

Siskind's Immigration Bulletin -
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Diversity Visa – 2007 Green Card Lottery

The Department of State annually holds the Diversity Visa program (also known as the Green Card Lottery) where 50,000 green cards are awarded by random computer selection. The next lottery will be the DV-2007 lottery and the entry period will begin in October 2005. As a service to readers of our web site, we are pleased to make available our Lottery FAQ - a detailed question and answer document that provides all of the information needed to enter the lottery. We believe that most people will find that if they are diligent about complying with the rules and have reasonable English skills, they can enter the lottery without further assistance than what we are providing here.

As an additional service to our readers, we are also providing an [online registration form](#), which will enable Siskind Susser to enter a person in the lottery. We believe this service will be of interest to people who do not have the time or the inclination to enter the lottery on their own or are otherwise concerned about whether their application is being submitted properly (an estimated one-third of applications for the lottery are rejected because they are submitted incorrectly). Some people will not be comfortable submitting their application electronically (including photos). And some people also do not know where they will be when winners are selected and wish to use the return address of a law firm that will not be moving.

QUESTIONS AND ANSWERS ABOUT THE DV-2007 GREEN CARD LOTTERY

This discussion is intended to address most of the major questions many of you have asked us about the DV-2007 Lottery.

What is the "Green Card" Lottery?

The U.S. Congress has authorized the allotment of 50,000 immigrant visas in the DV-2007 category during Fiscal Year 2007 (which runs from October 1, 2006 to September 30, 2007). Foreign nationals who are natives of countries determined by the USCIS (according to a mathematical formula based upon population totals and totals of specified immigrant admissions for a 5-year period) are eligible to apply. The application period will begin **October 5, 2005 and will end at noon December 4, 2005**. Entries are for the first time this year submitted electronically. Applicants can submit their applications at www.dvlottery.state.gov. **Paper entries are no longer accepted.** Applicants can submit their forms themselves or they have a representative, such as a lawyer, submit the application on their behalf. Note that the web site will not go online until 12 pm Eastern US Time on October 5 and will end at 12 pm Eastern Time on December 4.

Natives of which countries are excluded?

The list is the same as DV-2006.

- Canada
- China - mainland China (nationals of Hong Kong, Macau and Taiwan ARE included)
- Colombia
- Dominican Republic
- El Salvador
- Haiti
- India
- Jamaica
- Mexico
- Pakistan
- Philippines
- Poland
- Russia
- South Korea
- United Kingdom (natives of Northern Ireland and Hong Kong are eligible, but natives of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, and the Turks and Calicos Islands are not eligible)
- Vietnam

Why was my country excluded?

The DV lottery is designed to increase the diversity of the overall pool of immigrants coming to the US. Countries that are proportionately over-represented in the immigrant population are excluded. Countries that have sent more than 50,000 immigrants to the US in the past five years are put on to the list above.

How are visas allotted?

The DV-2007 program apportions visa issuance among six geographic regions (Africa, Asia, Europe, North America (other than Mexico), Oceania, and South America (including Mexico, Central America and the Caribbean). The world is

divided up into high and low admission regions and each of the six regions is divided into high and low admission states. A greater portion of the visas goes to the low admission regions than to high admissions regions. High admission states are entirely excluded from the lottery (those states are listed above) and low admission states compete equally with other low admission states in the same region. No single state may receive more than 7% (3,500) of the 50,000 allotted visas.

Who is eligible to apply for the lottery?

To receive a DV-2007 visa, an individual must be a native of a low admission foreign state (described above). The individual must have at least a high school education or its equivalent, or, within the preceding five years, two years work experience in an occupation requiring at least two years training or experience.

What does it mean to have a "high school education or its equivalent?"

"High School education or its equivalent" means the successful completion of a twelve year course of elementary and secondary education in the U.S. or successful completion in another country of a formal course of elementary and secondary education comparable to complete a 12 year education in the U.S. or successful completion in another country of a formal course of elementary and secondary education comparable to completion of a 12 year education in the U.S. Passage of a high school equivalency examination is not sufficient. It is permissible to have completed one's education in less than 12 years or more than 12 years if the course of study completed is equivalent to a U.S. high school education. Documentary proof of education (including a diploma or school transcript) should NOT be submitted with the application, but must be presented to the consular office at the time of formally applying for an immigrant visa application.

