



Business Immigration Client Advisory

September 2012

Diversity Immigrant Visa Lottery Program Opens for FY-2014

Green Card Visa Lottery for FY-2014 Opens From October 2nd through November 3rd

The U.S. Department of State (DOS) recently released information regarding the Diversity Immigrant Visa Lottery Program (DV-2014) for fiscal year 2014 (October 1, 2013 through September 30, 2014). **The Lottery Program for DV-2014 registration will only last 30 days.** The DOS will make available 50,000 “green cards” annually to persons from countries with low rates of immigration to the United States. Similar to last year, the most significant change in the program for fiscal year 2014 is the DOS’ notification of a participant’s selection exclusively online. Beginning on May 1, 2013, applicants can check the status of their registration online via Entry Status Check at <http://www.dvlottery.state.gov> to check whether they were selected. Entry Status Check will also notify selected participants and provide them with instructions on the procedures for the application process and will confirm appointments for visa interviews. **All entrants must check on the DOS website via the Entry Status Check whether they have been selected to participate in the Lottery. The Entry Status Check is the ONLY manner in which entrants will be notified of their selection. The DOS will NOT mail any correspondence to the selected applicants nor will it send out an email. Furthermore, the Entry Status Check will be the only way in which selected individuals will be provided further instructions on immigrant visa procedures.**

The annual DV Lottery Program makes “green cards” available to foreign nationals meeting certain eligibility requirements. Applicants for Diversity Visas are chosen by a computer-generated random lottery drawing. The Diversity Visa “green cards”, 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 United States in the past five years. Within each region, no country may receive more than 7% of the available Diversity Visa “green cards” in any one year.

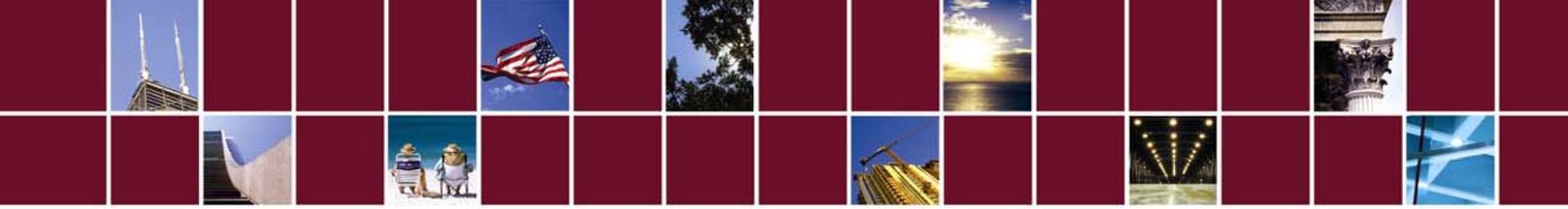
Countries Ineligible to Participate in DV-2014 Lottery Program

For the DV-2014 Lottery Program, natives of the following countries are not eligible to apply because they are the principal source countries of Family-Sponsored and Employment-Based immigration, or “high admission” countries: Bangladesh, Brazil, Canada, China (Mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Peru, South Korea, United Kingdom (which includes Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands – but not Northern Ireland) and Vietnam. Foreign nationals born in Hong Kong SAR, Macau SAR and Taiwan are eligible for the Diversity Visa Lottery. A list of the countries whose natives are qualified for the DV-2014 Visa Lottery Program is contained in Exhibit A below.

NOTE: Unlike last year, natives of Guatemala are now eligible for the program.

