The Diversity Lottery: Overview

Each year, 50,000 immigrant visas for the United States are available, but only to those who live in certain identified nations that have a comparatively low rate of immigration to the U.S. Applicants for this limited number of visas must fulfill very specific requirements, proving their background and filing an accurate application. If these requirements are not met, the application will not be eligible for the available visas, which are awarded by random lottery from among the thousands of applications received each year.

Diversity Lottery Requirements

To be eligible to apply for the Diversity Lottery, you must be a foreign national or the spouse of a foreign national from a country that is eligible to participate in the program. In some cases, an applicant is eligible if a parent was born in a foreign country that is eligible to participate. In addition, applicants must have a high school diploma or two years of work experience within the past five years, in an occupation that requires at least two years of training.

There are strict time guidelines for the electronic submission of Diversity Lottery applications--usually about a two-month window for application. Photograph requirements are also very specific in terms of format, resolution, size, focus, and the position of the person being photographed. Failure to meet these exact specifications will result in the application’s removal from the lottery. For the most recent lottery (2004), almost 3,000,000 applications were disqualified for failing to meet application requirements. Only one entry may be submitted for each Diversity Lottery period, although people who have already sought a visa under another visa category are eligible to submit under the Diversity Lottery as well.

The Application Process

The following should give you a rough idea of the green card diversity lottery process.

You will send your registration to one of the National Visa Centers during the appropriate mail-in period. If you have followed the registration directions exactly, your registration will be entered into the pool from which registrants are chosen. If all goes well, you will be notified that your registration has been chosen. Once you are notified, you must act as quickly as possible to obtain your green card. The National Visa Center notifies twice as many individuals as there are immigrant visas allocated. Green cards are then given on a first-come first-serve basis.

If you are in the United States, you will apply for your green card by filing the appropriate forms with the INS. If you want to work while you wait for your adjustment to be processed, you must also apply for work authorization. If you file your adjustment and work authorization papers in person, you may get your work authorization immediately, although the INS has sixty days within which to provide it to you. If all goes well, after several months, you will receive a notice of your interview appointment. In addition:

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- You will have an interview at the embassy or consulate where your forms will be verified and your documents reviewed.
- If all goes well, you will return to the embassy later in the afternoon to pick up an immigrant visa.
- When you travel to the United States, your passport will be stamped at the port of entry showing that you have become a permanent resident. It will serve as your authorization to work.
- You will order your green card, and it should arrive several months later.

If you are in the United States, you will "adjust status" to obtain your green card by filing the appropriate forms with the INS. If you want to work while you wait for your adjustment to be processed, you must also apply for work authorization. If you file your adjustment and work authorization papers in person, you may get your work authorization immediately, although the INS has sixty days within which to provide it to you. If all goes well, after several months, you will receive a notice of your interview appointment. In addition:

- You will get a medical examination.
You will attend the interview, where your forms will be verified and your documents reviewed. If all goes well, your passport will be stamped showing that you have become a permanent resident.

Your green card will arrive in the mail after several months.

Ineligible Countries and Excludable Individuals

Foreign nationals of the following countries are not eligible for the 2005 Diversity Lottery: Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Russia, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. Persons born in Hong Kong SAR, Macau SAR, and Taiwan are eligible.

Individuals who have been convicted of certain crimes or who have certain communicable diseases may be automatically excluded from participation in the diversity lottery.

Diversity Lottery Visa Benefits

A Diversity Lottery visa allows the successful applicant to live and work permanently in the United States. The successful applicant will also be allowed to bring a spouse and any unmarried children under the age of 21 with them. Each spouse may submit an application, and, if accepted, bring the other spouse with them. For applicants who are already in the United States, receiving a Diversity Lottery visa allows them to apply for adjustment of their status to "permanent resident" with the Bureau of Citizenship and Immigration Services.

Legal Help with a Diversity Lottery Application

A simple error in the diversity lottery application can result in the application being rejected from the visa lottery altogether. Something as simple as meeting the strict time guidelines for electronic submissions or sending a picture that meets specifications can cost an applicant the opportunity to live and work in the U.S. To ensure the best chance in the diversity visa lottery for yourself or a loved one, contact an experienced immigration attorney near you.
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