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Immigration News

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The Fiscal Year 2006

The Electronic Diversity Immigrant Visa Lottery

Between November 5, 2004 and January 7, 2005, foreign nationals from designated countries can participate in a Lottery Program to apply for a *Permanent Resident Card* (formerly called a "Green Card"). All applications must be filed electronically at <http://www.dvlottery.state.gov>. Applications by mail will not be accepted. The DV Lottery computer system will randomly select such lottery applications. If selected, the "winner" is invited to apply for status as a lawful Permanent Resident of the United States. Only a maximum of 50,000 *Permanent Resident Cards* are available under this Fiscal Year's Lottery Program. Just because a winner is selected, it does not mean the *Permanent Resident Card* will be awarded. If selected, the individual must thoroughly review his or her U.S. immigration history to determine whether or not he or she qualifies for status as a Permanent Resident of the United States and whether the individual is willing to maintain the Permanent Resident status. These issues should be considered before applying for the actual Permanent Resident Card if selected (a "win") by the DV-2006 Lottery Program. As with any lottery program, there are specific rules to be followed.

Eligible Persons

First, the applicant must be born in one of the eligible countries listed below. If the applicant was not born in one of those countries, but his or her spouse was born in an eligible country, the individual can claim his or her spouse's country of birth as his or her *alternative native country of eligibility* for the DV-2006 Lottery Program. For example, you were born in Switzerland and your spouse was born in Mexico (a non-eligible country) -- you can submit an application listing your spouse and your spouse can also independently submit an application listing an alternative native country of Switzerland and list you in the application. This could double your chances for a "win"! If selected, both individuals are to be issued immigrant visas and enter the United States simultaneously or apply for Permanent Resident status in the United States simultaneously. Also, if the applicant was born in one of the non-qualifying countries, and his or her parent was not a native or permanent resident of that country but was born in a qualifying country, the individual can claim his or her parent's country of birth as his or her *alternative native country of eligibility* for the DV-2006 Lottery Program. For example, you were born in Russia (a non-eligible country) while your parents, natives of Ghana, were attending school in Russia -- you can claim Ghana as your *alternative native country of eligibility* for the DV-2006 Lottery Program.

Second, the lottery applicant must either (i) have completed high school or its equivalent, the successful completion of twelve (12) years of education (elementary and secondary); or (ii), during the immediately preceding five (5) years, have worked for two (2) years in a job that requires two (2) years of experience or training to be able to perform the job. Proof of employment in the United States or a plan for financially

supporting yourself in the United States is only required when applying for the *Permanent Resident Card* if you are selected as a DV-2006 Lottery Program winner.

Third, any spouse and/or child(ren) of the applicant must be listed in the application. A child must be unmarried and under age twenty-one (21) when the Permanent Resident status is awarded. Likewise, a spouse/child can apply for the DV-2006 Lottery Program independently if he or she meets the two above-stated requirements. A child can not include his or her parents in the application.

If the spouse/child(ren) is not listed in the application and it is later learned that at time of the DV-2006 Lottery Program application the applicant did have a spouse/child(ren), the application will be cancelled. Thus, be certain to list your existing spouse and all children (including adopted children and stepchildren) in your application.

The Application

The application process is simple, but please remember to follow the instructions. An on-line application that is not properly completed will be disqualified. For the DV-2006 Lottery Program, only **ONE (1)** application per person is permitted. More than one (1) application will automatically disqualify you from consideration.

You are to visit the DV Lottery program web site at <http://www.dvlottery.state.gov> during the registration period from November 5, 2004 to January 7, 2005. After completing and submitting the application form, you will receive an electronic confirmation receipt notice. As part of the application you will be asked to provide the following information and a photograph of each person stated in the application.

- FULL NAME (Last Name/Family Name, First Name, and Middle Name).
- DATE OF BIRTH (Day, Month, Year).
- GENDER (Male or Female).
- CITY/TOWN OF BIRTH.
- COUNTRY OF BIRTH. (Country in which you were born).
- FULL MAILING ADDRESS (Street, Apartment Number, City, State/District/Province, Zip Code and Country) -- where you should be contacted if you win.
- TELEPHONE NUMBER.
- E-MAIL ADDRESS.
- COUNTRY OF ELIGIBILITY: This will be your country of birth unless you do not qualify for the DV-2006 Lottery because your country of birth is ineligible. If through your spouse or parent you may claim an alternative native country, you may list this *alternative native country of eligibility* here.
- MARITAL STATUS. (Unmarried, Married, Divorced, Widowed, Legally Separated).
- NUMBER OF YOUR UNMARRIED CHILDREN WHO ARE UNDER AGE 21 -- you must include all unmarried children under age 21 (including adopted children and stepchildren who are not U.S. Citizens or lawful Permanent Residents of the United States). This includes any child you have from a prior relationship or marriage even if you do not have custody of the child or the child will not apply for Permanent Resident status if your DV-2006 Lottery Application is selected. Failure to list a child will disqualify you from the DV-2006 Lottery Program.
- SPOUSE INFORMATION (Name, Date of Birth, Gender, City of Birth, Country of Birth, and Photograph).
- CHILD INFORMATION (Name, Date of Birth, Gender, City of Birth, Country of Birth, and Photograph). This information must be provided for each unmarried child under age 21.

