeability Macau is again being treated as a dependency of Portugal.

On November 17, 2000, the United States Government established diplomatic relations with the Federal Republic of Yugoslavia, recognizing it as an independent state. The former practice of using Serbia and Montenegro for the name of this entity was discontinued.