

LESS THAN THREE WEEKS LEFT TO APPLY FOR THE DIVERSITY IMMIGRANT VISA PROGRAM (DV-2007)

On October 5, 2005, the Department of State published information on how to apply for the 2007 Diversity Visa lottery. All applications must be received electronically by December 4, 2005. In an effort to inform and assist our clients regarding all possible visa opportunities, GT's Business Immigration Group is available for questions regarding the DV process and application procedures.

What is the DV Program?

The Diversity Immigrant Visa Program which is administered by the U.S. Department of State, makes available 50,000 permanent resident visas annually to individuals from countries with low rates of immigration to the United States. The visas, however, are distributed among six geographic regions with a greater number of visas going to regions with lower rates of immigration, and with no visas going to citizens of countries sending more than 50,000 immigrants to the U.S. in the past five years. Within each region, no one country may receive more than seven percent of the available Diversity Visas in any one year.

Natives of the following countries are **not** eligible for DV-2007: Canada, China (mainland-born), Columbia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Poland, Russia, 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.

The term "country" in this notice includes countries, economies and other jurisdictions explicitly listed under "List of Countries By Region Whose Natives Qualify." To access this list, go to http://travel.state.gov/visa/immigrants/types/types_1318.html#

ENTRIES FOR THE DV-2007 DIVERSITY VISA LOTTERY MUST BE SUBMITTED ELECTRONICALLY BETWEEN WEDNESDAY, OCTOBER 5, 2005 AND SUNDAY, DECEMBER 4, 2005. APPLICANTS MAY ACCESS THE ELECTRONIC DIVERSITY VISA ENTRY FORM AT www.dvlottery.state.gov.

Eligibility Requirements

An applicant must:

1. **Be a native of a country whose natives are eligible.** In most cases this means the country in which the applicant was born. However, there are two other ways a person may be able to qualify. First, if a person was born in a country whose natives are ineligible but his/her spouse was born in a country whose natives are eligible, such person can claim the spouse's country of birth provided both the applicant and spouse are issued visas and enter the U.S. simultaneously. Second, if a person was born in a country whose natives are ineligible, but neither of his/her parents was born there or resided there at the time of his/her birth, such person may claim nativity in one of the parents' country of birth if it is a country whose natives qualify for the DV-2007 program.

- 2. Meet either the education *or* training requirement of the DV program.** An applicant must have EITHER a high school education or its equivalent, defined as successful completion of a 12-year course of elementary and secondary education; OR two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. The U.S. Department of Labor's O*Net OnLine database will be used to determine qualifying work experience.

If the applicant cannot meet these requirements, he or she should NOT submit an entry to the DV program.

How to Apply

The Department of State will only accept completed Electronic Diversity Visa Entry Forms (EDV Entry Form) submitted electronically at www.dvlottery.state.gov during the registration period beginning at 12:00 pm EST (GMT-5) on October 5, 2005 and ending at 12:00 pm EST (GMT-5) on December 4, 2005. *No fee is charged to enter the annual DV program.*

Failure to complete the form in its entirety and with correct information will disqualify the applicant's entry. All entries by an applicant will be disqualified if more than ONE entry for the applicant is received, regardless of who submitted the entry. Applicants may prepare and submit their own entries, or have someone submit the entry for them.

Paper entries will not be accepted.

Applicants will be asked to submit the following information on the EDV Entry Form.

- 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** - See page 2 for information on photo specifications.
- 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** - If the applicant is claiming nativity in a

country other than his/her place of birth, this information must be indicated on the entry.

11. **MARITAL STATUS** - Unmarried, Married, Divorced, Widowed, Legally Separated

12. **NUMBER OF CHILDREN THAT ARE UNMARRIED AND UNDER 21 YEARS OF AGE** – Except children that are either U.S. legal permanent residents or American citizens.

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 at the time of entry (except 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. (See question 11 on the list of Frequently Asked Questions.)

Photograph/Image of Applicant

The entry will be disqualified if all required photos are not submitted. Recent photographs of the applicant and his/her spouse and each child under 21 years of age, including all natural children as well as all legally-adopted and stepchildren (except a child who is already a U.S. citizen or a Legal Permanent Resident), even if a spouse or child no longer resides with the applicant or is not intended to immigrate under the DV program, must be submitted electronically with the Electronic Diversity Visa Entry Form. Group or family photos will not be accepted; there must be a separate photo for each family member.

A digital photo (image) of each applicant, his/her spouse, and children must be submitted on-line with the EDV Entry Form. The image file can be produced either by taking a new digital photograph or by scanning a photographic print with a digital scanner.

Entries are subject to disqualification in which the photographs have been determined not to be recent, or which contain photographs that have been manipulated or that fail to meet the specifications explained below. For specific information regarding the requirements for the digital photograph of the applicant, visit http://travel.state.gov/visa/immigrants/types/types_1318.html#.

Registration Confirmation

Successfully registered entries will result in the display of a confirmation screen containing the applicant's name, date of birth, country of chargeability, and a date/time

stamp. The applicant may print this confirmation screen for his/her records using the print function of their web browser.

Selection of Applicants

Applicants will be selected at random by computer from among all qualified entries. Those selected will be notified by mail between May and July 2006 and will be provided further instructions, including information on fees connected with immigration to the U.S. **Persons not selected will NOT receive any notification.** U.S. embassies and consulates will not be able to provide a list of successful applicants. Spouses and unmarried children under age 21 of successful applicants may also apply for visas to accompany or follow to join the principal applicant. DV-2007 visas will be issued between October 1, 2006 and September 30, 2007.

In order to actually receive a visa, applicants selected in the random drawing must meet ALL eligibility requirements under U.S. law. Processing of entries and issuance of diversity visas to successful applicants and their eligible family members **MUST** occur by midnight on September 30, 2007. Under no circumstances can diversity visas be issued or adjustments approved after this date, nor can family members obtain diversity visas to follow to join the applicant in the U.S. after this date.

Additional Information

Interested individuals may contact Greenberg Traurig Business Immigration Group imminfo@gtlaw.com or the U.S. Department of State Information line at (202) 663-1225. Applicants overseas may contact the nearest U.S. Embassy or Consulate for instructions. Information is also available at <http://travel.state.gov>.