

the principal office of NSX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2007-10 and should be submitted on or before October 26, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Nancy M. Morris,**

*Secretary.*

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## DEPARTMENT OF STATE

### [Public Notice 5952]

#### **Bureau of Consular Affairs; Registration for the Diversity Immigrant (DV-2009) Visa Program**

*Action:* Notice of registration for the Diversity Immigrant Visa Program.

This public notice provides information on how to apply for the DV-2009 Program. This notice is issued pursuant to 22 CFR 42.33(b)(3) which implements sections 201(a)(3), 201(e), 203(c) and 204(a)(1)(I) of the Immigration and Nationality Act, as amended, (8 U.S.C. 1151, 1153, and 1154(a)(1)(I)).

#### **Instructions for the 2009 Diversity Immigrant Visa Program (DV-2009)**

The congressionally mandated Diversity Immigrant Visa Program is administered on an annual basis by the Department of State and conducted under the terms of Section 203(c) of the Immigration and Nationality Act (INA). Section 131 of the Immigration Act of 1990 (Pub. L. 101-649) that amended INA 203 provides for a class of immigrants known as "diversity immigrants." Section 203(c) of the INA provides a maximum of up to 55,000 Diversity Visas (DV) each fiscal year to be made available to persons from countries with low rates of immigration to the United States.

The annual DV program makes permanent residence visas available to persons meeting the simple, but strict, eligibility requirements. A computer-generated random lottery drawing chooses selectees for diversity visas. The visas are distributed among six geographic regions with a greater number of visas going to regions with

lower rates of immigration, and with no visas going to nationals of countries sending more than 50,000 immigrants to the U.S. over the period of the past five years. Within each region, no one country may receive more than seven percent of the available Diversity Visas in any one year.

For DV-2009, natives of the following countries are not eligible to apply because the countries sent a total of more than 50,000 immigrants to the U.S. in the previous five years (the term "country" in this notice includes countries, economies and other jurisdictions explicitly listed in this notice):

Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, Philippines, Poland, Russia, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Persons born in Hong Kong SAR, Macau SAR and Taiwan are eligible.

The Department of State implemented the electronic registration system beginning with DV-2005 in order to make the Diversity Visa process more efficient and secure. The Department utilizes special technology and other means to identify those who commit fraud for the purposes of illegal immigration or who submit multiple entries.

#### **Diversity Visa Registration Period**

Entries for the DV-2009 Diversity Visa Lottery must be submitted electronically between noon, Eastern Daylight Time (EDT) (GMT-4), Wednesday, October 3, 2007 and noon, Eastern Standard Time (EST) (GMT-5) Sunday, December 2, 2007. Applicants may access the Electronic Diversity Visa Entry Form (E-DV) at <http://www.dvlottery.state.gov> during the registration period. Paper entries will not be accepted. Applicants are strongly encouraged not to wait until the last week of the registration period to enter. Heavy demand may result in website delays. No entries will be accepted after noon, EST, on December 2, 2007.

#### **Requirements for Entry**

To enter the DV lottery, you must be a native of one of the listed countries. See "List of Countries by Region Whose Natives Qualify." In most cases this means the country in which you were born. However, there are two other ways you may be able to qualify. First, if you were born in a country whose natives are ineligible but your spouse was born in a country whose natives are eligible,

you can claim your spouse's country of birth provided both you and your spouse are on the selected entry, are issued visas and enter the U.S. simultaneously. Second, if you were born in a country whose natives are ineligible, but neither of your parents was born there or resided there at the time of your birth, you may claim nativity in one of your parents' country of birth if it is a country whose natives qualify for the DV-2009 program.

To enter the lottery, you must meet either the education or work experience requirement of the DV program. You must have either a high school education or its equivalent, defined as successful completion of a 12-year course of elementary and secondary education; OR two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. The U.S. Department of Labor's *O\*Net OnLine* database will be used to determine qualifying work experience. For more information about qualifying work experience, see Frequently Asked Question #13.

If you cannot meet these requirements, you should NOT submit an entry to the DV program.

#### **Procedures for Submitting an Entry to DV-2009**

The Department of State will only accept completed Electronic Diversity Visa Entry Forms submitted electronically at <http://www.dvlottery.state.gov> during the registration period between noon, Eastern Daylight Time (EDT) (GMT-4), Wednesday, October 3, 2007 and noon, Eastern Standard Time (EST) (GMT-5) Sunday, December 2, 2007.

All entries by an individual will be disqualified if more than ONE entry for that individual is received, regardless of who submitted the entry. You may prepare and submit your own entry, or have someone submit the entry for you.

A successfully registered entry will result in the display of a confirmation screen containing your name, date of birth, country of chargeability, and a date/time stamp. You may print this confirmation screen for your records using the print function of your web browser.

Paper entries will not be accepted.

Your entry will be disqualified if all required photographs are not submitted. Recent photographs of the following people must be submitted electronically with the Electronic Diversity Visa Entry Form: You; your spouse; each unmarried child under 21 years of age, including all natural children as well as all legally-adopted children and

<sup>17</sup> 17 CFR 200.30-3(a)(12).

stepchildren, even if a child no longer resides with you or you do not intend for a child to immigrate under the DV program. You do not need to submit a photo for a child who is already a U.S. citizen or a Legal Permanent Resident.

