

## IMMIGRATION LAW ALERT

November 2006

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## DIVERSITY IMMIGRANT VISA LOTTERY NOW OPEN FOR FISCAL YEAR 2008

Each year, the Diversity Immigrant Visa Lottery Program makes 55,000 immigrant visas (*i.e.*, “green cards”) available through a lottery to people who come from countries with low rates of immigration to the United States. The U.S. Department of State holds the lottery every year, and randomly selects a large number of applications from all the qualified entries. From this initial applicant pool, a maximum of 55,000 Diversity Visas are then issued during the following fiscal year. Once all the visas are issued or the fiscal year ends, the program is closed. If you receive a Diversity Visa, you will be authorized to live and work permanently in the United States. You will also be allowed to bring your spouse and any unmarried children under the age of 21 to the United States.

The State Department is currently accepting applications for the next diversity lottery for fiscal year 2008. **The application period will be open until 12 p.m. EST Sunday, December 3, 2006.** Individuals may submit only one application, which must be filed electronically at [www.dvlottery.state.gov](http://www.dvlottery.state.gov). Paper entries will not be accepted. Applicants are strongly encouraged not to wait until the last week of the registration period to enter. Heavy demand may result in website delays. **No entries will be accepted after 12 p.m. EST on December 3, 2006.**

All applications must be accompanied by passport-style digital photographs of the applicant, accompanying spouse, and unmarried children under the age of 21 (who are not U.S. citizens). In order to qualify, an applicant must meet minimum education or work experience requirements to prove that they will be able to find a job and support themselves in the United States. Each spouse in a family who meets these qualifications may submit a separate application which will cover all family members.



The results of the lottery will be announced on a rolling basis in late spring and early summer of 2007. Last year the State Department received some 5.5 million qualified entries out of which only 82,000 applicants were selected. **Clearly, being selected in the diversity lottery does not guarantee permanent residency status.** Instead, selected applicants are merely *eligible* to apply for permanent residency on that basis. The selected applicant must still complete the full application process and satisfy national security screening procedures. Because the number of individuals selected in the lottery far exceeds the number of actual immigrant visas available, it is critical that selected applicants submit their permanent residency application immediately after receiving notification. Pending applications that are not approved before the 55,000 visa limit is reached and before the end of the 2008 fiscal year will be denied. Furthermore, while applying for the diversity lottery does not pose negative ramifications for many categories of non-immigrants, those applicants in F-1, J-1, or other strict nonimmigrant categories who are selected in the lottery are advised to consult an immigration attorney before submitting a permanent residency application in order to assess the potential consequences to their non-immigrant status.

The Diversity Immigrant Visa Lottery program was created to encourage nationals from countries with low immigration rates to immigrate to the U.S. Therefore, the Department of State excludes nationals from countries with more than 50,000 immigrants within the past five years. For the DV-2008 program, nationals from the following countries are **NOT** eligible to apply:

Brazil	Haiti	Peru
Canada	India	Poland
People's Republic of China	Jamaica	Russia
Colombia	Mexico	South Korea
Dominican Republic	Pakistan	U.K. and its dependent territories (except Northern Ireland)
El Salvador	Philippines	Vietnam

\*Persons born in Hong Kong SAR, Macau SAR, and Taiwan **are** eligible.

Please see the U.S. Department of State's instructions for DV-2008, available at [http://travel.state.gov/pdf/DV\\_2008\\_Final.pdf](http://travel.state.gov/pdf/DV_2008_Final.pdf). If you have any questions, please contact Grant Sovern at (608) 283-2668/[gsovern@quarles.com](mailto:gsovern@quarles.com) or your Quarles & Brady LLP attorney.