

9 FAM 42.32(c) THIRD PREFERENCE-SKILLED WORKERS, PROFESSIONALS, OTHER WORKERS

(CT:VISA-960; 05-22-2008)

(Office of Origin: CA/VO/L/R)

9 FAM 42.32(c) RELATED STATUTORY PROVISIONS

(CT:VISA-960; 05-22-2008)

See INA 203(b)(3) (8 U.S.C. 1153(b)(3)), INA 203(d) (8 U.S.C. 1153(d)), INA 204 (8 U.S.C. 1154) and Sec. 203 of Public Law 105-100.

INA 203(b)(3)

b. Preference Allocation for Employment-Based Immigrants. - Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allotted visas as follows:

(3) Skilled workers, professionals, and other workers.-

(A) In general. - Visas shall be made available, in a number not to exceed 28.6 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2), to the following classes of aliens who are not described in paragraph (2):

- (i) Skilled workers. - Qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.
- (ii) Professionals. - Qualified immigrants who hold baccalaureate degrees and who are members of the professions.
- (iii) Other workers. - Other qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor, not of a

temporary or seasonal nature, for which qualified workers are not available in the United States.

- (B) Limitation on other workers. - Not more than 10,000 of the visas made available under this paragraph in any fiscal year may be available for qualified immigrants described in subparagraph (A)(iii).
- (C) Labor certification required.- An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A).

INA 203(d)

d. Treatment of family members

A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101 (b)(1) of this title shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of this section, be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, the spouse or parent.

9 FAM 42.32(c) RELATED REGULATORY PROVISIONS

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See [22 CFR 42.32\(c\)](#).