What does it mean to have "two years work experience in an occupation requiring at least two years training or experience?"

The determination of which occupations require at least two years of training or experience shall be based upon the Department of Labor's O*Net Online database. Previously, when work experience was used as the equivalent of high school graduation, the employment position was compared to those in the US Department of Labor Dictionary of Occupational Titles. The Labor Department has phased out this publication and replaced it with the O*Net online system. To reflect this change, the State Department will begin using O*Net classifications in determining whether an applicant has the equivalent of a high school education. The O*Net system is available online at <http://online.onetcenter.org>. As with proof of education, documentary proof of work experience should not be submitted with the application, but must be presented to the consular office at the time of a formal immigrant visa application.

Can I be a "native" of a country other than the country in which I was born?

A native is both someone born within one of qualifying countries and someone entitled to be "charged" to such country under Section 202(b) of the Immigration

and Nationality Act. Thus someone may be (1) charged to the country of birth of his/her spouse, but only if the spouse is also issued a visa and enters the US at the same time as the primary applicant; (2) a minor dependent child can be charged to the country of birth of a parent; and (3) an applicant born in a country of which neither parent was a native may be charged to the country of birth of either parent.

Will applying for the lottery affect one's ability to receive a nonimmigrant visa?

Probably not. Technically, filing a visa lottery application is equivalent to filing an immigrant petition. According to a source at the Department of State, a consulate will only be notified IF the person is selected in the lottery. An individual who is not chosen is on his honor to state that he/she applied for the lottery. Theoretically, if your name is selected in the lottery, you may have trouble renewing nonimmigrant status while waiting for your name to be cleared for processing (see discussion on the post-selection process for securing a green card). This should only be a temporary problem since permanent residency should eventually be awarded. There is still a risk that you will fail to be deemed eligible for the DV-2007 visa or the Department of State will have overestimated the number of individuals to select in the lottery (see discussion on how the selection process works). However, of all the lawyers with whom I have spoken, none have ever reported a problem with a client having entered the lottery. We have instructed our clients to answer the question on the DS-156 concerning previous immigrant visa applications as follows: "My lawyer entered me in the DV-2007 lottery." We have never had a problem reported and I have yet to hear of anyone denied a visa because of a previous lottery application.

Do I need to be in lawful visa status to compete?

An individual who is in the U.S. need NOT be in lawful status to compete in the lottery. However, the Department of State has indicated that it will share information with the Immigration and Naturalization Service for the "formulation, amendment, administration and enforcement" of the country's immigration laws. Furthermore, a person out of status may be subject to the three and ten year bars on admission of the 1996 immigration law and unable to take advantage of winning the lottery. However, we believe that if someone has a pending visa application approved before April 30, 2001 (for example, an I-130 approved but where priority dates are not current), the person may be able to process a lottery selection in the United States. Because the laws on this subject are highly complex, it is recommended that out of status persons contact an immigration lawyer to determine their status and an appropriate strategy.

Does it matter whether I am or am not in the U.S.?

Individuals who otherwise meet the requirements for competition in the lottery may compete whether they are in the United States or in a foreign country.

Are there any limitations on the number of entries I can send in for the lottery?

Each individual is limited to one application in the lottery. **If more than one application is received, the individual will be totally disqualified.** Note:

Hundreds of thousands of applications are rejected every year due to multiple applications. It is not a problem if you have submitted an application during a PREVIOUS lottery registration.

May a husband and wife each submit a separate application?

Yes. If otherwise qualified, a husband and a wife may each submit one lottery application. If either is selected in the lottery, the other would be entitled to derivative status.

If I win, can I get green cards for my family?

