

# Immigration Alert: U.S. Government Announces Fiscal Year 2011 Diversity Immigrant Visa Lottery

10/2/2009

The U.S. Department of State (DOS or State Department) has released instructions for the FY 2011 Diversity Immigrant Visa Program (DV-2011), also known as the Green Card Lottery. The Diversity Program provides a means for foreign nationals to become permanent residents of the U.S. (to acquire green cards) regardless of whether they have a family member or an employer willing to sponsor them. The State Department has made 55,000 permanent resident visas available to persons meeting the simple, but strict, eligibility requirements. Individuals who meet the eligibility requirements and submit an application during the appointed time will be entered into a lottery from which the 55,000 green card entries will be selected. Please note that the 2010 Diversity Immigrant Visa Program had 13.6 million applicants for 55,000 permanent resident visas. **Applications must be submitted electronically between noon EDT on Friday, October 2, 2009 and noon EST on Monday, November 30, 2009. The electronic form must be submitted online at [www.dvlottery.state.gov](http://www.dvlottery.state.gov). There is no fee.**

Lottery Visas are apportioned to foreign nationals hailing from the following six geographic regions: Africa, Asia, Europe, North America, Oceania, and South America, Central America and the Caribbean. Because each country has sent more than 50,000 immigrants to the U.S. in the past five years, **natives of the following countries are NOT eligible: Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Peru, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.** Persons born in Hong Kong SAR, Macau SAR, and Taiwan **are** eligible. No countries have been removed from or added to the list of eligible countries for DV-2010.

To qualify as a diversity immigrant from one of these six regions, a foreign national must claim nativity in an eligible country and meet the education or work experience requirement of the DV program. Nativity is most often determined by the applicant's place of birth; however, an applicant may be able to claim the place of birth of a spouse or a parent to meet the guidelines under certain circumstances. To fulfill the education/work experience provisions, an applicant must have either a high school education or its equivalent, or two years of work experience in the last five years in a job that requires at least two years of training or experience.

Applicants must submit a recent digital photo adhering to the [compositional and technical specifications](#) listed on the DOS website. The applicant will be asked to submit the following information on the DV entry form:

1. The applicant's full name (last, first, middle)
2. Date of birth (day, month, year)

3. Gender (male or female)
4. City/town of birth
5. Country of birth
6. Country of eligibility/chargeability
7. Applicant photograph(s)
8. Complete current mailing address
9. Country where applicant lives today
10. Phone number (optional)
11. E-mail address (optional)
12. Educational level
13. Marital status
14. Number of children that are unmarried and under 21 years of age (except children that are either U.S. legal permanent residents or American citizens)
15. Spouse information (name, date of birth, gender, city/town of birth, country of birth, photograph)
16. Children information (name, date of birth, gender, city/town of birth, country of birth, photograph)

Applicants will receive a notice of receipt containing their name, date of birth, country of chargeability, and a time/date stamp indicating when information has been properly registered on the website. The State Department recommends that applicants enter the lottery as early in the registration period as possible. In DV-2011, for the first time, those who submit entries may check the status of entries online and determine whether their entries are selected or not selected. Successful entrants will continue to receive notification letters by mail.

**Note regarding children:** Entries must include the name and date and place of birth of the applicant's spouse and all natural children, as well as all legally-adopted children and stepchildren who are unmarried and under the age of 21 at the time of entry (except children who are already U.S. citizens or Legal Permanent Residents). This information must be included even if the applicant is no longer legally married to the child's parent, and even if the spouse or child does not currently reside with the applicant and/or will not immigrate with the applicant. Note that married children and children 21 years of age or older will not qualify for the diversity visa. Failure to list all children will result in disqualification for the visa.

Anyone filing more than one application will be ineligible to receive a green card through the lottery even if he or she wins a number. Family members or spouses may file separate applications. Applicants do not need to be physically present in the U.S. to apply.

Applicants will be selected at random by computer from among all qualified entries. In recent years as many as seven million people per year have filed applications. **Those selected will be notified by mail between May and July 2010** and will be provided with further instructions, including information on fees connected with immigration to the U.S. Persons not selected will not receive any notification. Winning a number in the lottery is only the first step towards getting a green card. A person with a winning number must file an application with U.S. Citizenship and Immigration Services, or with a U.S. Consulate outside of the U.S., to complete the permanent residence process.

For specific information on mailing procedures, photograph specifications, or more detailed instructions, please call an attorney at Mintz Levin or log on to the Department of State website, [here](#).

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*For assistance in this area, please contact one of the attorneys listed below or any member of your Mintz Levin client service team.*

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