

Green Card Lottery Deadline Quickly Approaching

The deadline for entering the 2009 Diversity Immigrant Program (DV-2009) green card lottery is December 2, 2007 at noon EST. The annual Diversity Visa Lottery program makes green cards available to individuals from countries with low annual rates of immigration to the U.S. To be eligible, individuals must meet certain requirements discussed below. Winners are chosen at random.

What is the Green Card Lottery?

Congress designed the program to increase the diversity of immigrants coming to the United States. Therefore, natives of countries that have sent more than 50,000 immigrants to the United States in the past five years are ineligible to enter.

This year, natives of the following countries are ineligible to participate: Brazil, Canada, China (mainland born - natives of Hong Kong, Macau, and Taiwan remain eligible to submit entry forms), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Peru, Poland, Russia, South Korea, United Kingdom (natives of Northern Ireland, however, remain eligible to enter), and Vietnam.

How are immigrant visas allotted?

Every year, 50,000 immigrant visas are designated for the lottery. The Department of State apportions visa issuance among six geographic regions, with a greater number of visas going to regions with lower rates of immigration. Nationals of no single nation 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-2009 visa, an individual must:

- Be a native of a qualifying foreign state. (All eligible states are listed at <http://travel.state.gov/pdf/2009DVInstructions.pdf>.)
- Have at least a high school education or its equivalent, or, within the preceding five years, have two years of work experience in an occupation requiring at least two years of training or experience.

What does it mean to be a “native” of a particular State?

A native is defined either as someone born within one of the qualifying countries or someone entitled to be “charged” to such a country. You may be charged to a country other than your birth country in the following two circumstances:

- To the country of birth of your spouse, if you and your spouse both apply for and receive visas simultaneously, and subsequently enter the U.S. simultaneously.

- To the country of birth of a parent, if the applicant was born in a country in which neither parent was born (in some circumstances).

How does the selection process work?

The selection process is random. According to the Department of State, approximately 6 million people apply for the lottery each year. Because some of the first 50,000 applicants selected do not pursue their cases and thus do not ultimately obtain visas, approximately 85,000 applicants (including spouses and children of principal applicants) will be selected to ensure that all DV-2009 visas are used. *This means that not all selected applicants will receive an immigrant visa.*

If your entry is selected, you will be registered for the DV-2009 program and will be sent a notification letter that will include visa application instructions. The letter will also inform you of your registration order. Each month visas will be issued, according to registration order. Once 50,000 visas are issued, the program ends. In any event, the DV-2009 program will end on September 30, 2009 at the latest. *Registrants for the 2009 Diversity Visa Lottery must have to have their immigrant visas issued by September 30, 2009. As such, you must be prepared to act promptly if your name is selected.*

If my application is picked by the lottery, can I get green cards for my family?

If your entry is selected, your spouse and unmarried children under the age of 21 will also be eligible for green cards, but only if you list them on your entry form. Spouses and children acquired after submission of the entry form are also eligible for derivative visas. Other relatives are not eligible for derivative status.

How will I know if I was selected?

The State Department will notify those whose entries have been selected by mail between May 2008 and July 2008. The State Department will *not* notify applicants who were not selected. If you have not received a registration notification letter by August 2008, you have not been selected.

Is there an application fee to enter the lottery?

No. There is no government application fee for entering the lottery. If you win the lottery, you will pay a special DV-2009 case processing fee later. Winners will also have to pay regular immigrant visa fees at the time of visa issuance.

How do I enter the lottery?

You must submit an entry form electronically at www.dvlottery.state.gov before noon EST on December 2, 2007. Paper entries will not be accepted. You must answer all of the questions on the form and must submit a separate photograph for yourself, your spouse, and each of your

unmarried children under 21 years of age (including natural children, adopted children, stepchildren, children who no longer reside with you, and children who do not intend to immigrate). The only children for whom photographs are not required are those who are (1) married; (2) 21 years of age or older; or (3) U.S. citizens or green card holders. Failure to submit the required photographs will result in disqualification. Photograph specifications are listed at <http://travel.state.gov/pdf/2009DVInstructions.pdf>.

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.

Are there any limitations on the number of entries I can submit?

Each individual is limited to one entry. If more than one entry is received, the individual will be disqualified. You may, however, submit an entry this year if you have entered the Diversity Visa Lottery in a previous year.

May I enter the lottery even if I currently reside in the U.S.?

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

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

Yes. An applicant may adjust status (switch to permanent residency in the U.S.) if he or she is otherwise qualified to adjust. To apply for adjustment of status, however, U.S. Citizenship and Immigration Services ("USCIS") must be able to complete action on the case before September 30, 2009.

Will applying for the lottery affect my ability to receive a nonimmigrant visa?

Probably not. It is almost unheard of for an individual to be denied a visa because of a previous lottery application. However, a lottery application is considered equivalent to filing an immigrant petition and you are obliged to state that you have applied for the visa lottery on any nonimmigrant visa petitions that request such information.

For further information on the 2009 Diversity Visa Lottery, or for other immigration inquiries, please refer to <http://travel.state.gov/pdf/2009DVInstructions.pdf> or contact Seyfarth Shaw.