



22 CFR Part 42

[Public Notice: 12948]

RIN 1400-AF76

Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (“Department”) is amending regulations governing the Diversity Immigrant Visa Program (“DV Program”) to improve the integrity of, and combat fraud in, the program. These amendments require a petitioner to the DV Program to provide valid, unexpired passport information and to upload a scan of the biographic and signature page in the electronic entry form or to otherwise indicate that he or she is exempt from this requirement. Additionally, the Department is standardizing and amending its regulations to add the word “shall” to simplify guidance for consular officers; ensure the use of the term “sex” in lieu of “gender”; and replace the term “age” in the DV Program regulations with the phrase “date of birth” to accurately reflect the information collected and maintained by the Department during the immigrant visa process.

DATES: This rule is effective on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

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SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose of the Regulatory Action

This rule amends how an alien petitions for entry into the DV Program, requiring that a petitioner provide information from his or her valid, unexpired passport and upload a scan of the passport biographic and signature page to the electronic entry form, subject to limited exemptions. This rule improves the integrity of, and combats fraud in, the DV program. The rule also contains additional clarifications and updated language.

B. Summary of Legal Authority

Section 204(a)(1)(I) of the Immigration and Nationality Act (INA), 8 U.S.C.

1154(a)(1)(I), governs the procedures for filing a petition to the DV Program and authorizes the Secretary of State to carry out these regulatory amendments. Section 104(a) of the INA, 8 U.S.C. 1104(a), further authorizes the Secretary to establish such regulations as he or she deems necessary for carrying out the Secretary's authority under the INA.

C. Summary of Proposed Rule

The Department published a notice of proposed rulemaking (NPRM), *Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program* (90 FR 37437), on August 5, 2025. The NPRM proposed requiring a DV Program petitioner to provide valid, unexpired passport information and upload a scan of the passport's biographic and signature page to the electronic entry form or otherwise indicate that he or she is exempt from this requirement. Additionally, the NPRM proposed to standardize and amend language in 22 CFR part 42, including by adding the word "shall" to simplify guidance for consular officers; ensuring the use of the term "sex" in lieu of "gender" as mandated by Executive Order 14168; and replacing the term "age" in 22 CFR 42.33(h)(1)(i) with the phrase "date of birth" to accurately reflect the information collected and maintained by the Department during the immigrant visa process.

D. Why did the Department propose this rule?

The Department explained in the NPRM that the proposed changes are necessary to address fraud and improve the integrity of the DV Program. The Department has historically encountered millions of fraudulent DV Program entries, including entries submitted by third parties, some of them criminal enterprises, on behalf of individuals without their knowledge or consent. In DV-2025, the Department discovered 2.5 million fraudulent entries. Unauthorized third parties often contact these individuals, inform them of the opportunity to apply for a diversity immigrant visa (“DV”), and withhold the entry information unless the individual pays a large fee or agrees to participate in fraudulent activities. Upon submitting an entry, an entrant receives a unique confirmation number, without which it is impossible to confirm whether the entrant was selected to continue the DV process. The Department’s annual instructions advise entrants to retain the confirmation number and note that the Department will not replace or provide it in the future.

The passport requirements also allow the Department to more effectively confirm petitioners’ identities earlier in the DV process, which facilitates screening and vetting and enhances the Department’s ability to protect U.S. national security.

E. Summary of Public Participation

The Department received 399 comments on the NPRM, the majority of which expressed support, or qualified support, for the articulated policy approach. Some public comments opposed the policy approach, and others did not take a position. The comment section below includes summaries of the significant issues raised by members of the public and includes the Department’s response to those comments.

II. Background

A. Petitioning for the DV Program

The DV Program is administered by the Department of State. Section 203(c) of the Immigration and Nationality Act (“INA”), 8 U.S.C. 1101 *et seq.*, makes diversity visas

available to aliens who are “natives” of “low-admission” states, subject to certain numerical limitations. The INA defines “low-admission states” as those with equal to or fewer than 50,000 natives admitted to the United States during the most recent five-year period. INA section 203(c)(1)(B)(ii). Millions of petitioners register annually for the DV Program through an electronic entry form.¹

Under section 204(a)(1)(I)(iii) of the INA, petitions (also referred to as “entries”) for the DV Program must be in the form prescribed in regulations by the Secretary of State (“Secretary”) and contain all information and be supported by documentary evidence that the Secretary requires. As provided in Department regulations at 22 CFR 42.33, the entry form collects information on the petitioner and his or her spouse and/or children. It also requests the location of the consular post nearest to his or her residence, where the application for a DV should generally be adjudicated if the petitioner is selected and scheduled for an interview through the DV Program.

After the close of the DV Program entry period², certain petitioners are selected through a randomized computer drawing (“selectees”), and selectees may apply for a DV or, if physically present in the United States and otherwise eligible, may apply to adjust status as a diversity immigrant, *see* INA section 245(a). Under section 201(e) of the INA, the number of available DVs each year is 55,000.³ A diversity immigrant must establish his or her qualifications and eligibility for a visa in accordance with the INA and Department regulations.

¹ Aliens who enter the DV Program are referred to as “petitioners.” Petitioners in the DV Program who are selected are referred to as “selectees” for a Diversity Immigrant Visa. The Department’s Electronic Diversity Visa Website. <https://dvprogram.state.gov/>

² A full description of the Diversity Visa Program, including information about each step in the process, can be found at: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-submit-entry1.html>

³ While section 201(e) of the INA authorizes the allocation of 55,000 diversity visas annually, up to 5,000 of these visas may be set aside for use under the Nicaraguan Adjustment and Central American Relief Act, as amended by the National Defense Authorization Act for Fiscal Year 2024. *See* Pub. L. No. 105-100, § 203(d) (1997) (8 U.S.C. 1151 note); Pub. L. No. 118-31, § 5104 (2023).

B. Previous Requirements for DV Petition

An alien seeking to submit a petition under the DV Program completes the DS-5501, Electronic Diversity Visa Entry Form, during the specified registration period. In previous program years, the DS-5501 required the following personal identification information: name, gender, date of birth, city and country of birth, mailing and physical address, email address, phone number, educational attainment, marital status, number of children, and entrant photograph. If the alien had eligible derivatives (spouse and/or child[ren]), the DS-5501 also collected the name, gender, date of birth, city and country of birth, and photograph of each derivative.

C. Fraudulent Activities Prevalent in the DV Program

DV Program fraud is so prevalent that the Federal Trade Commission addressed it in a 2012 YouTube video about DV fraud.⁴ One of the more egregious examples of large-scale third-party fraud occurred in 2012 when U.S. Embassy Dhaka (Bangladesh) reported through official channels that one IP address was responsible for more than 634,000 entries. Bangladeshi authorities investigated the facilitators and found computers with thousands of applications, along with fake education documents and staged marriage photos.

