

Good afternoon. I am writing in response to your correspondence (attached) to the Ombudsman's Office. Thank you for contacting our office and raising these concerns. We have communicated with the U.S. Department of State, and Mr. Charlie Oppenheim, Chief of Immigrant Visa Control, has provided the following response:

Your message was forwarded to me and I will try to address your concerns. I must start by pointing out that if intended to represent number use, the totals you listed are incorrect, and I am not sure how you arrived at them. My records show the approximate amount of F2A number use in recent years as:

FY-2006: 86,500

FY-2007: 66,500

FY-2008: 82,800

FY-2009: 75,000

FY-2010: 60,700

FY-2011: 88,200

I share your concern with number use in all of the numerically limited visa categories. Every attempt is made to fully utilize all of the numbers available to each preference category. Unfortunately in recent years the lack of demand by qualified F2A applicants who were proceeding with action on their cases had been very low. There are a number of potential reasons for that, such as: 1) economic issues in the U.S. which may have caused some applicants to feel they should delay action, 2) economic issues preventing applicants from being able to meet the Affidavit of Support requirements, 3) economic issues which prevented applicants from being able to afford filing fees, 4) applicants were not able to pursue action because they had been in the U.S. illegally, and 5) applicants may not have been receiving notifications regarding their case because they had not provided updated information regarding their current address.

The lack of demand resulted in the cut-off dates being advanced at an extremely rapid pace during FY-2009 and FY-2010 in an effort to generate additional demand. At the times when there is not sufficient demand to fully utilize all available F2A numbers (or any other category), they were made available to other categories in an attempt to reach the overall Family annual limit. During FY-2011 the amount of demand by F2A applicants pursuing final action on their case has already allowed that F2A limit to be reached. The current rate of demand being received should allow the F2A annual limit to be fully utilized for the foreseeable future.

One final item needs to be mentioned. It is extremely important to remember that not all eligible applicants, with a priority date which is earlier than the applicable cut-off date, have acted on their case. As mentioned above, there may be a multitude of reasons action is delayed. In "normal" times of demand we received thousands of applicants who are finally acting on their case, and have priority dates which are often significantly earlier than the established cut-off date.

I have attached a document which explains how the Numerical Control process works. This may provide you with some additional insight into the issue, and help answer some of the questions you may have.

Again, thank you for contacting the Ombudsman's Office. I hope this addresses your concerns.

Regards,

Gary

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Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2010

Family Preferences

Foreign State	2A		2A		2B	3rd	4th	Family Pref. Total
	1st	Exempt	Subject	2A Total				
Serbia	16	10	2	12	5	44	11	88
Slovakia	10	1	5	6	2	2	1	21
Slovenia	0	0	0	0	0	0	1	1
Spain	10	6	2	8	13	7	11	49
Western Sahara	0	0	0	0	0	0	0	0
TOTAL	10	6	2	8	13	7	11	49
Sweden	6	5	0	5	1	7	14	33
Switzerland	6	1	1	2	0	1	6	15
Tajikistan	2	0	2	2	0	12	4	20
Turkey	33	14	39	53	19	4	79	188
Turkmenistan	1	0	4	4	0	0	2	7
Ukraine	157	53	73	126	16	149	55	503
Uzbekistan	30	12	15	27	3	58	8	126
Vatican City	0	0	0	0	0	0	0	0
Region Total For Europe	1,463	452	645	1,097	275	1,958	1,534	6,327
North America								
Antigua and Barbuda	27	6	2	8	13	13	38	99
Bahamas, The	18	17	3	20	14	20	7	79
Barbados	61	6	4	10	8	8	16	103
Belize	64	7	3	10	11	46	75	206
Canada	117	27	48	75	28	227	225	672
Costa Rica	38	17	11	28	15	65	15	161
Cuba	94	16	111	127	18	162	88	489
Dominica	154	24	8	32	20	58	39	303
Dominican Republic	3,841	5,588	5,200	10,788	12,866	1,173	2,183	30,851
El Salvador	1,444	887	1,655	2,542	2,105	645	1,061	7,797
Grenada	71	12	8	20	7	49	43	190
Guatemala	483	450	696	1,146	482	441	419	2,971
Haiti	2,139	1,356	900	2,256	2,977	659	963	8,994
Honduras	422	281	183	464	459	251	284	1,880
Jamaica	2,771	143	468	611	491	1,007	636	5,516
Mexico	1,512	24,203	0	24,203	1,728	1,707	4,693	33,843
Nicaragua	384	135	94	229	274	127	51	1,065
Panama	62	18	5	23	20	36	69	210
Saint Kitts and Nevis	89	8	3	11	6	24	30	160
Saint Lucia	77	6	2	8	19	29	35	168
Saint Vincent and the Grenadines	42	12	3	15	8	40	26	131
Trinidad and Tobago	386	55	36	91	70	262	307	1,116
Region Total For North America	14,296	33,274	9,443	42,717	21,639	7,049	11,303	97,004