The Photograph

Each DV-2006 Lottery Program application must include a photograph of the applicant and all dependents (spouse and each child listed in the application). The instructions for the photograph are very specific and all components must be complied with:

- **If a Digital Photograph:** The photograph 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.
- **If a Scanned Photograph:** The print must be 2 inches by 2 inches (50mm by 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 with image resolution of 300 by 300 pixels.

There are additional photograph requirements:

- **Mandatory Photo Image Format:** The image must be in the Joint Photographic Experts Group (JPEG) format and the image must be in color or grayscale. Monochrome images (2-bit color depth) will not be accepted.
- **Mandatory Maximum Image Size:** The maximum image size accepted is 62,500 bytes.
- **Mandatory Photograph Style:** The person must face the camera directly and the head should cover 50% of the photograph. The background must be a white or a light-neutral color. The photograph must be in clear focus. The person must not wear eyeglasses or any headgear (no personal, airline, military, or tribal hats, etc.) which covers the face. Head covering traditionally worn for accustomed religious beliefs will only be acceptable if the headgear does not obscure any portion of the face.

The DV-2006 Lottery Program application must be received on-line between November 5, 2004 and January 7, 2005 at <http://www.dvlottery.state.gov>. An application received before or after those dates will be disqualified. You are encouraged to in November or December 2004.

Eligible Countries

If your country of birth or alternative native country is one of the following, you can submit your application electronically to <http://www.dvlottery.state.gov>.

NORTH AMERICA: The Bahamas.

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

ASIA REGION: Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei, Burma, Cambodia, East Timor, Hong Kong Special Administrative Region, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macau Special Administrative Region, Malaysia, Maldives, Mongolia, Nepal, North Korea, Oman, Qatar, Saudi Arabia, Singapore, Sri Lanka, Syria, Taiwan, Thailand, United Arab Emirates, Yemen.

EUROPE REGION: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia & Herzegovina, 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, Lichtenstein, Lithuania, Luxembourg, Macedonia (The Former Yugoslav Republic of Macedonia), Malta, Moldova, Monaco, Netherlands (including components and dependent areas overseas), Northern Ireland, Norway, Poland, Portugal (including components and dependent areas overseas), Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan, Vatican City.

OCEANIA: Australia (including components and dependent areas overseas), Fiji, Kiribati, Marshall Islands, Federated States of Micronesia, Nauru, New Zealand (including components and dependent areas overseas), Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

SOUTH AMERICA, CENTRAL AMERICA & THE CARIBBEAN REGION: Antigua & Barbuda, Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominica, Ecuador, Grenada, Guatemala, Guyana, Honduras, Nicaragua, Panama, Paraguay, Peru, St. Kitts & Nevis, St. Lucia, St. Vincent & The Grenadines, Suriname, Trinidad & Tobago, Uruguay, Venezuela.

Non-Eligible Countries

COUNTRIES NOT ELIGIBLE FOR THE DV-2006 LOTTERY PROGRAM ARE: Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Russia, South Korea, United Kingdom and its dependent territories (except for Northern Ireland) and Vietnam.

Notification of a “Win”

Only winners will be notified between May and July of 2005 at the address listed on the application. Please remember if you win, you only have been selected to apply for a *Permanent Resident Card* starting October 1, 2005. You, and any eligible and accompanying family members listed in the application, must meet all other eligibility requirements for *Permanent Resident Card* processing and be issued the *Immigrant Visa* or be approved for the adjustment of your status to lawful Permanent Resident before September 30, 2006, when the Fiscal Year 2006 ends. There is no fee to be paid to the government for submitting the DV-2006 Lottery Program application electronically. If you are selected and will continue with the *Permanent Resident Card* processing, *Immigrant Visa* or *Permanent Resident Card* application fees will apply.

This issue of Immigration News is being sent as a mass mailing and thus some individuals who are not eligible to participate in the DV-2006 Lottery Program (due to being a native of an ineligible country) may receive a copy. Please share this information and feel free to contact the Firm with any questions you may have. Good Luck!