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IMMIGRATION
ALERT

OCTOBER 3, 2007

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U.S. Government Announces 2009 Diversity Immigrant Visa Lottery

The State Department has released instructions for the 2009 Diversity Immigrant Visa Program (DV-2009), also known as the Green Card Lottery. The Diversity Immigrant Visa Program provides a means for foreign nationals to become permanent residents of the U.S. 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. **Applications must be submitted electronically between noon EDT on Wednesday October 3, 2007 and noon EST on Sunday December 2, 2007. The electronic application must be submitted online at www.dvlottery.state.gov. There is no fee. There is no exact form that must be used.**

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.

Natives of the following countries are *not* eligible because each country has sent more than fifty thousand immigrants to the U.S. in the past five years:

- **Brazil;**
- **Canada;**
- **China (mainland-born);**
- **Colombia;**

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- **Dominican Republic;**
- **Ecuador;**
- **El Salvador;**
- **Guatemala;**
- **Haiti;**
- **India;**
- **Jamaica;**
- **Mexico;**
- **Pakistan;**
- **Philippines;**
- **Peru;**
- **Poland;**
- **Russia;**
- **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.

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 website. The applicant will be asked to submit the following information on the DV entry:

- the applicant's full name (last, first, middle);
- date of birth (day, month, year);
- gender (male or female);
- city/town of birth;
- country of birth;
- country of eligibility/chargeability;
- applicant photograph(s);

- complete current mailing address;
- country where applicant lives today (new for DV-2009);
- phone number (optional);
- e-mail address (optional);
- educational level (new for DV-2009);
- marital status;
- 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);
- spouse information (name, date of birth, gender, city/town of birth, country of birth, and photograph); and
- children information (name, date of birth, gender, city/town of birth, country of birth, and photograph).

Applicants will receive a notice of receipt containing their name, date of birth, country of chargeability, and a time/date stamp 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.

Note Regarding Children

Entries must include the name, 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), 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 or older will not qualify for the diversity visa. Failure to list all children will result in the applicant's 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 2008** 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 a U.S. consulate outside of the U.S. to move towards obtaining permanent residence.

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

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