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IMMIGRATION

DV-2023 IMMIGRANT VISA LOTTERY PROGRAM

The United States Department of State has released details of its 2023 Diversity Immigrant Visa Lottery Program (DV-2023). The annual lottery offers a unique path to permanent residence for citizens of countries with historically low rates of immigration to the United States. Employers may wish to notify eligible employees of this opportunity, as winning one of the 55,000 available immigrant visas (“green cards”) offers a relatively simple and inexpensive path to permanent residence. While a worthwhile planning opportunity, keep in mind that millions of people apply each year. Employers should not rely on the lottery as an alternative to careful employment-based permanent residence planning.

Full instructions for the DV-2023 Program are available on the Department of State website:

<https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-instructions.html>. Individuals who currently reside inside or outside the United States may participate in the lottery.

There is no fee to submit an application to the lottery, but if an applicant is selected in the lottery, they must pay all required visa application fees or adjustment of status fees (depending on whether the applicant is inside or outside of the U.S.). Participants must have the equivalent of a high school education (correspondence programs or equivalency certificates such as the G.E.D. are not acceptable) or have completed two years of work within the past five years in an occupation requiring at least two years of experience or training. For more information about determining whether an occupation meets this requirement, please refer to the Department of State’s guidance on qualifying occupations:

<http://travel.state.gov/content/visas/en/immigrate/diversity-visa/if-you-are-selected/confirm-your-qualifications.html>

For the DV-2023 Program, natives of the following countries are *not* eligible to apply due to their high rates of immigration to the United States in recent years: Bangladesh, Brazil, Canada, China (including Hong Kong SAR), Colombia, Dominican Republic, El Salvador, Haiti, Honduras, India, Jamaica, Mexico, Nigeria, Pakistan, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, Venezuela, and Vietnam. Persons born in Macau SAR and Taiwan are eligible. However, note that in certain instances an individual can claim the birthplace of a spouse or parent born in a qualifying country and submit an application. Please review the Department of State’s instructions (see above) for an analysis of these provisions.

The entry procedure for the DV-2023 Program is simple and does not require the assistance of an attorney. The Department of State instructions (see above) will enable individuals and their family members to proceed on their own.

Entries must be submitted electronically at www.dvlottery.state.gov. Paper entries are not accepted. Applications will be accepted between noon, Eastern Daylight Time, on Wednesday, October 6, 2021 and noon, Eastern Standard Time, on Tuesday, November 9, 2021. Entries outside this application period will be rejected. Submitting your application early during the application period is strongly encouraged. Heavy demand during the last week of the registration period may result in website delays or inaccessibility.

Entries require submission of a digital photograph of the applicant and each family member (separate photos for each). The photos must conform to the instructions on the Department of State website or the entry will be disqualified. Only one entry may be submitted for each applicant during the application period. Submission of multiple entries for any individual will disqualify all applications for that individual for the DV-2023 Program (although otherwise eligible individuals may submit compliant applications in future years).

Upon application, entrants will receive a confirmation page with a unique confirmation number. It is extremely important to retain the confirmation page and unique confirmation number in order to access the online status check system.

Please contact any member of our Immigration Practice Group if you have any questions regarding the DV-2023 lottery or the submission procedure at 585.232.6500 or visit www.hselaw.com.

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