

WORKING IN AMERICA

2013 Diversity Visa Lottery Program October 4 to November 5, 2011

The United States Department of State will accept applications for the annual Diversity Visa ("DV") lottery for immigration to the US from 12 p.m. (EDT) Tuesday, October 4, 2011 to 12 p.m. (EDT) Saturday, November 5, 2011, at <https://www.dvlottery.state.gov/>



BY BECKI L. YOUNG

DV visas are awarded each fiscal year to persons from countries with relatively low rates of immigration to the US. Selected applicants may apply for their US permanent residency based on the DV selection.

Applications must be submitted on the electronic DV lottery entry form at <https://www.dvlottery.state.gov/> during the registration

period. Paper entries will not be accepted.

In addition, the Department of

The DV Lottery Program is administered annually by the Department of State. Up to 50,000



State strongly encourages applicants to apply early during the application period, as heavy demand in the latter part of the registration period may result in website delays.

The annual DV program makes permanent residence visas available to persons meeting the eligibility requirements. The eligibility requirements include that candidates 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 Department of Labor's O*Net Online database is used to determine the parameters of qualifying work experience.

Each applicant may submit only one application. In the case of married couples, however, each spouse may submit an individual application, provided that at least one spouse is from an eligible country for the DV 2013 lottery. Both applications are treated as separate applications, and thus enhance the chances of selection.

For DV-2013, natives of some countries are not eligible to apply because these countries sent a total of more than 50,000 immigrants to the US in the past five years.

Natives of South Sudan and Poland are now eligible for selection, while Bangladesh natives are now ineligible. A list of the countries not eligible to apply will be published on the State Department's DV program website.

For the purposes of the DV program, applicants are generally considered "native" of the country of birth, not the country of last residency or the country of current citizenship. The law does allow applicants born in any of the ineligible countries the right to apply, if the spouse is a native of an eligible country.

A computer generated, random drawing chooses selectees for DVs. The visas are distributed among six geographic regions, and within each region, no single country may receive more than seven percent of the available DVs in any one year. Visas are allocated to nationals of countries with historically lower rates of US immigration.

BECKI L. YOUNG has been working in the field of immigration law since 1995. Ms. Young's practice focuses on employment-based immigration law. She has represented employers in a variety of industries, including investment banking and securities, information technology, health care, and hospitality, providing advice on work permits and related immigration issues, and is the co-editor of *Immigration Options for Essential Workers* published by the American Immigration Lawyers Association. To learn more or to schedule a personal consultation, call 202-835-6160 or e-mail becki.young@bakermckenzie.com.

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