



## Immigration Legal Update

### Reminder: Annual Diversity Visa Lottery

The Diversity Immigrant Visa Lottery under the Immigration and Nationality Act of 1997 provides 50,000 immigrant visas each fiscal year to natives of countries from which immigration has been low over the preceding five years. Anyone who is selected under this random lottery is given the opportunity to apply for permanent residence. Individuals for whom permanent residence is granted are authorized to live and work permanently in the United States, as well as to bring their spouses and minor children to the United States. Foreign national employees should be made aware of this opportunity immediately, as **registration for the 2011 Diversity Visa Lottery is open from October 2, 2009, to November 30, 2009.**

#### WHEN TO APPLY

The registration period for the 2011 Diversity Visa (DV-2011) Lottery is open from **noon EDT on October 2, 2009, and ends at Noon EST on November 30, 2009.** The registration is done electronically at the U.S. Department of State's website at [www.dvlottery.state.gov](http://www.dvlottery.state.gov).

#### WHO CAN APPLY

**The DV-2011 Lottery is open to natives of most countries, except** for the following "high admission" countries that are excluded this year: 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-2011 Lottery, no countries have been removed or added to the previous year's list of eligible countries.

In most cases, to be a native of the country means to have been born in that country; however, there are limited circumstances when an otherwise ineligible person may claim eligibility through the native country of a spouse or a parent. To obtain detailed instructions and to view the complete list of eligible and ineligible countries, please refer to the Department of State's website at [http://travel.state.gov/visa/immigrants/types/types\\_1318.html](http://travel.state.gov/visa/immigrants/types/types_1318.html).

**The DV-2011 Lottery also requires that applicants must possess either a high school education, or its equivalent, or two years of experience in a qualified occupation.** Please refer to the instructions for the DV-2011 Lottery at <http://www.travel.state.gov/pdf/DV-2011instructions.pdf> or the Department of State's website at [http://travel.state.gov/visa/immigrants/types/types\\_1319.html](http://travel.state.gov/visa/immigrants/types/types_1319.html) to determine the qualified occupations.

**A successful applicant's spouse and unmarried children under the age of 21 are automatically entitled to the same status.** Additionally, if otherwise eligible, a husband and wife may each submit a visa lottery application.

#### SELECTION

Applicants are selected at random from all qualified entries. They are notified *by mail* between

May and July 2010 and are provided further instructions. To actually receive a visa, the selected applicants must still meet all eligibility requirements under U.S. law.

## HOW TO APPLY

There is only one way to enter the DV-2011 Lottery: by submitting Form DS 5501, the Electronic Diversity Visa Entry Form (E-DV Entry Form), accessible only at [www.dvlottery.state.gov](http://www.dvlottery.state.gov). Failure to complete the form in its entirety disqualifies the entry. Paper entries are not accepted. This is a web-based application; applicants are *not* able to download and save the form for later completion-DS 5501 must be filled out and submitted online. The department strongly encourages not to wait until the last week of the registration period to enter, as heavy demand may result in website delays. No entries are accepted after noon EST on November 30, 2009.

Entries for the DV-2011 Lottery must be submitted electronically between noon, Eastern Daylight Time (EDT) (GMT-4), Friday, October 2, 2009 and noon, Eastern Standard Time (EST) (GMT-5) Monday, November 30, 2009.

Only one application may be submitted for each applicant. All entries by an individual are disqualified if *more than one* entry for that individual is received, regardless of who submitted the entry. Applicants may prepare and submit their own entry or have someone submit the entry for them.

A confirmation screen containing the applicant's name and a unique confirmation number is displayed after a successfully registered entry. Applicants should print this confirmation screen for their records. Starting July 1, 2010, applicants will be able to check the status of their DV-2011 Lottery entry by returning to the website and entering their unique confirmation number and personal information.

At the time of registration, applicants must be prepared to submit an electronic file containing their digital photo image that conforms to specific parameters indicated in the instructions for the DV-2011 Lottery at <http://www.travel.state.gov/pdf/DV-2011instructions.pdf>. It is very important to submit all required photographs; otherwise the entry is disqualified. Recent photographs of the following people must be submitted electronically with the Electronic Diversity Visa Entry Form: the applicant, the applicant's spouse, and each unmarried child under 21 years of age at the time of the electronic entry (including natural children, legally adopted children, and stepchildren). A photo of a child who is already a U.S. citizen or permanent resident is not required.

There is *no* fee to enter the visa lottery program. The Department of State does not endorse, recommend, or sponsor any information or material from outside entities. The department alerts that there have been many websites and emails masquerading as official Diversity Visa Lottery facilitators, but the department continues to emphasize that the registration is done through the official U.S. government website at <http://www.dvlottery.state.gov/>, that no fee is charged, and that the notifications of winning entries are sent by mail only. To learn more, see fraud warnings issued by the Department of State ([http://travel.state.gov/visa/immigrants/types/types\\_1749.html](http://travel.state.gov/visa/immigrants/types/types_1749.html)) and Federal Trade Commission (<http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt003.shtm>).

## WHAT HAPPENS AFTER SUBMISSION OF APPLICATION

The computer selects at random individuals from among all qualified entries. The individuals are notified *by mail* (not email) between May and July 2010 and are provided further instructions. Individuals *not* selected do *not* receive any notification. DV-2011 Lottery visas are issued between October 1, 2010, and September 30, 2011. Processing of entries and issuance of diversity visas to successful individuals and their eligible family members *must* occur by midnight on September 30, 2011. Under no circumstances are diversity visas issued or adjustments approved after this date.

**COMPLETE INSTRUCTIONS FOR THE DV-2011 LOTTERY PROGRAM** can be found at the U.S. Department of State's website:

DV Program - overview

[http://travel.state.gov/visa/immigrants/types/types\\_1322.html](http://travel.state.gov/visa/immigrants/types/types_1322.html)

2011 Diversity Visa Lottery Instructions

[http://travel.state.gov/visa/immigrants/types/types\\_1318.html](http://travel.state.gov/visa/immigrants/types/types_1318.html) or

<http://www.travel.state.gov/pdf/DV-2011instructions.pdf>

Occupations Requiring at Least Two Years of Training or Experience to Perform  
[http://travel.state.gov/visa/immigrants/types/types\\_1319.html](http://travel.state.gov/visa/immigrants/types/types_1319.html)

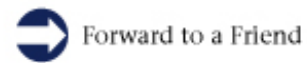
Fraud Warning - U.S. Department of State  
[http://travel.state.gov/visa/immigrants/types/types\\_1749.html](http://travel.state.gov/visa/immigrants/types/types_1749.html)

Fraud Warning - federal Trade Commission  
<http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt003.shtm>

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