58% OF TOTAL
P2A VISAS ISSUED
TO JUST MEXICO
& DOMINICAN
REPUBLIC
AND 28,000 VISAS
WERE WASTED IN
FY2010

Oceania

Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2010

Family Preferences

Foreign State	2A		2A	2A Total	2B	3rd	4th	Family Pref. Total
	1st	Exempt	Subject					
Sierra Leone	50	6	19	25	6	5	23	109
Somalia	13	19	13	32	0	1	0	46
South Africa	21	5	3	8	2	25	27	83
Sudan	3	4	18	22	0	0	16	41
Swaziland	0	0	0	0	0	0	0	0
Tanzania	10	8	6	14	1	4	76	105
Togo	24	45	26	71	0	1	1	97
Tunisia	0	8	1	9	0	0	7	16
Uganda	28	6	4	10	5	7	25	75
Zambia	6	2	3	5	1	1	8	21
Zimbabwe	5	5	12	17	0	7	6	35
Region Total For Africa	1,524	547	1,737	2,284	512	545	1,713	6,578
Asia								
Afghanistan	22	8	49	57	7	62	70	218
Bahrain	0	2	0	2	0	6	4	12
Bangladesh	104	190	783	973	159	174	4,614	6,024
Bhutan	0	0	2	2	0	0	0	2
Brunei	0	0	0	0	0	2	0	2
Burma	71	23	29	52	31	84	281	519
Cambodia	90	59	54	113	13	93	126	435
China - mainland born	973	705	911	1,616	726	2,115	9,121	14,551
China - Taiwan born	187	38	28	66	65	261	1,266	1,845
China - PRC nationals adjusting under CSPA	0	0	0	0	0	0	0	0
Hong Kong S.A.R	118	23	29	52	66	138	935	1,309
India	866	523	910	1,433	246	3,401	10,076	16,022
Indonesia	29	19	14	33	14	53	219	348
Iran	488	46	184	230	137	556	1,566	2,977
Iraq	33	12	14	26	13	151	129	352
Israel	33	11	11	22	3	136	45	239
Japan	17	29	30	59	4	5	25	110
Jordan	80	82	112	194	94	417	436	1,221
Korea, North	3	0	0	0	1	0	10	14
Korea, South	351	79	97	176	129	909	1,027	2,592
Kuwait	28	8	13	21	29	64	55	197
Laos	17	17	3	20	1	45	40	123
Lebanon	124	65	62	127	101	291	329	972
Malaysia	22	14	7	21	16	16	78	153
Maldives	0	0	0	0	0	0	0	0
Mongolia	4	0	4	4	0	0	0	8
Nepal	18	111	111	222	5	0	100	345
Oman	0	0	3	3	0	0	0	3
Pakistan	315	142	797	939	216	940	3,527	5,937

LOW P2A DEMAND!

VISA SPILL OVER FROM P2A?

Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2009

Family Preferences

Foreign State	2A		2A	2A Total	2B	3rd	4th	Family Pref. Total
	1st	Exempt	Subject					
Spain	4	2	5	7	1	1	12	25
Western Sahara	0	0	0	0	0	0	0	0
TOTAL	4	2	5	7	1	1	12	25
Sweden	0	3	3	6	0	3	17	26
Switzerland	4	0	2	2	0	1	1	8
Tajikistan	0	0	1	1	0	5	0	6
Turkey	19	14	25	39	23	25	55	161
Turkmenistan	1	0	1	1	0	0	0	2
Ukraine	83	2	68	70	5	90	28	276
Uzbekistan	14	0	8	8	0	25	0	47
Vatican City	0	0	0	0	0	0	0	0
Region Total For Europe	920	117	598	715	169	1,400	1,521	4,725
North America								
Antigua and Barbuda	54	3	8	11	23	7	28	123
Bahamas, The	23	9	11	20	7	9	25	84
Barbados	69	9	7	16	9	19	44	157
Belize	101	4	6	10	25	51	73	260
Canada	106	15	52	67	12	167	284	636
Costa Rica	36	9	13	22	9	10	43	120
Cuba	237	2	80	82	51	249	164	783
Dominica	126	7	16	23	23	37	61	270
Dominican Republic	2,099	583	7,915	8,498	9,726	798	2,981	24,102
El Salvador	1,194	392	2,374	2,766	1,161	381	1,200	6,702
Grenada	61	6	4	10	7	14	77	169
Guatemala	523	241	822	1,063	352	241	602	2,781
Haiti	1,704	358	1,616	1,974	2,107	392	887	7,064
Honduras	424	159	259	418	320	99	388	1,649
Jamaica	2,581	89	546	635	468	574	661	4,919
Mexico	1,671	46,551	0	46,551	2,000	1,897	4,737	56,856
Nicaragua	300	37	200	237	168	62	74	841
Panama	63	12	32	44	27	38	83	255
Saint Kitts and Nevis	40	3	4	7	8	13	48	116
Saint Lucia	92	5	10	15	18	25	37	187
Saint Vincent and the Grenadines	51	4	18	22	13	11	39	136
Trinidad and Tobago	353	27	57	84	50	204	427	1,118
Region Total For North America	11,908	48,525	14,050	62,575	16,584	5,298	12,963	109,328
Oceania								
Australia	9	0	5	5	0	7	21	42
Christmas Island	0	0	0	0	0	0	0	0

73% OF TOTAL
P2A VISA ISSUED
(DOS ESTIMATES)
TO MEXICO &
DOMINICAN REPUBLIC

Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2009

Family Preferences

Foreign State	2A		2A	2A Total	2B	3rd	4th	Family Pref. Total
	1st	Exempt	Subject					
Sierra Leone	32	5	13	18	7	6	33	96
Somalia	3	1	17	18	4	2	3	30
South Africa	20	0	1	1	2	32	25	80
Sudan	8	2	26	28	2	1	5	44
Swaziland	0	0	0	0	0	0	0	0
Tanzania	5	0	9	9	5	6	31	56
Togo	4	2	65	67	0	1	0	72
Tunisia	1	0	7	7	0	3	3	14
Uganda	4	4	12	16	4	8	35	67
Zambia	1	0	3	3	1	2	9	16
Zimbabwe	1	0	4	4	0	3	2	10
Region Total For Africa	1,207	97	1,345	1,442	567	391	1,615	5,222
Asia								
Afghanistan	27	4	58	62	16	95	162	362
Bahrain	1	0	1	1	0	0	4	6
Bangladesh	105	45	591	636	326	231	6,808	8,106
Bhutan	0	0	0	0	0	0	0	0
Brunei	0	0	0	0	0	0	2	2
Burma	55	2	20	22	36	52	224	389
Cambodia	52	1	58	59	7	79	146	343
China - mainland born	626	71	1,130	1,201	802	2,182	6,435	11,246
China - Taiwan born	161	1	39	40	90	248	1,319	1,858
China - PRC nationals adjusting under CSPA	0	0	0	0	0	0	0	0
Hong Kong S.A.R	116	8	58	66	57	121	726	1,086
India	461	54	848	902	236	2,238	9,119	12,956
Indonesia	17	7	39	46	9	21	120	213
Iran	338	5	126	131	163	461	1,315	2,408
Iraq	40	1	20	21	15	204	218	498
Israel	31	3	9	12	7	84	36	170
Japan	8	2	40	42	4	17	28	99
Jordan	77	33	162	195	87	315	552	1,226
Korea, North	0	0	0	0	0	0	1	1
Korea, South	255	37	80	117	90	593	633	1,688
Kuwait	28	3	19	22	32	68	82	232
Laos	22	0	5	5	1	33	27	88
Lebanon	104	15	93	108	93	194	474	973
Malaysia	23	6	14	20	16	11	36	106
Maldives	0	0	0	0	0	0	0	0
Mongolia	0	0	0	0	0	0	0	0
Nepal	10	1	79	80	3	0	79	172
Oman	0	0	0	0	0	1	0	1
Pakistan	293	27	985	1,012	263	975	6,181	8,724

