

[REDACTED]

Appendix 1

PREFERENCE IMMIGRATION LIMITS⁵

Family-Sponsored Preferences Limit

The annual limit is calculated as 480,000 minus the number of aliens who were issued visas or who adjusted to LPR status in the previous fiscal year as 1) immediate relatives of U.S. citizens, 2) children born subsequent to the issuance of a visa to an accompanying parent, and 3) children born abroad to lawful permanent residents on temporary trips abroad minus 4) certain categories of aliens paroled into the United States in the second preceding fiscal year plus 5) unused employment preferences in the preceding year.

The family-sponsored preference limit may not fall below a minimum of 226,000 in any year. The number of legal permanent residents issued visas or who adjusted status in Fiscal Year 2008 under categories 1 to 4 above was 500,573. There were zero unused employment preferences in 2008. The calculated limit for family-sponsored preferences in 2009 was -20,573 (480,000 minus 500,573 plus 0). Since this number was below 226,000, the family-sponsored preference limit was set at 226,000. The limit for each category is shown below (see Table A1).

Employment Preference Limit

The annual limit is equal to 140,000 plus unused family-sponsored preferences in the previous fiscal year. There were zero unused family sponsored preferences in 2008. The 2009 employment preference limit was 140,000. The limit is 28.6 percent of the total for each of the first three employment preferences and 7.1 percent for the last two preferences.

Table A1.

Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2009

Preference/description	Limit
Family-sponsored preferences	226,000
First: Unmarried sons and daughters of U.S. citizens and their children.	23,400 [*]
Second: Spouses, children, and unmarried sons and daughters of permanent resident aliens.	114,200 [†]
Third: Married sons and daughters of U.S. citizens	23,400 [†]
Fourth: Brothers and sisters of U.S. citizens (at least 21 years of age)	65,000 [†]
Employment-based preferences	140,000
First: Priority workers	40,040 [†]
Second: Professionals with advanced degrees or aliens of exceptional ability	40,040 [†]
Third: Skilled workers, professionals, and needed unskilled workers	40,040 [†]
Fourth: Special immigrants	9,940
Fifth: Employment creation (“investors”)	9,940
Diversity	50,000

^{*}Plus unused family 4th preference visas.

[†]Visas not used in higher preferences may be used in these categories.

[‡]Plus unused employment 4th and 5th preference visas.

Source: U.S. Department of State.

Per-Country and Dependent Area Limits

A limit of 7 percent of the total family-sponsored and employment preferences is set for independent countries, and a limit of 2 percent is set for dependent areas. The 2009 per-country limit for independent foreign states was 25,620 (7 percent of 366,000 or 226,000 plus 140,000) and the limit for dependencies was 7,320 (2 percent of 366,000).

Diversity Limits

The annual limit for diversity visas was 50,000 in 2009.

⁵The Bureau of Consular Affairs, U.S. Department of State, is responsible for determining these limits. See the monthly Visa Bulletin for more information on the limits (http://travel.state.gov/visa/frvi/bulletin/bulletin_1770.html).