Similarly, a Department Office of the Inspector General (OIG) report⁵ highlighted U.S. Embassy Kyiv's (Ukraine) account of organized fraud rings masquerading as travel agencies taking control of the DV Program in Ukraine. By buying, stealing, or otherwise obtaining from public sources, personal information about Ukrainian citizens, the fraud ring entered these Ukrainian citizens' names in the online DV Program website, often without their permission or awareness. The fraud ring then contacted hundreds of

⁴ Diversity Visa Lottery Scams | Federal Trade Commission - YouTube, available at <https://www.youtube.com/watch?v=mOnSN8Pbak0>.

⁵ ISP-I-13-45A Department of State, OIG, Inspection of Embassy Kyiv, Ukraine, September 2013.

Ukrainian selectees and required them to pay up to \$15,000 to obtain the confirmation number. If the selectee could not pay, the fraud ring often insisted that he or she enter a sham marriage with a person who had expressed interest in immigrating to the United States. In such a case, the “sham spouse” would pay a substantial amount of money to be paired with a DV selectee.

Requiring that entrants include information from a valid, unexpired passport and a scan of the biographic information page makes it significantly more difficult for unauthorized third parties to submit a DV petition on behalf of an unwitting individual, because such parties are less likely to have access to this information. These measures also decrease the number of fraudulent marriages encountered in the DV program. Identifying fraudulent petitioners at the petition stage saves time and effort on the part of adjudicating officers who otherwise dedicate significant resources to clarify discrepancies between a petitioner’s DV entry form and the visa application.

D. Current Rulemaking

On August 5, 2025, the Department published a proposed rule, *Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program*. The public comment period closed on September 19, 2025. Following careful consideration of public comments received in response to the NPRM, the Department is adopting the regulatory text proposed in the NPRM. Comments on the NPRM are available at <https://www.regulations.gov> under docket number DOS-2025-0001-0001.

E. Implementation

The Department is implementing this rule with the 2027 Diversity Visa (“DV-2027”) Program. As required by the Paperwork Reduction Act, the Department is securing approval from OMB’s Office of Information and Regulatory Affairs to finalize the necessary updates to the DV Entry Form (DS-5501) upon this rule’s effective date.

F. Costs and Benefits

i. Overview

The rule results in new costs for petitioners and benefits for national security, and the Department has determined that the benefits outweigh the costs. These requirements allow the Department to more effectively identify and disqualify duplicate entries, as required under INA section 204(a)(1)(I)(i). The Department's fraud prevention experts confirmed that over 2.5 million duplicate entries were disqualified in the FY25 DV Program. Comparatively, during the FY22 DV Program, during which a previous passport requirement was in effect, only 760,079 duplicate entries were disqualified. This is indicative that a passport requirement effectively reduces fraudulent entries.

ii. Benefits

This rule protects U.S. national security by enabling the Department to confirm a petitioner's identity at the entry stage and deterring fraudulent entries. Requiring a passport scan reduces the risk of fabricated passport numbers and allows adjudicators to compare the applicant's name in his or her native alphabet with its English transliteration. This supports security vetting and ensures accurate identification of transliterations associated with the applicant's name.

Additionally, passport information helps consular officers verify the applicant's eligibility based on his or her place of birth and chargeability to a "low-admission" foreign state, as required under INA section 203(c). Previously, an entrant to the Diversity Visa program self-selected his or her foreign state of chargeability on the DS-5501 form, and this information could not be verified unless the individual applied for a visa. This rule allows the Department to better assess eligibility earlier in the process.

Finally, collection of the dates of issue and expiration provides critical information about the status of the person in his or her own country that would not otherwise be available to the Department in the review of the applicant's case. For example, passports issued for a limited duration period may indicate potential lines of inquiry that a consular

officer finds relevant to a DV adjudication. All this information may lead to information relevant to security, economic, or other grounds of ineligibility under the INA. The requirement to collect the signature page likewise serves several security functions and ensures both authenticity and that the passport was issued to the correct individual.

iii. Costs

This regulation requires petitioners who do not already possess a valid, unexpired passport to obtain a passport prior to entry into the DV Program, rather than after being selected for an interview, with limited exceptions. According to research conducted by the Visa Office of the Department's Bureau of Consular Affairs, the average price of a passport in countries that are eligible to participate in the DV Program is \$74.43.⁶ The Department sought public comment to better inform this cost-benefit analysis, specifically requesting public input on the accuracy of this estimate, rates of passport ownership in DV-eligible countries, and the unquantified burdens of obtaining a passport in those countries. The Department addresses comments from the public below. Prior to public participation, the Department estimated that, on average, responding to the new information requirements would take an additional twenty minutes. This time burden estimate included gathering the passport, supplying the required information in the application, photographing or scanning the passport, and uploading the image file. As discussed in the comment response section below, the Department is revising the estimated time burden to an additional 60 minutes, resulting in a total estimated time burden of 90 minutes per response.

⁶ Statistics were compiled by reviewing publicly available information provided by foreign governments of DV-eligible countries. Currency conversions were completed using a leading commercial currency conversion source. For many countries, the fee for obtaining a passport was not clearly available on public sources. The Department also notes that there may be additional costs to obtaining a passport beyond the stated fee; the Department is unable to quantify such additional, unstated, or opportunity costs.

The Department estimates that it will see approximately 10 million entrants for DV-2027. This number is based on historical data from when a similar passport rule was in effect during the Diversity Visa registration periods that took place for the program fiscal years of 2021 – 2023. During that time frame, the Department received 6.7 million entries (in FY 2021), 7.3 million entries (in FY 2022), and 9.6 million entries (in FY 2023).

Taking into consideration this historical data, recent DV entry trends, and the addition of the new \$1 entry fee, the Department determined the most accurate estimate for total annual responses to the DS-5501 is 10 million. To place a cost value on the revised time burden for the form, the Department relies on a prior analysis of wage data from the International Labor Organization⁷ for countries that were eligible to participate in the DV-2025 Program⁸ which calculated an average hourly wage of \$4.56. Since the Department is adding one additional hour to the time burden, each response has an additional hour cost burden of \$4.56. Multiplied by the projected number of potential respondents (10,000,000), the Department estimates the additional time cost to be \$45,600,000, for a total annual estimated cost of \$68,400,000 globally.

G. Requirement Not Expected to Negatively Impact Program Outcomes

This requirement does not substantially deter participation by legitimate petitioners, as petitioners who are selected must generally obtain a passport to be eligible to move forward in the DV process. While the Department recognizes that the increased burden and cost of obtaining a passport before entering the DV program could, for an applicant with insufficient resources, deter participation and result in fewer annual entrants overall, the Department expects that all the available DVs will continue to be used. The passport

⁷ See ILO.Org Wage Data Set:

https://rplumber.ilo.org/data/indicator/?id=EAR_4HRL_SEX_OCU_CUR_NB_A&sex=SEX_T&classif1=OCU_SKILL_TOTAL&classif2=CUR_TYPE_LCU+CUR_TYPE_USD&type=label&format=.csv

⁸ See Department's DV-2025 Program Instructions: https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/dv-2025-instructions-translations/DV-2025_Instructions-faqs.pdf

number requirement was initially put in place in 2019⁹ and was in effect for the 2021, 2022, and 2023 DV Program years.¹⁰ Table 1 shows DV program participation levels¹¹ before, during, and after aliens were required to include passport information with their DV entry. Please note that certain entries below have been updated or, in some cases, corrected, from the data previously published in the NPRM:

⁹ See Visas: Diversity Immigrants, 84 FR 25989 (June 5, 2019).

