

9 FAM PART IV Appendix I, 300 NUMBERS AND PRIORITY DATES OF APPLICATIONS

(TL:VISA-274; 05-09-2001)

9 FAM 301 REPORTING DOCUMENTARILY QUALIFIED IMMIGRANT VISA APPLICANTS

9 FAM 301.1 Method of Reporting

(TL:VISA-274; 05-09-2001)

Each immigrant visa-issuing post shall report monthly the total number of applicants subject to numerical limitations who have become documentarily qualified during that reporting period. [See 22 CFR 40.1(g) and 9 FAM PART IV Appendix I, 302.1.] Posts with the *automated systems* should submit Report 20 to VO by electronic transmission. Posts at which immigrant visa operations are not automated submit this report by VISAS WHALE cable. A sample cable is shown as 9 FAM PART IV Appendix I, Exhibit V.

9 FAM 301.2 Negative Reports Required

(TL:VISA-167; 05-23-1997)

If a post authorized to issue immigrant visas has no reportable applicants for a given month, it must send a cable so stating.

9 FAM 301.3 Timing

(TL:VISA-167; 05-23-1997)

Posts must prepare and send the VISAS WHALE cable or Report 20 in time for the Department to receive it by the first of the following month.

9 FAM 302 PREPARING THE "DOCUMENTARILY QUALIFIED" REPORT

9 FAM 302.1 "Documentarily Qualified" Defined

(TL:VISA-274; 05-09-2001)

"Documentarily qualified" means that the alien has returned Form *DS-2001, Instructions for Immigrant Visa Applicants*, indicating that all the required documents are ready (or has otherwise so informed the post), and that the post has completed its clearance procedures. The report must include all applicants in immigrant categories subject to numerical limitation who have become documentarily qualified during the monthly reporting period.

9 FAM 302.2 Reporting Diversity (DV) Applicants

(TL:VISA-167; 05-23-1997)

The monthly reports of documentarily qualified DV applicants are prepared and submitted to the Department by the National Visa Center. Posts must not include DV applicants on VISAS WHALE cables. Any additional DV numbers needed by a post should be requested by a VISAS FROG message.

9 FAM 302.3 Categories to be Reported by Priority Date

(TL:VISA-274; 05-09-2001)

All preference applicants must always be reported by priority dates, irrespective of the status of the numerical limitations to which they are subject. [See 9 FAM PART IV Appendix I, 303 for the method of reporting priority dates.]

9 FAM 302.4 Using Foreign State and Post Symbols

(TL:VISA-274; 05-09-2001)

The foreign state/dependent area alphabetical code must appear in lieu of the name of each chargeability area on the report. [See 9 FAM 42.12 Exhibit I and 9 FAM 42.12 Exhibit II for these codes.] The visa-issuing office symbol must follow "VISAS WHALE", in parentheses, on the first line of the cable text. [See 9 FAM PART IV Appendix I, Exhibit VII for these codes.] A sample VISAS WHALE is found in 9 FAM PART IV Appendix I, Exhibit V .

9 FAM 302.5 Relationship to Post's Workload Capacity

(TL:VISA-274; 05-09-2001)

The report must include all applicants who have become documentarily qualified in that monthly period, by priority date, irrespective of the post's capability to process that number of cases. If the total exceeds the post's capacity to interview (and issue, if appropriate), post must *notify the Visa Office by cable (or e-mail)* its capacity for any month, such a capacity limitation is applicable, together with the reason(s) for the limitation. [See 9 FAM PART IV Appendix I, 202.]

9 FAM 302.6 Avoiding Duplicative Reporting

(TL:VISA-167; 05-23-1997)

The Department records reported demand for which visa numbers are not immediately available (oversubscribed categories), or which is in excess of the post's stated capacity, for consideration for later allotments. The post should not repeat previously reported demand in subsequent reports.