LOW F2A DEMAND!

VISA SPILL OVER FROM F2A?

Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2008

Family Preferences

Foreign State	2A		2A Subject	2A Total	2B	3rd	4th	Family Pref. Total
	1st	Exempt						
Spain	10	8	2	10	6	3	8	37
Western Sahara	0	0	0	0	0	0	0	0
TOTAL	10	8	2	10	6	3	8	37
Sweden	4	0	4	4	0	8	16	32
Switzerland	6	2	2	4	0	3	3	16
Tajikistan	3	0	3	3	0	1	0	7
Turkey	16	9	39	48	13	7	47	131
Turkmenistan	3	0	1	1	0	0	0	4
Ukraine	96	17	64	81	4	109	52	342
Uzbekistan	24	1	8	9	0	21	0	54
Vatican City	0	0	0	0	0	0	0	0
Region Total For Europe	1,025	182	606	788	179	1,710	1,885	5,587
North America								
Antigua and Barbuda	62	2	6	8	19	21	70	180
Bahamas, The	34	13	5	18	8	11	16	87
Barbados	57	5	3	8	9	4	33	111
Belize	122	8	8	16	12	53	91	294
Canada	130	22	52	74	17	219	388	828
Costa Rica	29	23	13	36	3	36	64	168
Cuba	718	4	324	328	87	788	677	2,598
Dominica	105	10	27	37	37	47	68	294
Dominican Republic	1,122	669	1,661	2,330	4,761	360	940	9,513
El Salvador	1,158	630	2,404	3,034	1,038	392	1,429	7,051
Grenada	83	6	2	8	18	9	65	183
Guatemala	579	342	903	1,245	324	257	511	2,916
Haiti	2,199	1,697	1,774	3,471	2,276	449	1,223	9,618
Honduras	536	303	406	709	331	178	350	2,104
Jamaica	3,136	136	655	791	448	707	767	5,849
Mexico	1,507	56,465	0	56,465	1,586	1,859	4,535	65,952
Nicaragua	304	99	311	410	92	36	96	938
Panama	101	21	25	46	17	47	111	322
Saint Kitts and Nevis	91	1	15	16	12	12	33	164
Saint Lucia	73	3	13	16	7	23	53	172
Saint Vincent and the Grenadines	89	4	6	10	13	18	59	189
Trinidad and Tobago	497	53	53	106	52	198	432	1,285
Region Total For North America	12,732	60,516	8,666	69,182	11,167	5,724	12,011	110,816

71% OF TOTAL

F2A VISAS ISSUED

TO MEXICO &
DOMINICAN REP

(DOS ESTIMATES)

Table V (Part 1)
Immigrant Visas Issued and Adjustments of Status
Subject to Numerical Limitations
Fiscal Year 2008