Registration Procedures

The entries for the DV-2014 Lottery Program must be submitted **electronically** between **noon (E.S.T.) Tuesday, October 2, 2012 through noon (E.S.T.) Saturday, November 2, 2012.** The DOS will not accept mail-in entries. Instead, the DOS will only accept entries made on an electronic diversity entry form which will be available at www.dvlottery.state.gov during the registration period. Please note that the

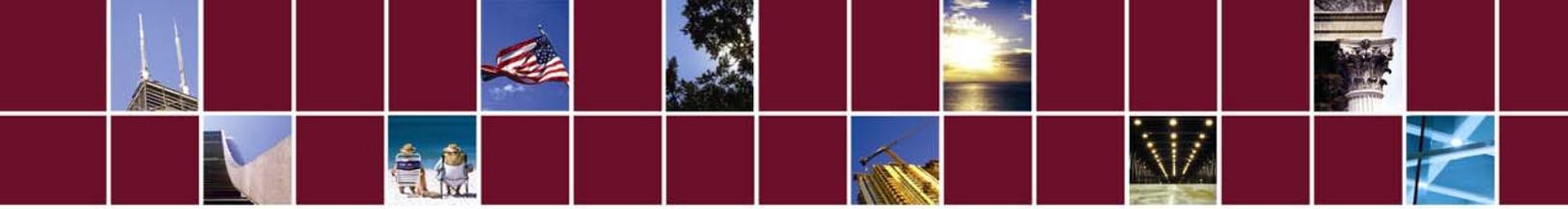


law allows only one entry by or for each person during each registration period. Receipt of more than one entry per person will disqualify the person from registration, regardless of the source of the entry.

The procedures for submitting an entry in the DV-2014 Lottery Program are as follows:

Entry Form Contents. The DOS will only accept completed Electronic Diversity Visa Entry Forms submitted electronically at www.dvlottery.state.gov during the registration period. ***All entries by an applicant will be disqualified if more than one entry for the applicant is received, regardless of who submitted the entry.*** The entry form will ask the applicant to submit the following information:

1. Full name;
2. Date of birth;
3. Gender;
4. City/town of birth;
5. Country of birth;
6. Country of eligibility or chargeability;
7. Attach the applicant's photograph according to the specifications described below;
8. Current mailing address;
9. Country where you live today;
10. Phone number (optional);
11. Email address;
12. Highest level of education completed;
13. Marriage status;
14. Number of children that are unmarried and under the age of 21 years of age. (Failure to list all children, who are eligible, will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview.);
15. Spouse's information, including name, date of birth, gender, city/town of birth, country of birth and spouse's photograph that meets the previously described specifications. (Failure to list your spouse will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview.);
16. Each child's information including name, date of birth, gender, city/town of birth, country of birth and photograph that meets the previously described specifications. The DOS emphasizes that failure to list all children will result in the disqualification of the entry form.
17. No signature required. The signature requirement on the entry form has been eliminated due to the new electronic entry form.



Photograph Requirements. The entry will be disqualified if photographs are not submitted of the applicant, his/her spouse and each child under the age of 21 (including all natural children as well as legally-adopted and stepchildren, except a child who is already a U.S. citizen or lawful permanent resident) even if the child no longer resides with the applicant and does not intend to immigrate under the Lottery Program. The photographs must be submitted electronically with the entry form. Group or family photos will not be accepted. There must be a separate photo for each family member. Each applicant, his/her spouse and each child will therefore need a computer file containing his/her digital photograph which will be submitted on-line with the 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. The submitted digital images must conform to the following specifications:

New Digital Image

1. The image must be in the Joint Photographic Experts Group (JPEG) format;
2. The image must be in color - 24 bits per pixel (black and white or 8-bit images will not be accepted);
3. The maximum image size accepted is 240 kilobytes (240KB);
4. The minimum dimensions accepted are 600 pixels (width) by 600 pixels (height) and the height must equal the width;

Scanning a Submitted Photograph

5. Scanner Resolution must be at least 300 dots per inch (dpi);
6. The image must be in the Joint Photographic Experts Group (JPEG) format;
7. The maximum image file size accepted is 240 kilobytes (240KB);
8. Image resolution must be 600 by 600 pixels;
9. The image must be in color - 24 bits per pixel (black and white or 8-bit images will not be accepted);

