

9 FAM 42.33 PROCEDURAL NOTES

*(CT:VISA-1768; 10-31-2011)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.33 PN1 REGISTRATION OF APPLICANTS

(CT:VISA-1463; 08-03-2010)

Only those entries which meet the eligibility requirements specified in 22 CFR 42.33(a)(1), and which are received during the time period specified by the Department for each fiscal year, will be considered for registration for immigrant visa (IV) issuance under INA 203(c) (8 U.S.C. 1153(c)).

9 FAM 42.33 PN2 ENTRIES LACKING REQUIRED INFORMATION

9 FAM 42.33 PN2.1 Derivatives

(CT:VISA-1768; 10-31-2011)

Entries *must* include the name, photograph, date and place of birth of the applicant's spouse and all natural children, as well as all legally-adopted and stepchildren, who are unmarried and under the age of 21, even if they are no longer legally married to the child's parent, and even if the spouse or child does not currently reside with the applicant and/or will not immigrate with such applicant. By regulation, applicants are not required to include spouses and children who are already U.S. citizens or Legal Permanent Residents (LPRs) on the registration. However, applicants are instructed to include all such family members in their registration, to ensure that all family members may qualify for visas in the event they do not have LPR or U.S. citizen status. Married children and children 21 years or older cannot qualify for a *Diversity Visa* (DV) on the basis of the parents application. Visa applications lacking all required information will be refused.

9 FAM 42.33 PN2.2 Photos

(CT:VISA-1768; 10-31-2011)

Photo specifications are detailed in the annual Diversity Visa (DV) Bulletin and also posted at the Department's 'travel.state.gov' Web site. *The Department will disqualify entries* lacking the required photos or including invalid photos. If you determine that the photo on the entry is not that of the applicant, you may pursue a refusal under INA 212 (a)(6)(C) (8 U.S.C. 1182 (a)(6)(C)). Otherwise, refuse the applicant under INA 212 (a)(5)(a) (8 U.S.C. 1182 (a)(5)(a)). A copy of the entry photograph is included in each case file, and is also available through the Consular Consolidated Database (CCD) under the "Immigrant & Diversity" section, "DVIS Applicant" report.

9 FAM 42.33 PN3 PLACE OF REGISTRATION

(CT:VISA-1463; 08-03-2010)

Only entries submitted electronically at our specified DV Web site for each fiscal year will be accepted for registration.

9 FAM 42.33 PN3.1 Registration and Retention of Original Entries

(CT:VISA-1768; 10-31-2011)

The Kentucky Consular Center (KCC) registers approximately 90,000 applicants (both principals and dependents) each year. The KCC will notify posts of the number of applicants from their DV-processing area who were selected, broken down by country of residence. The *Department* will maintain a computer-generated master list of registered applicants. The list is not publicly released.

9 FAM 42.33 PN3.2 Chronological Registration and Determining of Rank Numbers

(CT:VISA-754; 07-27-2005)

- a. All entries received within the stipulated time period are sorted into six geographic regions, and each entry is assigned an individual number. A computer program especially created for the DV program randomly selects cases from among the entries received for each of the geographic regions. Within each region, the first entry randomly selected will be the first case registered, the second entry selected, the second registration, etc. The selected entries for each region will have a rank order number

consisting of two letters followed by eight digits, i.e., AF00000925. The letter codes are:

AF	Africa
AS	Asia
OC	Oceania
EU	Europe;
NA	North America
SA	South America, Central America, and the Caribbean.

- b. Each month visa numbers will be allocated to applicants who have been reported documentarily qualified and are within the applicable rank cut-off for that month. Applicants are considered documentarily qualified when the registrant has properly completed and submitted to the KCC all required forms.

9 FAM 42.33 PN3.3 Mailing Registrations

(CT:VISA-1768; 10-31-2011)

- a. When a case has been registered, the KCC will immediately send the applicant the Instruction Package for Immigrant Visa Applicants, which *must* consist of the following:
- (1) Form DSP-122, Supplemental Registration for the Diversity Immigrant Visa Program; and
 - (2) Form DS-230, Application for Immigrant Visa and Alien Registration Part I and II or instructions for accessing Form DS-260, Online Application for Immigrant Visa and Alien Registration.
- b. The KCC will continue to process the entry until those registered are entitled to make a formal application for visa issuance at a U.S. consular office abroad, or an adjustment of status with the Department of Homeland Security (DHS) in the United States.

9 FAM 42.33 PN4 CREATION OF IMMIGRANT VISA FILE

(CT:VISA-754; 07-27-2005)

The KCC will create a DV immigrant visa (IV) file on the principal applicant and qualifying dependents. These files will be shipped to post prior to the visa interview. In cases where a potentially disqualifying factor has been identified at the KCC during case creation, a note will be made in the electronic case file. The file folder will then be stamped "KCC FPU Reviewed" and a red memorandum noting the existence of the disqualifying factor will be included in the paper file for post action.