¹⁰ See *E.B. v. U.S. Dep't of State*, 583 F. Supp. 3d 58 (D.D.C. 2022). The court held that the 2019 interim final rule violated the Administrative Procedure Act because the Department should have pursued notice and comment rulemaking as it is undertaking here.

¹¹ See *Diversity Visa Program Statistics*: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>

Table 1. Diversity Visa Program Participation Levels 2016-2025 Program Years

	Diversity Visa Program			
	Program Year	Entrants	Selectees	Visas Issued***
Pre-Requirement	2016	11,391,146	91,563	46,718
	2017	12,437,190	83,910	49,976
	2018	14,692,258	89,540	49,713
	2019	14,352,013	87,610	45,889
	2020	14,722,798	83,884	19,125*
Passport Number Requirement in Place	2021	6,741,128*	87,642	18,912*
	2022	7,336,302	112,103	55,882
	2023	9,570,291	93,843	55,993
No Passport Required	2024	23,823,436	78,767	54,554
	2025	19,927,656	81,179	47,045**

*Impacted by COVID-19 pandemic.

**FY 2025 data are preliminary and subject to change.

***Includes adjustments of status through USCIS.

Although the Department received fewer entries in the program years during which this

requirement was in effect, in all years the Department received entries from more

individuals from each of the six geographic regions created by INA section 203(c) than

there were diversity visas available for each region, confirming that the interim final rule

was not unduly burdensome on nationals of any region and did not affect the

Department's ability to fully implement the program as Congress intended.¹² In terms of

the other language changes noted to comply with Executive Orders and provide clarity,

the Department does not anticipate these to result in any additional costs.

RESPONSE TO PUBLIC COMMENTS ON THE PROPOSED RULE

III. Summary of Public Comments

¹² The Department's most recent data for program year 2023 on the number of selected entrants by country and region can be found at <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/dv-2023-selected-entrants.html>. Historical data for program years 2011-2023 can be found at <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>.

The Department received a total of 399 public comment documents in response to the proposed rule. Most comment submissions are from individual commenters. Other commenters include non-governmental organizations (such as the Cantor Institute and the Conservative Political Action Coalition [CPAC]'s and Foundation Center for Regulatory Freedom [CRF]). The majority of commenters express support for the rule, with some commenters opposing it and others not taking a position. The vast majority of individuals who identify their location live outside of the United States.

IV. Table of Contents for Topics Raised in Comments:

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K. Nonresponsive Issues Raised.

V. Comment Categories and Response:

A. Comments Expressing General Support for Passport Requirements

Many commenters support the rule, agreeing that it prevents widespread fraud and improves program integrity. They explicitly cite fraud prevention as the key reason for supporting the requirement that DV entrants include a scan of a valid, unexpired passport with their registration. These commenters often describe personally experiencing or witnessing visa fraud and emphasize the ability of the passport requirements to reduce duplicate entries, unauthorized entries, identity theft, and exploitation by third-party agents.

Department Response: The Department appreciates the support expressed by commenters regarding the passport requirement and their recognition of its importance in preventing fraud and improving the integrity of the DV program. Fraud has been a persistent challenge in the program, with documented cases of duplicate entries, identity theft, and exploitation by third-party agents undermining the fairness and effectiveness of the program, as discussed in the NPRM. The passport requirement is a critical safeguard intended to address these vulnerabilities, deter fraudulent practices, and ensure that individuals submitting entries are serious about their participation. The Department acknowledges the personal experiences shared by commenters who have witnessed or been affected by visa fraud, which underscore the importance of implementing measures to protect the integrity of the program and ensure that it operates as intended.

B. Comments Expressing General Opposition to Passport Requirements

Some commenters generally oppose the rule on the basis that it would not prevent fraud or improve program integrity. These commenters note that the Department failed to establish that the passport upload feature had the technical elements needed to detect fraudulent documents. Commenters argue actors seeking to exploit unsuspecting registrants can still use false or otherwise available documentation to submit unauthorized entries. A few commenters claim the Department failed to establish the existence of widespread visa fraud to justify the rule. Others acknowledge personally experiencing or witnessing fraud but criticize about what they viewed as insufficient concrete statistics and a lackluster cost-benefit analysis.

Department Response: The Department examined alternative possible avenues for deterring fraudulent entries and determined that a valid passport scan is the most cost-effective approach. While no single measure can eliminate all instances of fraud, the Department believes that the passport requirement is a critical step in addressing the most pervasive vulnerabilities in the DV program and will deter identity theft and exploitation by third-party agents, who have historically submitted unauthorized entries on behalf of unsuspecting individuals. This approach allows the Department to conduct further checks verifying the passport information before selection, similar to the process the Department currently conducts to detect duplicate entries and photos that do not meet the required standards. Commenters argue that mala fide actors will be able submit false documents or obtain the passports of applicants allowing them to submit fake entries, and the Departments acknowledges this possibility. However, this additional requirement makes it more difficult for bad actors to submit multiple or unauthorized entries, as each entry must now be tied to a unique, valid, and unexpired passport. Entrants will also be advised to retain a scanned copy of photocopy of the passport they use to apply for the

DV program and may be denied if they are unable to produce sufficient proof that the passport number on their application was their valid passport at the time of registration. The Department has well documented cases of extensive fraud in the DV Program, to include cases of over 600,000 fraudulent entries in Bangladesh in 2012, Ukrainian fraud rings charging DV applicants \$15,000 after submitting a fake entry in their name in 2013, and a Cambodian fraud ring using a similar practice and charging selected applicants \$5,000 - \$30,000 in 2023, as detailed in the NPRM and supplementary information accompanying this rule. Furthermore, as stated in the comments, multiple commenters describe personally experiencing or witnessing visa fraud.

C. Comments Proposing Alternative Measures to Address Fraud.

Some commenters suggest that fraud can be addressed through alternative or additional measures, such as enhanced identity verification at later stages or stricter vetting during interviews. Commenters also suggest enhancing fraud prevention through biometric verification, facial recognition, or digital identity tools.

Department Response: The Department agrees that robust identity verification processes are essential to maintaining the integrity of the program and has already implemented many of the measures suggested. For example, the Department employs enhanced identity verification procedures during visa interviews, where consular officers assess the totality of information provided by the applicants, including biographical details, relationships, and supporting documentation. Additionally, facial recognition technology is used to detect identity fraud, alongside biometric technology and other similar tools available to the Department. While these tools offer significant benefits, they are most effective when combined with safeguards at earlier stages of the process, such as the passport requirement contemplated in this rule. Most fraud in the Diversity Visa program originates at the time of entry, in the form of duplicate or near duplicate entries, or entries by third parties on behalf of unwitting applicants. The Department

anticipates that requiring a passport scan at the time of registering to participate in the Program will deter such entries and reduce the likelihood of fraud before applicants reach the interview stage. Following selection, the Department verifies the identities of all visa applicants before issuance of a visa as described above, but these efforts do not deter, for example, third parties from submitting fraudulent or unauthorized entries.