Family Preferences

Foreign State	2A		2A Subject	2A Total	2B	3rd	4th	Family Pref. Total
	1st	Exempt						
Sierra Leone	24	11	30	41	8	9	22	104
Somalia	11	1	26	27	3	0	14	55
South Africa	26	4	5	9	2	19	34	90
Sudan	5	6	17	23	3	6	11	48
Swaziland	0	0	0	0	0	0	1	1
Tanzania	7	0	15	15	2	14	75	113
Togo	5	1	36	37	0	0	2	44
Tunisia	2	0	5	5	0	0	15	22
Uganda	13	3	2	5	0	7	87	112
Zambia	4	0	3	3	1	9	6	23
Zimbabwe	3	1	2	3	3	4	18	31
Region Total For Africa	1,438	200	1,454	1,654	627	431	2,100	6,250
Asia								
Afghanistan	31	6	40	46	16	82	163	338
Bahrain	1	0	0	0	1	0	11	13
Bangladesh	82	75	494	569	259	157	2,699	3,766
Bhutan	0	0	0	0	0	0	0	0
Brunei	0	1	0	1	0	0	1	2
Burma	60	1	16	17	23	66	327	493
Cambodia	36	5	53	58	13	78	247	432
China - mainland born	709	219	1,162	1,381	658	2,999	9,346	15,093
China - Taiwan born	141	17	37	54	94	257	1,980	2,526
China - PRC nationals adjusting under CSPA	0	0	0	0	0	0	0	0
Hong Kong S.A.R	87	15	48	63	72	206	1,386	1,814
India	445	151	814	965	227	2,491	10,633	14,761
Indonesia	17	10	16	26	12	41	65	161
Iran	344	42	212	254	135	437	1,834	3,004
Iraq	61	19	37	56	23	250	393	783
Israel	56	9	2	11	11	102	59	239
Japan	7	16	36	52	9	22	36	126
Jordan	117	60	131	191	93	337	770	1,508
Korea, North	3	0	0	0	1	2	3	9
Korea, South	310	78	77	155	124	840	547	1,976
Kuwait	24	7	25	32	30	62	128	276
Laos	26	0	4	4	1	14	63	108
Lebanon	101	22	110	132	88	326	613	1,260
Malaysia	22	6	9	15	4	20	78	139
Maldives	0	0	0	0	0	0	0	0
Mongolia	1	0	0	0	0	0	2	3
Nepal	6	5	29	34	1	0	37	78
Oman	0	1	0	1	0	0	0	1
Pakistan	294	111	1,012	1,123	245	738	5,492	7,892

LOW P2A DEMAND!

VISA SPILL OVER FROM P2A?

Figure 19: Unused Family and Employment Preference Visas – FY 1992-2009

Fiscal Year	Unused Family Preference Numbers	Unused Employment Preference Numbers	Following FY's Family Preference Limit	Following FY's Employment Preference Limit
1992	5,435	21,207	232,483 ¹	161,207 ¹
1993	3,213	0	226,000	143,213
1994	6,503	29,430	253,721	146,503
1995	0	58,694	311,819	140,000
1996	0	21,173	226,000	140,000
1997	0	40,710	226,000	140,000
1998	20,906	53,571	226,000	160,906
1999	2,299	98,941	294,601	142,299
2000	52,074	31,098	226,000	192,074
2001	2,632	5,511	226,000	142,632
2002	31,532	0	226,000	171,532
2003	64,422	88,482	226,000	204,422
2004	8,449	47,305	226,000	148,449
2005	3,949	0	226,000	143,949
2006	7,148	10,288	226,000	147,148
2007	22,704	0	226,000	162,704
2008	0	0	226,000	140,000
2009	10,662 ²	0	226,000	150,662 ²
Total	241,928	506,410 (180,039 were recaptured by special legislation)		

Note: The Unused Employment Preference Numbers total is used in calculating the following fiscal year's Family Preference numerical limit, and vice-versa.

¹Unused Employment Preference numbers did not fall across to the following fiscal year's Family Preference limit (and vice versa) until FY 1994.

²Totals for FY 2009 are preliminary.

Source: Data and notes provided by U.S. Department of State to the Ombudsman (Mar. 5, 2010).

Coordination between the agencies is improving, but remains a challenge. USCIS and DOS each manages and allocates resources to achieve operational efficiency and distributes workloads throughout the year. Communication is vital because their separate choices can lead to decisions affecting the entire immigration system.