

9 FAM 42.54 ORDER OF CONSIDERATION

(CT:VISA-1749; 10-21-2011)
(Office of Origin: CA/VO/L/R)

9 FAM 42.54 RELATED STATUTORY PROVISIONS

(CT:VISA-1749; 10-21-2011)

See INA 203(d) (8 U.S.C. 1153(d)), INA 203(e), *in part* (8 U.S.C. 1153(e)), and INA 222(b) (8 U.S.C. 1202(b))

INA 203(d) and (e) Allocation of Immigrant Visas

(d) Treatment of family members. – A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101 (b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c), 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.

(e) Order of consideration. –

- (1) Immigrant visas made available under subsection (a) or (b) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General (or in the case of special immigrants under section 101(a)(27)(D), with the Secretary of State) as provided in section 204(a).
- (2) Immigrant visa numbers made available under subsection (c) (relating to diversity immigrants) shall be issued to eligible qualified immigrants strictly in a random order established by the Secretary of State for the fiscal year involved.

INA 222(b) Application for Visas

(b) Other documentary evidence for immigrant visas. – Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Secretary of State. The immigrant shall furnish to the consular officer with his application a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant; a certified copy of any existing prison record, military record, and record of his birth; and a certified copy of

all other records or documents concerning him or his case which may be required by the consular officer. The copy of each document so furnished shall be permanently attached to the application and become a part thereof. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this subsection is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. All immigrant visa applications shall be reviewed and adjudicated by a consular officer.

9 FAM 42.54 RELATED REGULATORY PROVISIONS

(CT:VISA-1554; 09-29-2010)

22 CFR 42.54 Order of consideration.

(a) **General.** Consular officers shall request applicants to take the steps necessary to meet the requirements of INA 222(b) in order to apply formally for a visa as follows:

- (1) In the chronological order of the priority dates of all applicants within each of the immigrant classifications specified in INA 203(a) and (b); and
- (2) In the random order established by the Secretary of State for each region for the fiscal year for applicants entitled to status under INA 203(c).