D. Comments Related to Accessibility and Equity:

Some commenters raise concerns about the financial and logistical challenges of obtaining passports in low-income and politically unstable countries as well as in rural/remote areas with limited access to services. These commenters note that stateless individuals or those from countries that do not issue passports may be unfairly excluded. Others emphasize that the rule may skew participation toward wealthier, urban populations, reducing geographic and socioeconomic diversity in the applicant pool. Proponents of the rule acknowledge these challenges but argue that serious applicants should already have passports and that the rule ensures only committed and qualified individuals participate.

Department Response: Before the issuance of any immigrant visa, an applicant must generally present a valid, unexpired passport or other suitable travel document pursuant to INA 222(b), or qualify for an exception to this requirement, as authorized under 22 CFR 42.2(d), (e), or (g)(2). In adopting this Rule, the Department is merely requiring that applicants present their passports at the time of entry into the Diversity Visa program, as authorized under INA 204(a)(1)(I)(iii). While the Department understands that obtaining a passport may pose challenges for some individuals, this requirement is necessary to protect the program from exploitation and to ensure that it operates as intended. The Department has also taken steps to mitigate the impact of this requirement by allowing for certain exceptions, including for individuals who are stateless, consistent with the authorities above.

The Department notes the Diversity Visa program was designed to promote diversity in immigration, not to guarantee access for specific regions or demographics. The passport requirement applies equally to all applicants worldwide, and its implementation is intended to strengthen the program’s integrity for the benefit of all participants. While the Department acknowledges the requirement could result in fewer entries submitted by persons who do not possess a passport, the Department anticipates continuing to receive sufficient entries to facilitate issuance of all available visa numbers, including on a regional basis, based on data available from prior program years, as explained above.

E. Comments Related to Additional Requirements and/or Suggestions

Many commenters recommend additional requirements for entrants to the DV program, to include the following:

i. Entry Fee

Some commenters suggest introducing an entry fee of \$1–\$250 to deter frivolous applications and fund program administration. Several of these individuals also recommend waivers for applicants from low-income countries. Other commenters express that there should be no entry fees, citing concerns regarding the risk that financial barriers and fees may undermine the program’s accessibility for low-income individuals.

Department Response: All entrants seeking to participate in the DV program must pay a \$1 fee at the time of submitting their entry, and no waivers will be available for the nominal fee. The Department published a final rule announcing a \$1 Diversity Visa Registration Fee on September 16, 2025¹³. This fee allows the Department to more fairly distribute the rising costs of managing the DV program, including annual maintenance of the DV entry system, data storage, automated randomized selection processing, and

¹³ “Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates-Visa Services Fee Changes” (90 FR 44524): <https://www.federalregister.gov/documents/2025/09/16/2025-17851/schedule-of-fees-for-consular-services-department-of-state-and-overseas-embassies-and>

associated security reviews. The cost burden will now be shared among all petitioners, rather than by only the small percentage of successful DV registrants who are selected to continue the DV process. Additionally, the Department anticipates this change will also help reduce specious registrations by actors seeking to exploit unsuspecting potential entrants.

ii. Education Proof:

Many commenters advocate for requiring proof of a high school diploma or equivalent at the entry stage to prevent ineligible applicants from taking lottery slots.

Department Response: The Department informs all potential DV entrants of the requirement to have a high school diploma or equivalent when it publishes the yearly instructions, and entrants must specify the level of education obtained in their DV entry. Due to the variety of documents globally that fulfill these requirements, the Department generally relies on consular officers in the field, who have knowledge of and experience with country-specific documents, to determine whether the applicant meets these requirements at the time of interview. Requiring diplomas or other educational documentation at the time of registration would substantially increase the complexity and cost of the Department's pre-selection process. Additionally, while it is possible that some frivolous entries may be deterred by such a requirement, the Department considers that the information from an entrant's valid, unexpired passport is likely to be more secure, and therefore more difficult to falsify or otherwise be used to submit unauthorized third-party entries.

iii. English Proficiency:

Some commenters suggest introducing basic English language requirements to ensure selectees are better prepared to integrate into U.S. society. Others suggest the Department provide multilingual resources to ensure global understanding of the DV program and of how to avoid falling victim to DV program fraud.

Department Response: The DV program was established under INA 203(c) to provide immigration opportunities to individuals from countries with historically low rates of immigration to the United States. The statutory framework does not include English language proficiency as a criterion for eligibility, and adding such a requirement would not deter or otherwise address the underlying problem of fraud in the DV program. Fraudulent entries are primarily tied to issues such as identity theft, submission of multiple entries, and exploitation by third-party facilitators, none of which would be mitigated by requiring English proficiency.

iv. Marriage Certificate:

Some commenters recommend the Department require entrants claiming to have a spouse to submit a marriage certificate as proof to prevent fraudulent marriage claims.

Department Response: Department regulations at 22 CFR 42.33(b) require that all entries include the name, photograph, date, and place of birth of the entrant's spouse and all natural children, as well as all legally adopted children and stepchildren who are unmarried and under the age of 21 as of the date of the initial entry. Spousal derivatives must be included even if the spouse does not currently reside with the entrant and/or will not immigrate with such entrant, unless they are legally separated from the entrant or have obtained a divorce. Due to the variety of documents globally that indicate marital status, and the prevalence in certain countries and cultures of customary or religious marriages that lack official certification, the Department relies on consular officers in the field, who have knowledge of and experience with country-specific requirements to determine the validity of a marriage for immigration purposes at the time of interview.

The Department also has robust mechanisms in place to address fraudulent marriage claims during the visa application process. Applicants who are selected for further processing must provide evidence of the claimed marital relationship, including a marriage certificate where available and, in some cases, additional documentation to

establish the bona fides of the relationship. Consular officers may request further evidence or conduct additional review if fraud is suspected. The Department believes these existing measures are sufficient to address concerns about fraudulent marriage claims without imposing additional requirements at the registration stage. This aligns with the Department's administration of the DV program, which is designed to be accessible and straightforward, allowing individuals from underrepresented countries to participate without undue administrative burdens. Requiring a marriage certificate at the time of registration would significantly increase the complexity of the process and could deter certain eligible aliens from entering.

F. Comments Related to Potential Implementation Challenges

i. Timing:

Many commenters express concerns about the short notice for implementing the passport rule for the DV-2027 program year. Commenters note that processing times for passports in some countries could take several months, and claim there may not be enough time for prospective entrants without passports to obtain them for this program year. Some commenters recommend postponing the rule to DV-2028 or later to allow entrants sufficient time to prepare.

