

Immigration Alert: U.S. Government Announces Fiscal Year 2010 Diversity Immigrant Visa Lottery

10/2/2008

The U.S. Department of State ("DOS" or "State Department") has released instructions for the fiscal year 2010 Diversity Immigrant Visa Program ("DV-2010" or "DV"), also known as the Green Card Lottery. The DV program provides a means for foreign nationals to become permanent residents of the United States (*i.e.*, 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 are selected. Please note that the 2009 DV program had 9.1 million applicants for 55,000 permanent resident visas.

Applications must be submitted electronically between noon EDT on Thursday, October 2, 2008 and noon EST on Monday, December 1, 2008. The electronic form must be submitted online. 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. Natives of the following countries are NOT eligible because each country has sent more than 50,000 immigrants to the U.S. in the past five years: 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. For DV-2010, Russia has returned to the list of eligible countries. Kosovo has also been added to the list of eligible countries. No countries have been removed from 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 Web site. The applicant will be asked to submit the following information on the DV entry form:

- . 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 of current residence (new for DV-2010)
- . Phone number (optional)
- . E-mail address (optional)
- . Educational level (new for DV-2010)
- . 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, photograph)
- . 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 when information has been properly registered on the Web site. The State Department recommends that applicants enter the lottery as early in the registration period as possible. In DV-2010, 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, 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 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 9 million people per year have filed applications. **Those selected will be notified by mail between May and July 2009** 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 United States 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 view the [instructions](#) on the Department of State Web site.

*If you would like more information
on any immigration matter, please contact your immigration attorney at Mintz Levin or visit www.mintz.com.*

Susan J. Cohen
(617) 348-4468
SCohen@mintz.com

<http://www.jdsupra.com/post/documentViewer.aspx?fid=09d55a9d-9a1a-4a03-8b37-1d9ad6499429>

Jeffrey W. Goldman
(617) 348-3025
JGoldman@mintz.com

Reena I. Thadhani
(617) 348-3091
RThadhani@mintz.com

Molly Carey
(617) 348-4461
MCarey@mintz.com

William L. Coffman
(617) 348-1890
WCoffman@mintz.com

Brian J. Coughlin
(617) 348-1685
BJCoughlin@mintz.com

Lorne M. Fienberg
(617) 348-3010
LFienberg@mintz.com

Marisa C. Howe
(617) 348-1761
MHowe@mintz.com

Bethany S. Mandell
(617) 348-4403
BSMandell@mintz.com

Timothy P. Rempe
(617) 348-1621
TRempe@mintz.com

© 1994-2008 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. All Rights Reserved.

This website may constitute attorney advertising. Prior results do not guarantee a similar outcome. Any correspondence with this website does not constitute a client/attorney relationship. Neither the content on this web site nor transmissions between you and Mintz Levin Cohn Ferris Glovsky and Popeo PC through this web site are intended to provide legal or other advice or to create an attorney-client relationship. Images or photography appearing on this website may not be actual attorneys or images associated with Mintz Levin.