Your spouse and unmarried children under the age of 21 (at the time the green card - not the lottery application - is approved) are automatically entitled to the same status as you. Under the new Child Status Protection Act, children of lottery-based green card applicants, the age of the child minus the adjudication time of the lottery-based immigrant petition at the time a visa number becomes available for the parent is the age used for determining whether the child is eligible for the green card as an under 21 year old child. But to take advantage of this, the child actually must seek to acquire the green card within a year of the visa becoming available. Also, in the case of a child who turns 21 while a lottery-based green card application is pending who is not eligible to claim to be under 21 for purposes of seeking a green card, may still retain the original date issued upon receipt of the original petition and it is not necessary to file a new application because the case will automatically convert to the appropriate category.

Is there a minimum age to apply for the lottery?

There is not a minimum age to apply for the lottery. However, the education/work experience requirements will effectively preclude most people under 18 from applying.

May I adjust status in the U.S. if I am selected?

An applicant may adjust status (switch to permanent residency in the U.S.) if they meet the normal requirements for adjusting status with the INS (including not having previously been out of visa status). In order to apply for adjustment of status, the INS must be able to complete action on the case before September 30, 2006.

How does the selection process work?

The State Department's Kentucky Consular Center will receive all applications submitted electronically. Upon receipt, the KCC will assign the application to one of six geographic regions and assign the applicant an individual number. Within each region, the first applicant randomly selected will be the first person registered, the second applicant selected will be the second person registered, etc. When a case is registered, the applicant will immediately be sent a notification letter that will give visa application instructions. About 90,000 persons, both principal applicants and their spouses and children, will be registered. Since it is probable that some of the first 50,000 persons registered will not apply for a DV-2007 visa, this figure is

assumed to be large enough to ensure that all of the visas are used. However, there is a risk that some applicants will be left out. Indeed, this has been a problem for people drawn late in the selection process. According to the Department of State, all applicants will be informed promptly of their place on the list. Each month visas will be issued, according to registration lottery rank order, to those ready for visa issuance for that month. Once 50,000 visas are issued, the program ends. Registrants for the DV-2007 lottery will have to have their visa in hand by September 30, 2007 at the latest. You must be prepared to act promptly if your name is selected.

How will I know if I was selected or not selected?

The State Department will notify winners by mail between May 2006 and July 2006. The State Department will not notify applicants to let them know they were rejected. The only way you will know that you are not selected is if you have not received a registration notification letter before the date the INS officially states that it has stopped notifying people (i.e. if you have not heard by August 2006, assume you were not selected).

Is there an application fee to enter the lottery?

No. There is no government application fee for submitting a lottery application. If you win the lottery, you will pay a special DV-2007 case processing fee later. Winners will also have to pay regular visa fees at the time of visa issuance. Certain law firms and immigration consultants offer application services and the fees for such services may vary. IT IS NOT NECESSARY TO USE SUCH A SERVICE. However, one may want to use a reputable service if they wish to have a US return address, lack Internet access, want someone to review your application if your English skills are weak, or otherwise do not have the time to submit the application on their own.

Can someone selected in the lottery receive a waiver of any of the grounds of visa ineligibility?

No. There is no special provision for the waiver of any grounds of visa ineligibility other than those provided for in the Immigration and Nationality Act. Also, holders of J 1 visas with a two year home residency requirement will not be able to receive a waiver of this requirement by virtue of being selected in the lottery. A holder of a J visa can still enter the lottery, but he/she will have to qualify for a residency waiver in the same manner as is normally required to get such a waiver. Because all visas must be issued by the end of September 2007, individuals who have not yet begun their home residency are effectively precluded (unless they are able to get a waiver of the home residency requirement quickly).

May someone apply for a DV-2007 visa if they are already registered in another visa category?

Yes.

Do I need to send photographs of each family member and have each sign the application or just the principal applicant?

Recent photographs of the applicant and his/her spouse and each child, including all natural children as well as all legally-adopted and stepchildren, excepting a child who is already a U.S. citizen or a Legal Permanent Resident, even if a child no longer resides with the applicant, must be attached electronically to the entry. Group or family photos will not be accepted; there must be a separate photo for each family member. The picture may be taken with a digital camera or a regular picture may be scanned.

If the submitted digital images do not conform to the following specifications, the system will automatically reject the Entry Form and notify the sender.