Department Response: This rule is a long-overdue fraud prevention effort. The Department recognizes that passport issuance processes vary widely across the globe and that some individuals may face delays due to logistical or administrative barriers. However, the passport requirement is a critical measure to enhance the integrity of the DV program by reducing fraudulent entries and other vulnerabilities in the program's integrity. The Department anticipates the deferral of the opening of the entry period for the 2027 Diversity Visa program year will mitigate the impact of this Rule on persons who would not yet have obtained a passport otherwise. The Department is not postponing this requirement until the DV-2028 program year because that would

unnecessarily allow another year of mala fide actors to take advantage of potential entrants and would delay the implementation of critical screening intended to advance the U.S. national security. Finally, the Department notes that individuals who are unable to participate in the DV program in a given year remain able to participate in future program years for which their country is eligible.

ii. Technical Issues:

Some commenters express concern that requiring a scan of the passport biographic page at the entry stage could bottleneck the system technologically. Others request that the Department ensure the infrastructure can handle processing these uploads without system failures or delays, which they claim already plague the system. A few commenters suggest that the Department conduct pilot testing in high-fraud countries before attempting to implement the rule globally.

Department Response: The Department reviews the DV entry and selection system after each selection period, and then updates the system based on new requirements and conducts testing to ensure that the system operates properly. The Department has likewise tested the system's passport scan upload capability (as well as the acceptance of the \$1.00 nominal fee) to ensure the system will function as intended for the program year of implementation. Based on the systems capabilities demonstrated in the results of this testing, the Department believes no further delay is necessary to accommodate these changes.

iii. Platform Modernization:

Some commenters suggest that, given these additional requirements, the Department make efforts to improve the DV program website's functionality, ensuring mobile optimization, Web Content Accessibility Guidelines (WCAG) standards, and providing clear guidance for uploading passport scans to promote the best user experience.

Department Response: The Department reviews the Diversity Visa Entry website on an annual basis before the start of any Diversity Visa year entry period and will provide clear guidance on uploading the passport scan and other requirements introduced for the new program year. Additionally, the Department will continue to comply with the United States' electronic and information technology accessibility laws, such as those codified in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d).

G. Comments on Privacy and Security

Many commenters express concerns about how passport scans will be stored, encrypted, and protected from data breaches or misuse. They argue the Department must ensure privacy and security measures are in place to protect passport documents.

Department Response: The Department collects Personally Identifiable Information (PII) in accordance with U.S. law on a daily basis across all of its consular platforms. Specifically, for DVs entrants, passport information submitted through the DV program is stored in secure systems that comply with stringent federal information security standards, including those established by the Federal Information Security Modernization Act (FISMA). These systems are designed to protect sensitive data from unauthorized access, misuse, or breaches. The Department employs advanced encryption protocols to ensure that passport data is securely transmitted and stored, and access to this information is strictly limited to authorized personnel.

Additionally, the Department continuously monitors its systems for vulnerabilities and conducts regular security assessments to identify and address potential risks. In the event of a data breach, the Department has established protocols to respond swiftly and mitigate any impact on affected individuals.

H. Comments Suggesting Passport Rule Exemptions

Many commenters suggest passport rule exemptions for individuals who are unable to obtain passports. Some feel that existing exemptions for stateless individuals and conflict

zone residents are too narrow. Commenters propose authorizing temporary passport waivers for individuals in conflict zones or politically unstable regions and exemptions for stateless individuals or those facing extreme financial hardship. Some commenters suggest the Department allow exempted entrants to submit alternative forms of identification, such as national IDs or birth certificates.

Department Response: The rule includes passport exemptions for: petitioners who are stateless; petitioners who are nationals of a Communist-controlled country and unable to obtain a passport from the government of the Communist-controlled country; and petitioners who are, or expect to be, the beneficiary of an individual waiver approved by the Secretary of Homeland Security and the Secretary of State, as determined on a case-by-case basis at the time of interview. These requirements are consistent with the categories of immigrant visa applicants who are not required to present passports pursuant to 22 CFR 42.2(d), (e), and (g)(2). Applicants seeking an exemption must provide evidence to support their claim, and such requests are carefully reviewed to ensure they meet the established criteria.

The Department believes expanding these exemptions or allowing for alternate forms of documentation would risk undermining the effectiveness of the passport requirement as a fraud prevention measure. Accepting other forms of identification, such as national IDs, defeats the purpose of the passport rule because these documents are more difficult to reliably verify and are easier to alter in some countries. Additionally, financial hardship alone does not constitute reasonable justification for a passport rule exemption, as the immigration process to the United States is expensive and an entrant unable to afford a passport is unlikely to have the financial means to complete the immigration process if he or she is selected. Further, a passport obtained for DV-2027 could be used for future DV years for which it remains valid and unexpired.

I. Comments Related to Legal Vulnerabilities

Some commenters question the legality of re-introducing a DV passport rule.

i. E.B v. Department of State

Several commenters note that the courts struck down a similar passport rule in the past, many specifically referring to *E.B v. Department of State* and argue this rule may be challenged on similar grounds.

Department Response: In *E.B. v. Department of State*, 583 F. Supp. 3d 58, 61 (D.D.C. 2022), the District Court for the District of Columbia found that the Department’s 2019 interim final rule requiring DV entrants to provide information from a valid, unexpired passport was unlawfully promulgated because it did not undergo public notice and comment under the Administrative Procedures Act (APA). While the Secretary of State has determined that all policy related to visa operations and issuance, among other matters, constitutes a foreign affairs function of the United States under the Administrative Procedures Act,¹⁴ the Department has nonetheless sought public comment on this rulemaking, to which the Department is responding via the present final rule, mitigating the risk that the rule may be challenged on similar procedural grounds.

ii. Arbitrary and Capricious Review

The APA instructs courts to “hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” Some comments express that the rule may be challenged as “arbitrary and capricious” under the APA because it disproportionately excludes vulnerable populations while failing to achieve its stated goals. They highlight the disproportionate burden on participants from low-income countries, rural areas, and conflict zones, without clear evidence that the rule will effectively deter fraud and

¹⁴ See Determination: Foreign Affairs Function of the United States, 90 FR 12200 (Mar. 14, 2025).

criticize the rule as an overbroad measure that fails to meet the standard of proportionality.

Department Response: The Department has carefully considered these issues and remains confident the rule is consistent with the APA's requirements and that the costs of the entry requirements on the public are proportionally appropriate to its stated goals. The APA requires agencies to ensure that rules are not arbitrary, capricious, or otherwise unlawful. In developing this rule, the Department conducted a thorough analysis of the DV program's vulnerabilities, including documented cases of widespread fraud, identity theft, duplicate entries, and exploitation by third-party agents. The passport requirement directly addresses these vulnerabilities by tying each entry to a unique, valid, and unexpired passport, thereby reducing opportunity for such fraudulent activity.

