

## **9 FAM 42.32(d)(4) FOURTH PREFERENCE SPECIAL IMMIGRANTS- SPOUSE AND CHILDREN OF CERTAIN PHYSICIANS**

*(CT:VISA-1676; 09-06-2011)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.32(d)(4) RELATED STATUTORY PROVISIONS**

*(CT:VISA-1676; 09-06-2011)*

See INA 101(a)(27)(H) (8 U.S.C. 1101(a)(27)(H)), INA 203 (b)(4) (8 U.S.C. 1153(b)(4)), and INA 204 (a)(1)(G)(i) (8 U.S.C. 1154(a)(1)(E)(i)).

#### **INA 101(a)(27)(H)**

(H) An immigrant, and his accompanying spouse and children, who—

(i) Has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) Was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) Entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) before January 10, 1978, and

(iv) Has been continuously present in the United States in the practice or study of medicine since the date of such entry.

#### **INA 203(b)(4)**

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:

- (4) Certain special immigrants. - Visas shall be made available, in a number not to exceed 7.1 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof), of which not more than 5,000 may be made available in any fiscal year to special immigrants described in subclause (II) or (III) of

section 101(a)(27)(C)(ii), and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M).

**INA 204(a)(1)(G)(i)**

(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(4), or any person on behalf of such an alien, may file a petition with the Attorney General for such classification.

**9 FAM 42.32(d)(4) RELATED REGULATORY PROVISIONS**

*(CT:VISA-1351; 10-21-2009)*

See 22 CFR 42.32(d)(4)

Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allotted visas as indicated below.

(d) Fourth preference--Special immigrants-

(4) Spouse and children of certain foreign medical graduates.— The accompanying spouse and children of a graduate of a foreign medical school or of a person qualified to practice medicine in a foreign state who has adjusted status as a special immigrant under the provisions of INA 101(a)(27)(H) are classifiable under INA 203(b)(4) as special immigrants defined in INA 101(a)(27)(H) if the consular officer has received an approved petition from DHS which accords such status and the consular officer is satisfied that the alien is within the class described in INA 101(a)(27)(H).