Additional Specifications

10. The applicant, spouse or child must be directly facing the camera;
11. The head of the person being photographed must directly face the camera and should not be tilted up, down or to the side;
12. The head should cover about 50% of the area of the photograph;
13. The photograph should be taken with the person being photographed in front of a neutral, light-colored background (photographs taken with a very dark or patterned background will not be accepted);
14. Photographs in which the face of the person being photographed is not in focus will not be accepted;



15. Photographs in which the person being photographed is wearing sunglasses or other paraphernalia which detracts from the face will not be accepted; and
16. Photographs of applicants wearing head coverings or hats are only acceptable due to religious beliefs and still may not obscure any portion of the face of the applicant.

DOS Processing of Entries

After an applicant submits his/her entry, the DOS will send him/her an electronic confirmation notice of receipt of a completed entry form. Applicants will be selected at random by computer from among qualified entries. **All entrants must check on the DOS website via the Entry Status Check whether they have been selected to participate in the Lottery on or after May 1, 2013. The Entry Status Check is the ONLY manner in which entrants will be notified of their selection. The DOS will NOT mail any correspondence to the selected applicants nor will it send out an email.** The DOS normally notifies approximately 100,000 applicants that they have been selected through the DV Lottery Program. However, only 50,000 “green cards” are available annually. The green cards based upon the DV-2014 Lottery Program will be issued between October 1, 2013 and September 30, 2014. However, because more individuals will be registered than there are immigrant visas available, a registered applicant who wishes to receive his/her immigrant visa must be prepared to act quickly after being notified, especially if he/she is assigned a favorable lottery number in the random selection process. The DOS emphasized that random selection in the lottery process does **NOT** guarantee that an applicant will receive a “green card.”

Education or Work Experience Required

In order to qualify for a “green card” through the Diversity Visa Lottery Program, each applicant must have at least a high school education or its equivalent or, within the past five years, have two years of work experience in an occupation requiring at least two years of training. A high school education or its equivalent is defined as successful completion of a 12-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to a high school education in the United States. Evidence of educational work experience should **not** be submitted with the lottery entry but must be submitted to the consular official or U.S. Citizenship and Immigration Services (USCIS) officer at the time of the visa or adjustment of status interview. In order to determine eligibility based on work experience, definitions from the Department of Labor’s (DOL) O*Net On-Line database will be used.

DOS Does Not Charge to Enter the DV Lottery Program

The DOS indicated that there is no charge to enter the annual DV Lottery Program. The DOS emphasized that it does not employ outside consultants or private services to operate the program. It stated that a qualified entry submitted electronically directly by the applicant has an equal chance of being selected by the computer at the DOS Kentucky Consular Center as does an entry submitted electronically through a paid intermediary who completes the entry for the applicant. However, the DOS warned that if an applicant or a paid intermediary submits more than one entry per person, the person will be disqualified from the program. A special DV Lottery Case processing fee will be payable later by persons who “win” the lottery and are processed for a “green card” based upon the lottery program.



EXHIBIT A

**REGIONAL CLASSIFICATION OF COUNTRIES
ELIGIBLE FOR THE DV-2014 LOTTERY PROGRAM**

Except as noted, the list below shows the countries qualified within each geographic region for the DV-2014 Diversity Immigrant Visa Lottery Program.

Africa:

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

Note: Individuals born in the Gaza Strip are chargeable to Egypt; Individuals born in the West Bank are chargeable to Jordan; Individuals born in the Golan Heights are chargeable to Syria)

Asia:

Afghanistan	Lebanon	United Arab Emirates
Bahrain	Malaysia	Yemen
Bhutan	Maldives	
Brunei	Mongolia	
Burma	Nepal	



Cambodia	North Korea
Hong Kong Special Admin. Region	Oman
Indonesia	Qatar
Iran	Saudi Arabia
Iraq	Singapore
Israel	Sri Lanka
Japan	Syria
Jordan	Taiwan
Kuwait	Thailand
Laos	Timor-Leste

Natives of the following Asian countries do **not** qualify for this year's Lottery Program: Bangladesh, China (mainland-born), India, Pakistan, South Korea, Philippines and Vietnam. The Hong Kong S.A.R. and Taiwan do qualify and are listed above. Macau S.A.R. also qualifies and is listed below.