Certain commenters raised concerns that obtaining a passport may pose challenges for some individuals, particularly those in low-income countries, rural areas, and conflict zones. To mitigate these concerns, the rule includes limited exemptions, as discussed above, which are designed to ensure the rule does not disproportionately exclude vulnerable populations such as stateless individuals, while maintaining the integrity of the program. At the same time, the Department considers that broader exemptions would both restrict the rule's ability to address fraud as intended, and would not ultimately shield such individuals, if selected, from the need to present a passport with their visa application, as generally required under INA 222(b). For these reasons, the Department believes the rule reflects its careful consideration of the APA's requirements, and the need to balance program integrity with accessibility for vulnerable populations.

iii. Congressional Intent

Commenters argue that because the passport rule disproportionately excludes applicants from poorer nations or regions established pursuant to INA 203(c)(1)(F), rural areas, and conflict zones, it directly undermines the spirit of the Diversity Visa program.

Some argue that the rule's inconsistency with the statutory purpose of the Diversity Visa program may lead to legal challenges based on congressional intent.

Department Response: The rule does not undermine congressional intent, as the program is still available globally to the natives of any countries with historically low rates of immigration to the United States. INA 203(c)(1)(B)(ii) defines “low-admission states” as those with equal to or fewer than 50,000 natives admitted to the United States during the most recent five-year period. In 2019, the Department promulgated an interim final rule that required entrants to include certain information from a valid, unexpired passport in the electronic entry form. This requirement was in effect for the entry periods associated with the 2021, 2022, and 2023 DV Program years. During this time, the Department was able to compare participation levels both prior to and during the period in which aliens were required to include this passport information with their DV entry. In all years, the Department received entries from more individuals from each of the six geographic regions created by INA section 203(c) than there were diversity visas available for each region. The interim final rule was therefore not unduly burdensome on natives of any region and did not affect the Department’s ability to fully implement the program as Congress intended.

J. Comments Related to Paperwork Reduction Act Compliance

i. Time Burden:

Several comments raise concerns about the accuracy of estimated time burdens associated with scanning and uploading passport information. They emphasize challenges faced by applicants in low-income regions, where access to scanning equipment and technical support is limited, often requiring travel to obtain access to the necessary resources. Commenters argue that the Department underestimated the time burden, suggesting it could range from one to three hours per applicant.

Department Response: The Department recommended adding 20 minutes to the original (30-minute) time burden to account for the time it would take to gather and add passport information to the DS-5501. The original time estimate neglected to include the amount of time it would take an individual to gather, scan, and upload the passport document to the DS-5501 and did not consider that some entrants would need to travel to access scanning equipment. The Department thanks the public for raising these concerns and is adjusting the time burden to address them.

The Department is modifying the previously approved 30-minute time burden on the DS-5501 to a new time burden of 90 minutes. This new estimate accounts for the time it takes to access and operate equipment to scan and upload passport documentation; it also accounts for the amount of time it takes to gather and input payment information in light of the recently announced passport fee rule. All estimates related to the per-applicant time burden are adjusted accordingly.

ii. Cost Burden:

Some commenters raise concerns about the cost burden associated with obtaining a passport. Some commenters suggest the Department's estimate of \$74.43 for passport costs is unrealistic, as costs in some countries exceed \$200. Others supported the estimate the Department provided. When commenters provide specific dollar amounts for passport costs, figures range from \$50 to \$250, depending on the country.

Department Response: In 2023, the Department conducted a comprehensive analysis of DV Program-eligible country passport fees. Using this data, the Department determined that the average cost of a passport in DV-eligible countries was \$74.43. While the Department understands that passport fees may exceed \$200 in some countries, it is also true that other countries have minimal passport costs that bring down the global average.

The Department further notes that passport validity ranges, typically between 5 and 10 years per issuance. If the cost of a passport is distributed annually for the duration of its validity, the annual cost burden is less than the estimate provided. For example, a passport costing \$250 with a validity of five years would have an annual cost estimate of only \$50 annually.

iii. Changes to the DS-5501:

a. Document Upload

Commenters raise concerns about potential issues with passport scans during the submission process, including technical errors with cropped images, blurred pages, and an insufficient 5 MB file size limitation. Commenters suggest allowing flexibility in file size and formats, such as permitting PDF uploads or multiple images. Some note the Department failed to outline resolution requirements and generally did not provide adequate instructions for how to upload documents. One commenter requests the Department provide an in-form image combiner and file compression guidance as well as a test-image tool.

Department Response: The Department publishes yearly instructions for the upcoming Diversity Visa entry period. These instructions are published as a Federal Register Notice, and on Travel.state.gov. Within the published instructions, the Department provides detailed information, and this includes information about the requirements for the passport scan. The Department has no plans at this time to provide an in-form image combiner, file compression guidance, or test image tool, and these are items not generally provided during diversity or other U.S. visa applications.

b. Gender vs Sex

Two commenters raise concerns about replacing the word "gender" with "sex" on the Diversity Visa application form, citing concerns around inclusivity and potential mismatches between regulatory text, operational systems, and prior adjudication records.

One commenter noted that in some countries, "gender" and "sex" have different legal definitions. They request the Department clarify whether "sex" refers to biological sex or legal sex as listed on official documents.

Department Response: The Department is replacing "gender" with "sex" in accordance with E.O. 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, which provides that the term “sex” shall refer to an individual's sex at birth. Only male and female sex options are available for entrants completing the Diversity Visa entry form. The marker reflected in the “sex” field on any visa application, including the entry form, should match the applicant's biological sex at birth, even if that differs from the sex listed on the applicant’s foreign passport or other identifying documentation. This change aligns the entry form with other Department forms that now use the term “sex” in place of “gender.”

c. Fee Payment

Commenters raise concerns about the fee payment pages on the Diversity Visa application form, emphasizing the need for a reliable, secure, and user-friendly payment system. Commenters also question whether the payment system accommodates applicants from countries with restricted access to international banking services. They suggest codifying acceptable payment methods and refund policies in the CFR.

Department Response: The Department collects fee payments through the Treasury’s Pay.gov, which is reliable, secure, and user-friendly. It accepts payments for U.S. based bank accounts and internationally accepts credit/debit cards, PayPal, and Venmo. The Department acknowledges that some applicants may face additional obstacles to submitting payment via Pay.gov depending on location, but the Department believes this is the safest and most secure approach to receive payments globally.

Pay.gov regularly processes payments for other visa services from applicants in countries with restricted access to international banking services.

Pay.gov resides within the Treasury Web Applications Infrastructure (TWAI) - a highly secure environment provided by the Federal Reserve Information Technology (FRIT) to support several enterprise-wide Treasury applications. The TWAI is compliant with the Federal Information Processing Standard (FIPS) 140-2. All communications between Pay.gov and agencies are conducted via dedicated lines, virtual private networks, or 128-bit, hardware-based, Transport Layer Security (TLS) 1.2 encryption.

