



UPDATE Immigration

October 2013

Annual Diversity Visa Lottery is Open!

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 selected in 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 as permanent residents.

Registration for the 2015 Diversity Visa (DV-2015) Lottery is currently open until November 2, 2013. Please note that proposals for immigration reform have suggested eliminating the lottery, so this opportunity may not be available in the future (if such legislation is passed).

WHEN TO APPLY

The registration period for the DV-2015 Lottery opened at **noon eastern daylight time (EDT) (GMT-4) on October 1, 2013, and closes at noon EDT (GMT-4) on November 2, 2013.** The registration is done electronically at the U.S. Department of State's website at www.dvlottery.state.gov. No entries will be accepted after noon on November 2, 2013. The Department of State recommends applying early to avoid website delays, which typically occur toward the end of the registration period.

WHO CAN APPLY

This year, the DV-2015 Lottery is open to natives of most countries, **except** for the following "high admission" countries which are **excluded**: Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, 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.

Changes in eligibility this year: For DV-2015, natives of Nigeria are no longer eligible.

In most cases, to be a "native" of a 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 these Department of State websites:

http://travel.state.gov/visa/immigrants/types/types_1318.html

http://travel.state.gov/pdf/DV_2015_Instructions.pdf

The DV-2015 Lottery also requires that applicants possess either a high school education, or its equivalent, or two years of experience within the past five years in a qualified occupation. Please refer to the instructions at the above websites to determine the qualifying education equivalency and/or work experience and occupations.

A successful applicant's spouse and unmarried children under the age of 21 are automatically entitled to the same permanent resident status. Additionally, if otherwise eligible, a husband and wife may each submit a visa lottery application. **Please note that, based on recent guidance, Diversity Visa applicants may include same-sex spouses in their initial entries or add spouses acquired after their initial registration. Same-sex spouses are now eligible for the same immigration benefits as opposite-sex spouses.**

SELECTION

Applicants are selected at random from all qualified entries. The selected applicants are *not* notified by mail. Instead, **all Diversity Visa entrants are required to go to the Electronic Diversity Visa (E-DV) website Entry Status Check at www.dvlottery.state.gov to find out whether their entry has been selected in the DV Lottery.** Selectees are notified of their selection through the online Entry Status Check system between May 1, 2014, and June 30, 2015, at the E-DV website www.dvlottery.state.gov, and are subsequently directed to a confirmation page with further instructions.

Importantly, the Entry Status Check is the *only* means by which selectees are notified of their selection for DV-2015. No notifications are sent either by mail or e-mail. All applicants, both selected and not selected, are notified of their status through the web-based Entry Status Check.

DV-2015 visas will be issued between October 1, 2014, and September 30, 2015. To receive a visa, the selected applicants must still meet all eligibility requirements under U.S. law.

HOW TO APPLY

The only way to enter the DV-2015 Lottery is by submitting the DS 5501 Electronic Diversity Visa Entry Form (E-DV), accessible only at 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. The E-DV Form must be filled out and submitted online.

Entries for the DV-2015 must be submitted electronically before noon EDT (GMT-4) on Saturday, November 2, 2013. The department strongly encourages applicants 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 EDT on November 2, 2013.

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 else submit the entry for them; however, the Department of State strongly encourages applicants to complete entry forms without the assistance of "visa consultants," "visa agents," or other individuals who offer to submit entries on behalf of applicants, as there have been reports of fraudulent activities and/or money coercion by such individuals, who sometimes withhold application confirmation numbers from applicants or fail to submit entire visa lottery applications.

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 warns that many websites and e-mails masquerade as official Diversity Visa Lottery facilitators. The department continues to emphasize that registration can only be done through the official U.S. government website at <http://www.dvlottery.state.gov/> and that no fee is charged. To learn more, see the fraud warning issued by the Department of State at http://travel.state.gov/visa/immigrants/types/types_1749.html.

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. Between May 1, 2014, and June 30, 2015, applicants will be able to check the status of their DV-2015 Lottery entry by returning to the Entry Status Check website and entering their unique confirmation number and personal information. An important feature of the DV-2015 is that the **Entry Status Check is the sole means of informing applicants of their selection for DV-2015** (no separate notifications are mailed or e-mailed), providing instructions on how to proceed with the application and notifying the applicants of the appointments for the immigrant visa interview. **It is essential to retain the confirmation number, as the Department of State will not resend the confirmation page and/or will not be able to retrieve this information by any other means.**

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-2015 Lottery at http://travel.state.gov/pdf/DV_2015_Instructions.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 (including same-sex 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.

WHAT HAPPENS AFTER SUBMISSION OF THE APPLICATION

The computer randomly selects individuals from among all qualified entries. **The DV-2015 Lottery process requires all entrants to go to the E-DV website's Entry Status Check to find out whether their entry has been selected in the DV Lottery.** Selectees are notified of their selection through the Entry Status Check, between May 1, 2014, and June 30, 2015, at the E-DV website at www.dvlottery.state.gov. Selectees are directed to a confirmation page with further instructions, including information on fees connected with immigration to the United States. **The Entry Status Check is the only means by which selectees are notified of their selection for DV-2015. Notification letters are no longer mailed or e-mailed. Individuals, both selected and not selected, are notified of their status only through the web-based Entry Status Check.** U.S. embassies and consulates do not provide a list of selectees.

DV-2015 Lottery visas will be issued between October 1, 2014, and September 30, 2015. Processing entries and issuing diversity visas to successful individuals and their eligible family members must occur by midnight on September 30, 2015. Under no circumstances will diversity visas be issued or adjustments be approved after this date.

COMPLETE INSTRUCTIONS FOR THE DV-2015 LOTTERY PROGRAM can be found at the U.S. Department of State's website:

2015 Diversity Visa Lottery Overview and Instructions

http://travel.state.gov/visa/immigrants/types/types_1318.html

http://travel.state.gov/pdf/DV_2015_Instructions.pdf

http://travel.state.gov/visa/immigrants/types/types_1322.html

Occupations Requiring at Least Two Years of Training or Experience to Perform

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

CONTACT US

If you have any questions about the content in this legal update, contact one of the members of our Immigration Practice Group below. [Robinson & Cole's Immigration Practice Group](#) has experienced attorneys who have assisted clients with a wide range of immigration issues.

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