

Appendix C

Offset in the Per-Country Numerical Level for China–Mainland Born Immigrant Visas (Per Section 2(d) of Pub. L. 102–404)

The Chinese Student Protection Act of 1992 (CSPA) (Pub. L. 102–404 enacted October 9, 1992) provides a basis for certain People's Republic of China nationals already living in the United States to obtain permanent residence through application to USCIS. Beneficiaries of this legislation are accorded status within the skilled worker component of the Employment Third preference and are subject to the worldwide Employment Preference annual limit. They are exempted from the INA 202 per-country limit, however. The CSPA requires that beginning with Fiscal Year 1993, the CHINA–mainland born per-country limit must be reduced by 1,000 numbers annually to compensate for cases processed under this legislation.

Employment Third preference immigrant numbers provided to beneficiaries of the CSPA, outside the CHINA–mainland born per-country annual limit:

| | |
|--------------|---------------|
| FY–1993 | 41,684 |
| FY–1994 | 8,953 |
| FY–1995 | 3,536 |
| FY–1996 | 139 |
| FY–1997 | 57 |
| FY–1998 | 3 |
| FY–1999 | 3 |
| FY–2000 | 4 |
| FY–2001 | 0 |
| FY–2002 | 1 |
| FY–2003 | 2 |
| FY–2004 | 3 |
| FY–2005 | 4 |
| Total | 54,389 |

Unused CHINA–mainland born immigrant numbers under the per-country limit for FY–2005:

| FY–2005 Per-country limit | Minus reduction per Sec. 2(d)(1) of Pub. L. 102–404 | Minus numbers used | Plus numbers "recaptured" under INA 206 | UNUSED numbers |
|------------------------------|---|--------------------------|---|-------------------|
| 26,211 | 1,000 | 38,112 | 2 | 0 |

Offset to the per-country numerical level:

| | Reduction of the CHINA–mainland born annual limit | Unused numbers from the CHINA–mainland born annual limit | Offset |
|--------------|---|--|---------------|
| FY–1993 | 1,000 | 576 | 1,576 |
| FY–1994 | 1,000 | 0 | 1,000 |
| FY–1995 | 1,000 | 4,329 | 5,329 |
| FY–1996 | 1,000 | 3,059 | 4,059 |
| FY–1997 | 1,000 | 4 | 1,004 |
| FY–1998 | 1,000 | 0 | 1,000 |
| FY–1999 | 1,000 | 6,330 | 7,330 |
| FY–2000 | 1,000 | 2,319 | 3,319 |
| FY–2001 | 1,000 | 0 | 1,000 |
| FY–2002 | 1,000 | 0 | 1,000 |
| FY–2003 | 1,000 | 7,922 | 8,922 |
| FY–2004 | 1,000 | 0 | 1,000 |
| FY–2005 | 1,000 | 0 | 1,000 |
| Total | 13,000 | 24,539 | 37,539 |

Numbers remaining for future offset:

| As of the end of | Numbers used for CSPA beneficiaries | Total offset for year | Remaining to be offset |
|------------------|--|--------------------------|---------------------------|
| FY–1993 | 41,684 | 1,576 | 40,108 |
| FY–1994 | 8,953 | 1,000 | 48,061 |
| FY–1995 | 3,536 | 5,329 | 46,268 |
| FY–1996 | 139 | 4,059 | 42,348 |
| FY–1997 | 57 | 1,004 | 41,401 |
| FY–1998 | 3 | 1,000 | 40,404 |
| FY–1999 | 3 | 7,330 | 33,077 |
| FY–2000 | 4 | 3,319 | 29,762 |
| FY–2001 | 0 | 1,000 | 28,762 |
| FY–2002 | 1 | 1,000 | 27,763 |
| FY–2003 | 2 | 8,922 | 18,843 |
| FY–2004 | 3 | 1,000 | 17,846 |
| FY–2005 | 4 | 1,000 | 16,850 |