K. Comments Nonresponsive to the NPRM

Several issues raised in the comments fall beyond the scope of the “Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program” NPRM. These issues are considered “nonresponsive” and as such, the Department is not responding to these points at this time. Nonresponsive issues raised by commenters include: proposed statutory reforms to the way “high admission” countries are identified; statutory incongruity between the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the INA in the context of DV eligibility; problems related to the Department of Labor’s O*NET Online system’s classification of occupations; demands to eliminate the DV Program altogether; criticism of broader immigration policies; and general suggestions for public messaging campaigns.

REGULATORY FINDINGS

Administrative Procedure Act.

On February 21, 2025, Secretary of State Marco Rubio issued an official determination clarifying that all policy related to visa operations and issuance (“entry, and exit of people”), among other matters, constitutes a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553 (90 FR 12200). This determination exempts this rulemaking from notice-and-comment requirements,

however, the Department recognizes the value of public participation in the formulation of this rule and the associated information collection, and the Department solicited public comments for a 45-day period (90 FR 37437). Comments received during this period are addressed in this Notice.

Regulatory Flexibility Act / Executive Order 13272: Small Business.

This rulemaking is not a "rule" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.); therefore, that Act does not apply to it. However, the Department of State has reviewed this regulation and, by approving it, certifies that it does not regulate "small entities" as that term is defined in 5 U.S.C. 601(6) and as such does not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995.

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by state, local, or tribal governments, or by the private sector. This final rule does not result in such an expenditure, and it does not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996.

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 801 et seq.). This rule does not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Orders 12866 and 13563

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department of State does not consider this final rule to be an economically significant regulatory action under Executive Order 12866, Section 3(f)(1).

The Department reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. The Department finds that the costs of this rule, which are outlined in the preamble above, are outweighed by the benefits in protecting national security and the integrity of the DV Program.

Executive Order 12372 and 13132: Federalism.

This rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Executive Order 12988: Civil Justice Reform

The Department reviewed this rule considering sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 14192 – Unleashing Prosperity Through Deregulation

This rule is exempt from Executive Order 14192 as it is a regulation issued with respect to a foreign affairs, national security, homeland security, and immigration-related function of the United States.

Executive Order 13175- Consultation and Coordination with Indian Tribal Governments

The Department determined that this rulemaking does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that agencies consider the burden imposed on members of the public by agency information collection actions. Agencies must limit information collection to only that which is necessary to fulfill their statutory missions, guarding against the collection of unnecessary or duplicative information that imposes unjustified costs.

As announced in the NPRM (90 FR 37437), this rule requires a change to the information collected in, and the public burden imposed by, the DS-5501, Electronic Diversity Visa Entry Form, and members of the public were invited to comment on the burden imposed by these changes during the 45-day notice-and-comment period. Contained in this final rulemaking are the following changes to the information collection:

1. The DS-5501 is amended to require entrants to provide proof of a valid, unexpired passport.
2. The word “Gender” is replaced with “Sex.”
3. The form is also revised to include a fee payment page, consistent with the announcement of the \$1 Diversity Visa Registration Fee in the “Schedule of Fees for

Consular Services, Department of State and Overseas Embassies and Consulates-Visa Services Fee Changes” (90 FR 44524) Public Notice.

4. The burden estimate is updated to 90 minutes per response.

Supplementary Information:

- *Title of Information Collection:* Electronic Diversity Visa Entry Form
- *OMB Control Number:* 1405-0153
- *Type of Request:* Reinstatement with change
- *Originating Office:* CA/VO
- *Form Number:* DS-5501
- *Respondents:* Diversity Visa Petitioners
- *Estimated Number of Respondents:* 10,000,000
- *Estimated Number of Responses:* 10,000,000
- *Average Time Per Response:* 90 minutes
- *Total Estimated Burden Time:* 15,000,000 hours
- *Frequency:* Annually
- *Obligation to Respond:* Required to Obtain or Retain a Benefit

Abstract of Proposed Collection

The Department of State uses the Electronic Diversity Visa Entry (DS-5501) to elicit information necessary to establish the eligibility of the petitioner for the DV Program.

Methodology

The DS-5501 is available online at <https://dvprogram.state.gov> and can only be submitted electronically during the annual entry period.

LIST OF SUBJECTS IN 22 CFR PART 42

Immigration; Passports and visas

For the reasons stated in the preamble, the Department amends 22 CFR part 42 to read as follows:

**PART 42- VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE
IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

1. The authority citation for part 42 reads as follows:

Authority: 8 U.S.C. 1104 and 1182; Pub. L. 105-277, 112 Stat. 2681; Pub. L. 108-449, 118 Stat. 3469; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105-51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); 42 U.S.C. 14901-14954 (Pub. L. 106-279, 114 Stat. 825); 8 U.S.C. 1101 (Pub. L. 117-31, 135 Stat. 309); 8 U.S.C. 1154 (Pub. L. 109-162, 119 Stat. 2960); 8 U.S.C. 1201 (Pub. L. 114-70, 129 Stat. 561).

2. Revise § 42.33 to read as follows:

§ 42.33 Diversity immigrants.

(a) *General*—(1) *Eligibility to compete for consideration under section 203(c)*. An alien will be eligible to compete for consideration for visa issuance under INA 203(c) during a fiscal year only if he or she is a native of a low-admission foreign state, as determined by the Secretary of Homeland Security pursuant to INA 203(c)(1)(E), with respect to the fiscal year in question; and if he or she has at least a high school education or its equivalent or, within the five years preceding the date of application for a visa, has two years of work experience in an occupation requiring at least two years training or experience. The eligibility for a visa under INA 203(c) ceases at the end of the fiscal year in question. Under no circumstances may a consular officer issue a visa or other documentation to an alien after the end of the fiscal year during which an alien possesses diversity visa eligibility.

(2) *Definition of high school education or its equivalent*. For the purposes of this section, the phrase high school education or its equivalent means the successful

completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to completion of twelve years' elementary and secondary education in the United States.

(3) *Determinations of work experience.* Consular officers shall use the Department of Labor's O*Net Online to determine qualifying work experience.

(4) *Limitation on number of petitions per year.* No more than one petition may be submitted by, or on behalf of, any alien for consideration during any single fiscal year. If two or more petitions for any single fiscal year are submitted by, or on behalf of, any alien, all such petitions will be void pursuant to INA 204(a)(1)(I)(i) and the alien by or for whom the petition has been submitted will not be eligible for consideration for diversity visa issuance during the fiscal year in question.

(5) *Northern Ireland.* For purposes of determining eligibility to file a petition for consideration under INA 203(c) for a fiscal year, the districts comprising that portion of the United Kingdom of Great Britain and Northern Ireland, known as "Northern Ireland," will be treated as a separate foreign state. The districts comprising "Northern Ireland" are Antrim, Ards, Armagh, Ballymena, Ballymoney, Banbridge, Belfast, Carrickfergus, Castlereagh, Coleraine, Cookstown, Craigavon, Down, Dungannon, Fermanagh, Larne, Limavady, Lisburn, Londonderry, Magherafelt, Moyle, Newry and Mourne, Newtownabbey, North Down, Omagh, and Strabane.