9 FAM 302.7 Reporting Aliens Entitled to Two or More Classifications

(TL:VISA-274; 05-09-2001)

If a documentarily qualified applicant is entitled to two or more classifications, post should report the applicant under the *classification which will allow the most expeditious processing, or report the applicant under both categories.*

9 FAM 303 METHOD OF REPORTING PRIORITY DATES OF APPLICANTS

(TL:VISA-274; 05-09-2001)

Posts which submit their documentarily qualified IV demand by VISAS WHALE should report priority dates by weekly summations. They should be grouped under the first day of the month and every 7 days thereafter (for example, 01MAR89, 08MAR89, etc.), relating the priority date back to the nearest reportable date. (For example, a priority date from March 2 through March 7 is to be reported as March 1.) The weekly periods are always the 1st, 8th, 15th, and 22nd.

9 FAM 304 DELETING PRIORITY DATES

(TL:VISA-167; 05-23-1997)

Reported demand which has been encompassed in an allotment of visa numbers is automatically removed from the Department's records. It is not necessary for the post to request that the Department delete such demand. If a previously reported applicant who has not been reached in an allocation dies or abandons intent to immigrate, however, the priority date, chargeability, category, and number of applicants should be reported with a request to delete the case from the allocation waiting list.

9 FAM 305 RETURN OF UNUSED NUMBERS

(TL:VISA-274; 05-09-2001)

Posts must return promptly to the Department any visa allocations (both preference and DV) that have not been used during the authorized month. Preference and diversity numbers can be returned on the same VISAS GIRAFFE cable, or *Report 22 (automated posts)*. Messages returning unused numbers must be dispatched no later than the FIFTH calendar day of each month. [See 9 FAM PART IV Appendix E, 302, for VISAS GIRAFFE format.] [See 9 FAM 42.51 PN1 regarding return of numbers used for issuance of visas that were not subsequently used for admission to the United States.]

9 FAM 306 PREPARING THE "ANNUAL REPORT OF VISA APPLICANTS SUBJECT TO NUMERICAL LIMITATIONS"

9 FAM 306.1 Time Frames

(TL:VISA-274; 05-09-2001)

All immigrant visa-processing offices must prepare and submit to the Department by February 1 of each year (unless directed otherwise by the Department) a report of all visa applicants subject to numerical limitations who are included in the post files as entitled to an immigrant status. Non-automated posts should prepare this report from the chronological file (blue/orange copies of Form OF-224, "*Immigrant Visa Control Card*") and submit it on Form FS-469, "Annual Report of Visa Applicants Subject to Numerical Limitations" in two parts as specified below. [See 9 FAM PART IV Appendix I, Exhibit VI for a sample of the annual report format.] Form FS-469 may be reproduced from INFOFORMS. Posts should enter the appropriate preference and/or subpreference symbols noted below on the FS-469. Posts should submit a single copy only; no covering communication is necessary. *Posts using automated posts* shall submit to VO Report 29 by electronic transmission.

9 FAM 306.2 Active Cases

(TL:VISA-274; 05-09-2001)

a. Part I must include all applicants with "active" cases, that is, those within the groups described in 9 FAM 42.52 PN3.4 (a), 9 FAM 42.52 PN3.4 (b), 9 FAM 42.52 PN3.4 (c), 9 FAM 42.52 PN3.4 (d), and 9 FAM 42.52 PN3.4 (e). List foreign state and/or dependent areas alphabetically and show for each, by preference (and, where appropriate, subcategory), the total number of applicants by year of priority date.

b. Posts should use category symbols on this report as follows:

(1) Family Preferences: F1, F2A, F2B, F3 and F4; and

(2) Employment Preferences: E1, E2, E3, EW (other workers subgroup), E4, SR (certain religious workers subgroup), E5, C5, T5 (employment creation in targeted area subgroup) R5 and I5. (Posts are reminded that ministers of religion (the SD class) are to be reported under the E4 symbol; only the religious worker classes established under section 151(a) of the Immigration Act of 1990 should be reported under the SR symbol.)

c. It is imperative that (when appropriate) posts list applicants separately under the subgroup symbols identified above; i.e., F2A and F2B applicants must not be combined and, similarly, E3 and EW applicants must be separately reported.

9 FAM PART IV Appendix I, 306.3 "Phantom" Cases

(TL:VISA-167; 05-23-1997)

It is important that the annual report realistically reflect actual pending cases and that to the extent possible posts avoid reporting "phantom cases", for example, cards still on file in one visa category for applicants already issued visas in another category.