- The image must be in the Joint Photographic Experts Group (JPEG) format.
- The image must be either in color or grayscale; monochrome images (2-bit color depth) will not be accepted.
- If a new digital photograph is taken, it must have a resolution of 320 pixels high by 240 pixels wide, and a color depth of either 24-bit color, 8-bit color, or 8-bit grayscale. Pictures will not be accepted in monochrome.
- If a photographic print is scanned, the print must be 2 inches by 2 inches (50mm x 50mm) square. It must be scanned at a resolution of 150 dots per inch (dpi) and with a color depth of either 24-bit color, 8-bit color, or 8-bit grayscale.
- The maximum image size accepted will be sixty-two thousand five hundred (62,500) bytes.

If the submitted digital images do not conform to the following specifications, the entry will be disqualified:

- Applicant, spouse, or child must be directly facing the camera; the head of the person being photographed should not be tilted up, down or to the side, and should cover about 50% of the area of the photo.
- The photo should be taken with the person being photographed in front of a neutral, light-colored background. Photos taken with very dark or patterned, busy backgrounds will not be accepted.
- Photos in which the face of the person being photographed is not in focus will not be accepted.
- Photos in which the person being photographed is wearing sunglasses or other paraphernalia which detracts from the face will not be accepted.
- Photos of applicants wearing head coverings or hats are only acceptable due to religious beliefs, and even then, may not obscure any portion of the face of the applicant. Photos of applicants with tribal or other headgear not specifically religious in nature are not acceptable. Photos of military, airline or other personnel wearing hats will not be accepted.

What if someone else submits my application?

The good news is that an original signature is no longer necessary so it will be easier to have other people submit an application on your behalf. Note, however, that if more than one application is submitted for an applicant, the applicant will be disqualified.

In what region is my native country assigned?

(1) Africa

- Algeria
- Angola
- Benin
- Botswana
- Burkina Faso
- Burundi
- Cameroon
- Cape Verde
- Central African Republic
- Chad
- Comoros
- Congo
- Congo, Democratic Republic of the
- Cote d'Ivoire (Ivory Coast)
- Djibouti
- Egypt
- Equatorial Guinea
- Eritrea
- Ethiopia
- Gabon
- Gambia, The
- Ghana
- Guinea
- Guinea-Bissau
- Kenya
- Lesotho
- Liberia
- Libya
- Madagascar
- Malawi
- Mali
- Mauritania
- Mauritius
- Morocco
- Mozambique
- Namibia
- Niger
- Nigeria
- Rwanda
- Sao Tome and Principe
- Senegal
- Seychelles
- Sierra Leone
- Somalia
- South Africa
- Sudan
- Swaziland
- Tanzania
- Togo
- Tunisia
- Uganda

- Zambia
 - Zimbabwe
- (2) Asia
- Afghanistan
 - Bahrain
 - Bangladesh
 - Bhutan
 - Brunei
 - Burma
 - Cambodia
 - China-mainland (not eligible for DV-2007)
 - China-Taiwan
 - East Timor
 - Hong Kong Special Administrative Region
 - India (not eligible for DV-2007)
 - Indonesia
 - Iran
 - Iraq
 - Israel
 - Japan
 - Jordan
 - Korea, North
 - Korea, South (not eligible for DV-2007)
 - Kuwait
 - Laos
 - Lebanon
 - Macau Special Administrative Region
 - Malaysia
 - Maldives
 - Mongolia
 - Nepal
 - Oman
 - Pakistan (not eligible for DV-2007)
 - Philippines (not eligible for DV-2007)
 - Qatar
 - Saudi Arabia
 - Singapore
 - Sri Lanka
 - Syria
 - Thailand
 - United Arab Emirates
 - Vietnam (not eligible for DV-2007)
 - Yemen
- (3) Europe
- Albania
 - Andorra
 - Armenia
 - Austria
 - Azerbaijan
 - Belarus
 - Belgium
 - Bosnia and Herzegovina (including components)
 - Bulgaria