(b) *Petition requirement.* An alien claiming to be entitled to compete for consideration under INA 203(c) must file a petition with the Department of State for such consideration. At the alien petitioner's request, another person may file a petition on behalf of the alien. The petition will consist of an electronic entry form that the alien petitioner or a person acting on behalf of the alien petitioner must complete on-line and submit to the Department of State via a website established by the Department of State

for the purpose of receiving such petitions. The Department will specify the address of the website prior to the commencement of the 30-day or greater period described in paragraph (b)(3) of this section using the notice procedure prescribed in that paragraph.

(1) *Information to be provided in the petition.* The electronic entry form mentioned in paragraph (b) of this section will require the person completing the form to provide the following information, typed in the Roman alphabet, regarding the petitioner:

- (i) The petitioner's full name;
- (ii) The petitioner's date and place of birth (including city and country);
- (iii) The petitioner's sex;
- (iv) The country of which the petitioner claims to be a native, if other than the country of birth;
- (v) The name(s), date(s) and place(s) of birth and sex of the petitioner's spouse and child(ren), if any, (including legally adopted and step-children), regardless of whether or not they are living with the petitioner or intend to accompany or follow to join the petitioner should the petitioner immigrate to the United States pursuant to INA 203(c), but excluding a spouse or a child(ren) who is already a U.S. citizen or U.S. lawful permanent resident;
- (vi) A current mailing address for the petitioner;
- (vii) The location of the consular office nearest to the petitioner's current residence or, if in the United States, nearest to the petitioner's last foreign residence prior to entry into the United States, and
- (viii) The unique serial or issuance number associated with the petitioner's valid, unexpired passport, petitioner name, country or authority of passport issuance, and expiration date, unless the petitioner would be exempt from the passport requirement pursuant to § 42.2(d), (e), or (g)(2).

(2) *Requirements for photographs.* The petition will also require inclusion of a photograph of the petitioner and of his or her spouse and all unmarried children under the age of 21 years. The photographs must meet the following specifications:

(i) A digital image of the applicant from either a digital camera source or a scanned photograph via scanner. If scanned, the original photographic print must have been 2" by 2" (50mm × 50mm). Scanner hardware and digital image resolution requirements will be further specified in the public notice described in paragraph (b)(3) of this section.

(ii) The image must be in the Joint Photographic Experts Group (JPEG) File Interchange Format (JFIF) format.

(iii) The image must be in color.

(iv) The image must have been taken no more than six months prior to the date of the petition submission.

(v) The person being photographed must be directly facing the camera with the head neither tilted up, down, or to the side. The head must cover about 50% of the area of the photograph.

(vi) The photograph must be taken with the person in front of a neutral, light-colored background. Photos taken with very dark or patterned, busy backgrounds will not be accepted.

(vii) The person's face must be in focus.

(viii) The person in the photograph must not wear eyeglasses, sunglasses, or other paraphernalia that obstruct the view of the face.

(ix) A photograph with the person wearing a head covering or a hat is only acceptable if the covering or hat is worn specifically due to that person's religious beliefs, and even then, the hat or covering may not obscure any portion of the face. A photograph of a person wearing tribal, military, airline or other headgear not specifically religious in nature will not be accepted.

(3) *Requirements for passport scans.* The petition will also require a scan of the petitioner's biographic and signature page from his or her valid, unexpired passport. The scan must meet the following requirements:

(i) The image must be in the Joint Photographic Experts Group (JPEG) File Interchange Format (JFIF) format. No Portable Document Format (PDF) will be accepted.

(ii) The file size must not exceed 5 megabytes (MB).

(4) *Submission of petition.* A petition for consideration for visa issuance under INA 203(c) must be submitted to the Department of State by electronic entry to an Internet website designated by the Department for that purpose. The Department will establish a period of not less than thirty days during each fiscal year within which aliens may submit petitions for approval of eligibility to apply for visa issuance during the following fiscal year. Each fiscal year the Department will give timely notice of both the website address and the exact dates of the petition submission period, as well as other pertinent information, through publication in the Federal Register and such other methods as will ensure the widest possible dissemination of the information, both abroad and within the United States.

(c) *Processing of petitions.* Entries received during the petition submission period established for the fiscal year in question and meeting all of the requirements of paragraph (b) of this section will be assigned a number in a separate numerical sequence established for each regional area specified in INA 203(c)(1)(F). Upon completion of the numbering of all petitions, all numbers assigned for each region will be separately rank-ordered at random by a computer using standard computer software for that purpose. The Department will then select in the rank orders determined by the computer program a quantity of petitions for each region estimated to be sufficient to ensure, to the extent possible, usage of all immigrant visas authorized under INA 203(c) for the fiscal year in

question. The Department will consider petitions selected in this manner to have been approved for the purposes of this section.

(d) *Validity of approved petitions.* A petition approved pursuant to paragraph (c) of this section will be valid for a period not to exceed midnight of the last day of the fiscal year for which the petition was approved. At that time, the Department of State will consider approval of the petition to cease to be valid pursuant to INA 204(a)(1)(I)(ii)(II), which prohibits issuance of visas based upon petitions submitted and approved for a fiscal year after the last day of that fiscal year.

(e) *Order of consideration.* Consideration for visa issuance to aliens whose petitions have been approved pursuant to paragraph (c) of this section will be in the regional rank orders established pursuant that paragraph.

(f) *Allocation of visa numbers.* To the extent possible, diversity immigrant visa numbers will be allocated in accordance with INA 203(c)(1)(E) and will be allotted only during the fiscal year for which a petition to accord diversity immigrant status was submitted and approved. Under no circumstances will immigrant visa numbers be allotted after midnight of the last day of the fiscal year for which the petition was submitted and approved.

(g) *Further processing.* The Department will inform applicants whose petitions have been approved pursuant to paragraph (c) of this section of the steps necessary to meet the requirements of INA 222(b) in order to apply formally for an immigrant visa.

(h) *Maintenance of certain information.* (1) The Department will compile and maintain the following information concerning petitioners to whom immigrant visas are issued under INA 203(c):

- (i) Date of birth;
- (ii) Country of birth;
- (iii) Marital status;

- (iv) Sex;
- (v) Level of education; and
- (vi) Occupation and level of occupational qualification.

(2) The Department will not maintain the names of visa recipients in connection with this information and the information will be compiled and maintained in such form that the identity of visa recipients cannot be determined therefrom.

(i) *Diversity Visa Lottery fee.* (1) An electronic registration fee will be collected at the time of registration.

(2) Consular officers shall collect, or ensure the collection of, the Diversity Visa Lottery fee from those persons who apply for a diversity immigrant visa, described in INA 203(c), after being selected by the diversity visa lottery program. The Diversity Visa Lottery fee, as prescribed by the Secretary of State, is set forth in the Schedule of Fees, 22 CFR 22.1.

John L. Armstrong,
Principal Deputy Assistant Secretary,
Bureau of Consular Affairs,
Department of State.
Billing Code: 12948

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