

KELLEY DRYE

State Department Announces Registration Period For DV-2004 Diversity Lottery Program

The mail-in period for Fiscal Year 2004 Diversity Visa lottery (DV-2004) will be held between noon on October 7, 2002 and noon on November 6, 2002. Section 203(c) of the Immigration Act of 1990 makes available up to 55,000 permanent resident immigrant visas each year by random selection through a Diversity Visa lottery. The visas are distributed among six geographic regions with a greater number of visas going to regions with lower rates of immigration, and 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 7% of the available Diversity Visas in any one year.

There is no specific format for the entry, but it is important to provide all the information requested. Entries for the DV-2004 Diversity Visa Lottery must be received at one of the Kentucky Consular Center mailing addresses during the mail-in period. Entries sent to the wrong address or received before or after this period will be disqualified regardless of when they are postmarked.

DV-2004 visas will be apportioned among six geographic regions. A greater number of visas will go to those regions that have lower immigration rates and no visas may be issued to countries that have sent more than 50,000 immigrants to the United States during the previous five years. No one country can receive more than seven percent of the available diversity visas in any one year. The six geographic regions are Africa, Asia, Europe, North America, Oceania, and South America/Central America/Caribbean.

Persons born in "high admission" countries are, in most instances, not eligible for the program. "High admission" countries are defined as those from which the United States has received more than 50,000 immigrants during the last five years in the immediate relative, family and employment preference categories. Since there is a separate determination made prior to each lottery entry period, the list of countries that do not qualify is subject to change each year. For DV-2004, persons born in the following "high admission" countries are ineligible to apply: Canada, China (mainland born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, the Philippines, South Korea, the United Kingdom and dependent territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands), and Vietnam. **Please note, however, that persons born in Hong Kong SAR, Macau SAR, Taiwan, and Northern Ireland are eligible to apply for the DV-2004 lottery.**

Requirements To Apply

The applicant must be a native of one of the countries listed in the State Department Visa Bulletin under "List Of Countries By Region Whose Natives Qualify." This list is available on

the Internet at <http://travel.state.gov/DV2004.html#list>. Under certain conditions, a person born in a country whose natives are ineligible for a Diversity Visa may be eligible to enter the DV lottery.

In addition, applicants must have either a high school education or its equivalent, or two years of work experience within the past five years in an occupation that requires at least two years of training or experience. High school education or its equivalent is defined as successful completion of a 12-year course of elementary and secondary education. The U.S. Department of Labor's O*Net Online database will be used to determine qualifying work experience, and is located at <http://online.onetcenter.org>. Applicants will also find a link to a Labor Department list of qualifying occupations at <http://travel.state.gov>. If the applicant does not meet these requirements, he or she should not submit an entry for the DV program.

There is no initial application fee or special application form to enter. Detailed instructions for completing the application, including photo specifications, is available online at <http://travel.state.gov/DV2004.html>. The entry must be typed or clearly printed in the English alphabet on a sheet of plain paper and must include:

The applicant's FULL NAME, with the last name underlined.

The applicant's DATE AND PLACE OF BIRTH.

The applicant's NATIVE COUNTRY if it differs from the country of birth.

NAME, DATE AND PLACE OF BIRTH OF the applicant's SPOUSE AND CHILDREN, including legally-adopted and stepchildren, who are UNDER AGE 21 (all minor, unmarried children must be listed on the principal applicant's entry, even if the applicant is no longer legally married to the child's parent, and even if they do not wish to immigrate). The entry will be disqualified if all children are not listed.

RECENT PHOTOGRAPH OF THE APPLICANT, the applicant's SPOUSE, AND ALL CHILDREN. Entry will be disqualified if photos of all family members are not included, and if the photographs do not meet required specifications.

The applicant's FULL MAILING ADDRESS and, if possible, a telephone number and e-mail address.

THE APPLICANT'S SIGNATURE, using his or her usual and customary signature in the native language. Any entry that is not personally signed by the applicant will be disqualified.

This information must be sent by **regular mail or airmail** to Migrate, Kentucky postal address covering the applicant's region of nativity:

Africa:

DV Program
Kentucky Consular Center
1001 Visa Crest
Migrate, KY 41901-1000, U.S.A.

Asia:

DV Program
Kentucky Consular Center
2002 Visa Crest
Migrate, KY 41902-2000, U.S.A.

Europe:

DV Program
Kentucky Consular Center
3003 Visa Crest
Migrate, KY 41903-3000, U.S.A.

South America/Central America/Caribbean:

DV Program
Kentucky Consular Center
4004 Visa Crest
Migrate, KY 41904-4000, U.S.A.

Oceania:

DV Program
Kentucky Consular Center
5005 Visa Crest
Migrate, KY 41905-5000, U.S.A.

North America:

DV Program
Kentucky Consular Center
6006 Visa Crest
Migrate, KY 41906-6000, U.S.A.

Entries must be received during the mail-in period for DV-2004 - between noon on October 7, 2002 and noon on November 6, 2002. Applicants must use the correct address designated for their native region. The entry must be mailed in a standard letter or business-size envelope with the applicant's native country, full name, and complete mailing address typed or clearly printed in the English alphabet in the upper left-hand corner of the envelope. Postcards are not acceptable.

Husbands and wives may each submit an entry, if both qualify. If either were selected, the other would be entitled to derivative status. Please note that husbands and wives may not sign for each other. Each applicant must sign his or her own entry.

Only one entry for each applicant may be submitted during the registration period. Any entry sent by express or priority mail, fax, hand, messenger, or any means requiring receipts or special handling will not be processed. Duplicate or multiple entries will disqualify an individual from registration for this program. Any entry received before or after the specified registration dates REGARDLESS OF WHEN IT IS POSTMARKED and any entry sent to an address other than one of those indicated will be disqualified. All mail received during the registration period and meeting the above requirements will be individually numbered and successful entrants will be selected at random by computer regardless of time of receipt during the specified mail-in period.

Only successful applicants will be notified by mail by the Kentucky Consular Center at the address listed on their entry. The notifications will be sent between April and June 2003, along with instructions on how to apply for an immigrant visa. Applicants must meet all eligibility requirements under U.S. law to be issued a visa.

Being selected in the DV Lottery does not automatically guarantee being issued a visa because the number of applicants selected is greater than the number of immigrant visas available. Those selected will therefore need to act quickly on their immigrant visa applications. Applicants who are physically present in the United States may be eligible to apply to the INS for adjustment of status to permanent resident. However, such applicants must ensure that INS can complete action on their cases before September 30, 2004. Once all available visas have been issued, the DV Program for fiscal year 2004 will end. In any event, all DV-2004 visas must, by law, be issued by September 30, 2004.

Procedures for entering the Diversity Lottery can be completed without assistance following simple instructions. No fee is charged to enter the DV-2004 program. The selection of winners is made at random and no outside service can improve an applicant's chances of being chosen or guarantee an entry will win.

For further information, please contact Susan J. Onuma in New York at (212) 808-7806 or sonuma@kelleydrye.com.