(Persons born in the areas administered by Israel, Jordan and Syria prior to June 1967 are chargeable, respectively, to Israel, Jordan and Syria.)

Europe

Albania	Ireland	Russia
Andorra	Italy	San Marino
Armenia	Kazakhstan	Serbia
Austria	Kosovo	Slovakia
Azerbaijan	Kyrgyzstan	Slovenia
Belarus	Latvia	Spain
Belgium	Liechtenstein	Sweden
Bosnia and Herzegovina	Lithuania	Switzerland
Bulgaria	Luxembourg	Tajikistan
Croatia	Macau S.A.R.	Turkey
Cyprus	Macedonia	Turkmenistan
Czech Republic	Malta	Ukraine
Denmark*	Moldova	Uzbekistan
Estonia	Monaco	Vatican City
Finland	Montenegro	
France*	Netherlands*	
Georgia	Northern Ireland	
Germany	Norway	
Greece	Poland	
Hungary	Portugal*	
Iceland	Romania	



*Including components and areas overseas.

Natives of the following European country do **not** qualify for this year's Lottery Program: Great Britain (United Kingdom). Great Britain (United Kingdom) includes the following dependent areas: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena and Turks and Caicos Islands. Note that for purposes of the Lottery Program only, Northern Ireland is treated separately; Northern Ireland **does qualify** and is listed among the qualifying areas.

North America

The Bahamas.

In North America, Canadian and Mexican natives do **not** qualify for this year's Lottery Program.

Oceania

Australia*	Micronesia, Federated States of	Samoa
Fiji	Nauru	Solomon Islands
Kiribati	New Zealand*	Tonga
Marshall Islands	Palau	Tuvalu
	Papua New Guinea	Vanuatu

*Including components and dependent areas overseas.

South America, Central America, and the Caribbean

Antigua and Barbuda	Dominica	Saint Kitts and Nevis
Argentina	Grenada	Saint Lucia
Barbados	Guatemala	Saint Vincent and the Grenadines
Belize	Guyana	Suriname
Bolivia	Honduras	Trinidad and Tobago
Chile	Nicaragua	Uruguay
Costa Rica	Panama	Venezuela
Cuba	Paraguay	

Natives of the following South America, Central America and Caribbean countries do **not** qualify for this year's Lottery Program: Brazil, Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, Jamaica, Mexico and Peru.

For more information about this or any other immigration law topic, please contact Bob White at 847.734.8811 or via email at rwhite@masudafunai.com. Weekly Immigration Updates are provided in the Immigration Group Section of our Firm's website at www.masudafunai.com.



About the Immigration Group

The Immigration Group of Masuda Funai provides immigration representations to publicly traded companies, privately held corporations, educational institutions, not-for-profit organizations and individuals in business immigration matters. As one of the larger immigration groups in the United States, we annually file more than 2,500 petitions on behalf of approximately 275 different corporate employers from such diverse industries as automotive-related, computer consulting, machine tool manufacturing, electronics, construction and equipment, banking and financial, health care and high tech.

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About Masuda Funai

Masuda, Funai, Eifert & Mitchell is a full-service law firm representing international and domestic companies operating and investing in the United States. Our 40 attorneys located in Chicago, Schaumburg and Los Angeles counsel clients in every aspect of business, including establishing, acquiring, and financing operations; ownership, development and leasing of real estate; transfer of overseas employees to the U.S.; employment, labor, and benefits counseling and dispute resolution; intellectual property, copyright and trademark; business litigation; creditors' rights and business risk management; structuring the distribution and sale of products and services throughout the U.S.

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