

Immigration Advisory

From the Buchanan Ingersoll & Rooney Immigration Group

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

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2010 Diversity Immigrant Visa Lottery Program Announced

The U.S. Department of State (DOS) has issued instructions for the DV-2010 Diversity Visa (DV) Lottery Program. The DV Lottery Program enables foreign nationals to apply for permanent residence in the United States without employment or family sponsorship. The DV Lottery Program selects 50,000 people annually who can then pursue an immigrant visa at a U.S. Embassy or Consulate in their home country or adjust their status in the U.S. through the U.S. Department of Homeland Security (if a foreign national is residing legally in a nonimmigrant status in the U.S. at the time of the application).

This year's program will again accept only electronic (online) applications. Both the application and the accompanying photographs must be submitted in an acceptable electronic format. Failure to complete the form in its entirety will disqualify the applicant's entry. To be eligible in the lottery drawing, the application must be received between noon Eastern Daylight Time on Thursday, October 2, 2008, and noon Eastern Standard Time on Monday, December 1, 2008. Applicants must submit an Electronic Diversity Visa Entry Form (E-DV Entry Form), which is available only at www.dvlottery.state.gov. Please note that photo size requirements have increased for the DV-2010 Program to 600 by 600 pixels at a scanned resolution of at least 150 dots per inch (dpi), and color photos are now required. Photos used in previous years should not be reused for DV-2010 entry. Detailed digital photo instructions and more information on the DV 2010 program can be found on the DOS website at http://travel.state.gov/visa/immigrants/types/types_1318.html.

Importantly, there is no fee to enter the annual DV Lottery Program.

Persons born in the following countries are *not* eligible to participate: Brazil, Canada, China (except Hong Kong SAR, Macau SAR, and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories and Vietnam. For the first time in the last few years, Russia has returned to the list of eligible countries and Kosovo has been added as a participating country.

To enter the lottery, an applicant must possess either a high school diploma (or its equivalent) or have two years of work experience within the past five years in an occupation that requires, at a minimum, two years of training or experience. Only one entry per person is permitted. Applicants should be aware that submitting more than one entry will disqualify all entries by the applicant. A husband and wife may each submit one entry, provided that each spouse meets the eligibility requirements. If either spouse is selected, the other will be entitled to derivative permanent residence status. Minor children under 21 will also secure a derivative permanent residence status, should one of their parents be selected in the lottery.

Applicants will be selected at random by computer from among all qualified entries. The selected individuals will be notified by mail between May and July 2009. A change in the DV-2010 program will enable applicants to check the status of their entry online by entering information from the online confirmation page. The confirmation information will be provided only once at the time of entry. It is very important, therefore, to write down the confirmation

number to verify the status of the application later on. All applicants, including those not selected in the lottery, will be able to check the status of their entry through the E-DV website and find out whether their application was selected.

Interested applicants should review the DOS website. Please contact one of our immigration attorneys should you have questions regarding your eligibility or help in completing the DV-2010 Lottery application. **Remember, the Electronic Diversity Visa Entry Form must be submitted by Noon EST, December 1, 2008.**

For more information, email the author(s) at immigration@bipc.com.

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