

## Diversity Visa (DV-2020) Update

Last Updated: September 17, 2020

On September 4, 2020, the U.S. District Court in the District of Columbia ruled in *Gomez v. Trump* that the Department must make good-faith efforts to expeditiously schedule, process and adjudicate DV-2020 diversity visa applications by September 30, 2020 notwithstanding Presidential Proclamation 10014. Therefore, DV-2020 applicants may be processed in embassies and consulates where local health conditions and post resources allow. In accordance with the requirements in the Immigration and Nationality Act and applicable regulations, applicants must be documentarily qualified, have paid all requisite application fees, be able to obtain the required medical exam by a panel physician, and demonstrate that they are eligible for a visa before visa issuance. DV-2020 applicants may be issued a visa through the end of the fiscal year, on or before September 30, 2020. Applicants are reminded that immigrant visas generally expire on the same date as the medical exam expiration, typically three or six months from the date of the exam. DV applicants whose medical exam has already been conducted but will expire prior to December 31, 2020, may opt to submit a new medical exam prior to visa issuance.

The Department of State will use the following prioritization plan for these applicants, consistent with the court order and applicable law:

1. Individuals who were named plaintiffs in *Gomez v. Trump* and its companion cases;
2. Applicants who had already been interviewed who seek reissuance or to overcome a prior refusal;
3. Applicants who were scheduled for appointments in March, April, or May and whose appointments were cancelled due to the COVID-19 pandemic and worldwide suspension of routine visa processing;
4. For posts that have additional capacity to process applications and are not exhausted by the three categories above, applicants whose cases are pending with the Department's Kentucky Consular Center.

Although DV-2020 applicants may be issued an immigrant visa under this court order, Presidential Proclamation 10014, which suspends entry into the United States of certain immigrants (including Diversity Visa applicants), remains in effect until December 31, 2020, and can be extended by the President. Therefore, unless a DV visa recipient also meets an exception to the Proclamation, that DV visa holder will be unable to travel to the United States on the issued visa while the Proclamation is in effect.

Please note that prior versions of this guidance addressed travel restrictions imposed in Presidential Proclamations 9984, 9992, 9993, 9996, and 10041, which suspend entry of individuals who within the last 14 days have been physically present in China, Iran, UK, Ireland, the 26 countries of the Schengen area, or Brazil. On September 14, the U.S. District Court in the District of Columbia ruled in *Gomez v. Trump* amended its order to enjoin the State Department from applying or enforcing State's implementation guidance for these proclamations when it comes to DV

implementation guidance for these proclamations when it comes to DV-2020 applicants. Consistent with the Court's order, no DV-2020 applicants will be prevented from applying for or receiving a visa due to these regional COVID proclamations if otherwise eligible.

Please note that Presidential Proclamations 9645 and 9983 restrict the issuance of diversity visas to nationals of the following countries unless they qualify for a waiver or an exception: Burma, Eritrea, Iran, Kyrgyzstan, Libya, Nigeria, North Korea, Somalia, Sudan, Syria, Tanzania, and Yemen. DV-2020 applicants may be subject to restrictions under additional Presidential Proclamations as well. The Court's order does not extend to these and other Presidential Proclamations; it only pertains to those proclamations already discussed above.

DV-2020 applicants whose visas will expire before December 31, 2020 when Proclamation 10014 is currently due to expire, will be unable to immigrate on that visa, unless they are exempt from the Proclamation, and cannot be issued a new visa after September 30, 2020. DV applicants are reminded that if they were either in the United States, or held a valid immigrant visa on April 23, when Presidential Proclamation 10014 went into effect, they are exempt from the Proclamation. DV applicants who held valid DV visas on April 23 but were unable to travel and whose visas have since expired, may pay applicable visa fees to have the DV re-issued visa before September 30, 2020.

DV-2020 applicants whose cases were previously scheduled for an interview appointment (even if cancelled) at a U.S. embassy or consulate overseas should reach out directly to that embassy or consulate for further information on their specific case. If a post is unable to process cases due to local health conditions and resource constraints, an applicant may request a transfer to another post. DV applicants can request a transfer by contacting the desired post directly; not all transfer requests will be able to be accommodated. DV applicants who have responded to requests for documents from the Kentucky Consular Center (KCC) and have been notified that their cases are documentarily qualified, but awaiting a visa interview date, will be scheduled in accordance with their rank order and post's scheduling capacity. The Department expects that, due to resource constraints, limitations due to the COVID-19 pandemic, and country conditions, it will be unable to accommodate all DV applicants before September 30, 2020.

Please note that embassies and consulates may need to reschedule visa applicants in other visa categories to prioritize DV applicants, in adherence with the court order, through September 30.