- Croatia
- Cyprus
- Czech Republic
- Denmark (including components and dependent areas overseas)
- Estonia
- Finland
- France (including components and dependent areas overseas)
- Georgia
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Kazakhstan
- Kyrgyzstan
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Macedonia, The Former Yugoslav Republic of
- Malta
- Moldova
- Monaco
- Montenegro
- Netherlands (including components and dependent areas overseas)
- Northern Ireland
- Norway
- Poland
- Portugal
- Romania
- Russia (not eligible for DV-2007)
- San Marino
- Serbia
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- Tajikistan
- Turkmenistan
- Turkey
- Ukraine
- United Kingdom (not eligible for DV-2007; NOTE: natives of Northern Ireland and Hong Kong are eligible, but natives of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, and the Turks and Caicos Islands are not eligible)
- Uzbekistan
- Vatican City (an independent city under the jurisdiction of the Holy See)

(4) North America

- Bahamas, The

- Canada (not eligible for DV-2007)
 - United States
- (5) Oceania
- Australia (including components and dependent areas overseas)
 - Fiji
 - Kiribati
 - Marshall Islands
 - Micronesia, Federated States of
 - Nauru
 - New Zealand (including components and dependent areas overseas)
 - Palau
 - Papua New Guinea
 - Solomon Islands
 - Tonga
 - Tuvalu
 - Vanuatu
 - Western Samoa
- (6) South America, Mexico, Central America, and the Caribbean
- Antigua and Barbuda
 - Argentina
 - Barbados
 - Belize
 - Bolivia
 - Brazil
 - Chile
 - Colombia (not eligible for DV-2007)
 - Costa Rica
 - Cuba
 - Dominica
 - Dominican Republic (not eligible for DV-2007)
 - Ecuador
 - El Salvador (not eligible for DV-2007)
 - Grenada
 - Grenadines
 - Guatemala
 - Guyana
 - Haiti (not eligible for DV-2007)
 - Honduras
 - Jamaica (not eligible for DV-2007)
 - Mexico (not eligible for DV-2007)
 - Nicaragua
 - Panama
 - Paraguay
 - Peru
 - St. Kitts and Nevis
 - St. Lucia
 - St. Vincent and the Grenadines
 - Suriname
 - Trinidad and Tobago
 - Uruguay
 - Venezuela

How do I apply for the lottery?

On October 5th, the web site www.dvlottery.state.gov will go online for 60 days and applicants must provide the following information and documentation:

1. **FULL NAME** - Last/Family Name, First Name, Middle name
2. **DATE OF BIRTH** - Day, Month, Year
3. **GENDER** - Male or Female
4. **CITY/TOWN OF BIRTH**
5. **COUNTRY OF BIRTH** - The name of the country should be that which is currently in use for the place where the applicant was born.
6. **APPLICANT PHOTOGRAPH**
7. **MAILING ADDRESS** - Address, City/Town, District/Country/Province/State, Postal Code/Zip Code, Country
8. **PHONE NUMBER** (optional)
9. **E-MAIL ADDRESS** (optional)
10. **COUNTRY OF ELIGIBILITY IF THE APPLICANT'S NATIVE COUNTRY IS DIFFERENT FROM COUNTRY OF BIRTH** - See discussion above regarding claiming another country other than your country of birth.
11. **MARRIAGE STATUS** - Yes or No
12. **NUMBER OF CHILDREN THAT ARE UNMARRIED AND UNDER 21 YEARS OF AGE**
13. **SPOUSE INFORMATION** - Name, Date of Birth, Gender, City/Town of Birth, Country of Birth, Photograph
14. **CHILDREN INFORMATION** - Name, Date of Birth, Gender, City/Town of Birth, Country of Birth, Photograph

NOTE: 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 and stepchildren, who are unmarried and under the age of 21, excepting those children who are already U.S. citizens or Legal Permanent Residents, even if you are no longer legally married to the child's parent, and even if the spouse or child does not currently reside with you and/or will not immigrate with you. 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 your disqualification for the visa.

Applicants will receive an electronic confirmation indicating that the application was properly received. This is an improvement on the old paper application system where one had to take it on faith that the application was properly received by the State Department.

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