9 FAM 42.33 PN5 USING O*NET ONLINE TO DETERMINE WORK EXPERIENCE

9 FAM 42.33 PN5.1 Instructions for Determining the Applicant's Specific Vocational Preparation (SVP) Rating

(CT:VISA-1576; 10-04-2010)

- a. Log on to the Department of Labor's O*Net OnLine Web site;
- b. Click on the "Find Occupations" link;
- c. On the "Find Occupations" screen, enter occupational title, such as, "mason," "painter," "hairstylist," etc., and click on the "Go" button. A search results page appears with a list of various occupation titles that relate to whatever job title was entered. Click on the link in the "Occupation" column for the title that seems appropriate for the DV applicants job experience;
- d. A brief description for the job title will appear followed by more detailed data covering the following areas: tasks, knowledge, skills, abilities, work activities, work context, job zone, interests, work values, related occupations, and wages and employment.

9 FAM 42.33 PN5.2 What Specific Vocational Preparation (SVP) Range Qualifies an Applicants Job Experience for the Diversity Visa (DV) Program?

(CT:VISA-1463; 08-03-2010)

The O*Net Online database groups job experience into five "job zones." Zone 4 includes all occupations for which more than two years experience on

the job is required. An occupation with a Job Zone 4 range has an SVP range of 7.0 to < 8.0 (7.0 to less than 8.0) and will qualify an applicant for the DV program. Thus, all applicants qualify for a DV on the basis of their work experience must, within the past five years, have two years of experience in an occupation that is classified in a SVP range of 7.0 or higher.

9 FAM 42.33 PN6 PROCESSING DIVERSITY VISAS (DV) CASES

9 FAM 42.33 PN6.1 Instruction Package for Immigrant Visa (IV) Applicants

(CT:VISA-1463; 08-03-2010)

In order to be considered documentarily qualified, the visa applicant must complete and return the Instruction Package for Immigrant Visa (IV) Applicants to the KCC.

9 FAM 42.33 PN6.2 Immigrant Visa (IV) Appointment Package

(CT:VISA-1463; 08-03-2010)

Upon receipt from the applicant of properly completed Forms DSP-122, Supplemental Registration for the Diversity Immigrant Visa Program, and Form DS-230, Application for Immigrant Visa and Alien Registration or From DS-260, Online Application for Immigrant Visa and Alien Registration, the KCC will then transmit the Immigrant Visa (IV) Appointment Package and schedule an appointment for the applicant. The package consists of the following:

- (1) Form DS-230, Application for Immigrant Visa and Alien Registration Part I and II or instructions for accessing the Form DS-260, Online Application for Immigrant Visa and Alien Registration; and
- (2) Form DS-2053, Medical Examination for Immigrant or Refugee Applicant; Form DS-3024, Chest X-ray and Classification Worksheet; Form DS-3025, Vaccination Documentation Worksheet; and Form DS-3026, Medical History and Physical Examination Worksheet.

9 FAM 42.33 PN6.3 Clearances

(CT:VISA-1768; 10-31-2011)

- a. The KCC conducts Consular Lookout and Support System (CLASS) name checks on all applicants and submits Visas Eagle Security Advisory Opinion (SAOs) where required. For applicants determined to require a SAO other than a Visas Eagle, an electronic note is made in the case record. You must make the final determination as to whether an SAO is required.
- b. Extracts of DV cases are electronically forwarded to *National Visa Center* (NVC), where an agent of the Federal Bureau of Investigation (FBI) processes national crime information center (NCIC) clearances. When a valid hit is identified on an applicant, an NCIC extract is printed and forwarded to KCC for inclusion in the case file. Posts must then take fingerprints, and forward them to the NVC so that the hit may be confirmed.

9 FAM 42.33 PN6.4 Following-to-Join Applicants

(CT:VISA-1463; 08-03-2010)

DV applicants are informed in the notification letter of how to adjust status in the United States. Once the principal applicant has adjusted status, DHS will issue a Form I-824, Application for Action on an Approved Application or Petition verifying the adjustment. Upon receipt of this information, posts must send any derivative family members the "Instruction Packages for Immigrant Visa Applicants" and the "Immigrant Visa Appointment Package." Post must notify the KCC of the adjustment of the principal applicant so that the electronic case can be modified and transmitted to post to allow visa issuance to the derivative family members. Proof of the principal applicant's adjustment must be provided to the KCC. Posts can then process these cases to conclusion, obtaining additional DV numbers from the Immigrant Visa Control and Reporting Division (CA/VO/F/I,) as necessary, via VISAS FROG messages (see 9 FAM Appendix E 300). Spouses and children who derive status from a DV registration can only obtain visas in the DV category during the specified Fiscal Year. Applicants cannot follow-to-join after the end of the Fiscal Year.

9 FAM 42.33 PN7 TRANSFER OF CASES

(TL:VISA-374; 03-20-2002)

Posts are to follow normal IV case transfer procedures when a DV applicant asks that his or her case be transferred to a different post for processing.

(See 9 FAM 42.41 PN3.) DV cases should not be returned to the KCC for forwarding to another post as this delay may disadvantage the applicant, resulting in loss of opportunity for the visa interview and visa issuance if there is retrogression in the rank-order number.