Group or family photographs will not be accepted; there must be a separate photograph for each family member. Failure to submit the required photographs for your spouse and each child will result in an incomplete entry to the E-DV system. The entry will not be accepted and must be resubmitted. Failure to enter the correct photograph of each individual in the case into the E-DV system will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview.

A digital photograph (image) of you, your spouse, and each child must be submitted on-line with the E-DV Entry Form. The image file can be produced either by taking a new digital photograph or by scanning a photographic print with a digital scanner.

Entries are subject to disqualification and visa refusal for cases in which the photographs are not recent or have been manipulated or fail to meet the specifications explained below.

#### **Instructions for Submitting a Digital Photograph (Image)**

The image file must adhere to the following compositional specifications and technical specifications and can be produced in one of the following ways: taking a new digital image or using a digital scanner to scan a submitted photograph.

#### **Compositional Specifications**

The submitted digital image must conform to the following compositional specifications or the entry will be disqualified: The person being photographed must directly face the camera; the head of the person should not be tilted up, down, or to the side; the head of the person should cover about 50% of the area of the photo; the photograph should be taken with the person in front of a neutral, light-colored background; dark or patterned backgrounds are not acceptable; the photo must be in focus; photos in which the person being photographed is wearing sunglasses or other items that detract from the face will not be accepted; photos of applicants wearing head coverings or hats are only acceptable due to religious beliefs, and even then, may not obscure any portion of the face of the applicant; photographs of applicants with tribal or other headgear not specifically religious in

nature will not be accepted; photographs of military, airline, or other personnel wearing hats will not be accepted.

Colored photographs in 24-bit color depth are preferred to black and white or gray scale pictures in 24-bit color depth. Photographs may be down loaded from a camera into a file in the computer or they may be scanned into a file in the computer. If you are using a scanner, the settings must be for True Color or 24-bit color mode. Colored photographs or black and white (or gray scale) must be scanned at this setting for the requirements of the DV program. For black and white or grey scale photographs scanned in 24-bit color mode, only three colors or image bands are used, and the results will still be black, white and gray. See additional scanning requirements below.

#### **Technical Specifications**

The submitted digital photograph must conform to the following specifications or the system will automatically reject the E-DV Entry Form and notify the sender.

When taking a new digital image: the image file format must be in the Joint Photographic Experts Group (JPEG) format; it must have a maximum image file size of sixty-two thousand five hundred (62,500) bytes; the image resolution must be 320 pixels high by 240 pixels wide; the image color depth must be 24-bit color [**Note:** Colored photographs are preferred, but black and white or grayscale photographs, if used, must be scanned in 24-bit color mode]. Monochrome images (2-bit color depth), 8-bit color or 8-bit grayscale will not be accepted.

Before a photographic print is scanned it must meet the following specifications: The print size must be 2 inches by 2 inches (50mm x 50mm) square; a color image is preferred, however, a black and white or grayscale image may be used only with the 24-bit setting mode.

The photographic print must also meet the compositional specifications. If the photographic print meets the print size, print color and compositional specifications, scan the print using the following scanner specifications: Scanner resolution must be 150 dots per inch (dpi); the image file format in Joint Photographic Experts Group (JPEG) format; the maximum image file size will be sixty-two thousand five hundred (62,500) bytes; the image resolution at 300 by 300 pixels; the image color depth 24-bit color. Note that black and white or grayscale images must be used with 24-bit color depth. Monochrome images

(2-bit color depth), 8-bit color or 8-bit grayscale will not be accepted.

#### **Information required for the Electronic Entry**

There is only one way to enter the DV-2009 lottery. You must submit an Electronic Diversity Visa Entry Form (E-DV Entry Form), which is accessible only at <http://www.dvlottery.state.gov>. Failure to complete the form in its entirety will disqualify the entry. Those who submit the E-DV entry will be asked to include the following information on the E-DV Entry Form.

1. Full name—Last/family name, first name, middle name.
2. Date of Birth—day, month, year.
3. Gender—male or female.
4. City where you were born.
5. Country where you were born—The name of the country should be that which is currently in use for the place where you were born.
6. Country of eligibility or chargeability for the DV Program—Your country of eligibility will normally be the same as your country of birth. Your country of eligibility is not related to where you live. If you were born in a country that is not eligible for the DV program, please review the instructions to see if there is another option for country of chargeability available for you. For additional information on chargeability, please review "Frequently Asked Question #1" of these instructions.
7. Entry photograph(s)—See the technical information on photograph specifications. Make sure you include photographs of your spouse and all your children, if applicable. See: Frequently Asked Question #11.
8. Mailing address—In care of, address line 1, address line 2, city/town, district/country/province/state, postal code/zip code, country.
9. Country where you live today.
10. Phone number (optional).
11. E-mail address (optional).
12. What is the highest level of education you have achieved, as of today?

You must indicate which one of the following represents your own highest level of educational achievement: (1) Primary school only, (2) High school, no degree, (3) High school degree, (4) Vocational school, (5) Some university courses, (6) University degree, (7) Some graduate level courses, (8) Master degree, (9) Some doctorate level courses, and (10) Doctorate degree.

13. Marital status—Unmarried, Married, Divorced, Widowed, Legally Separated

14. Number of children: Entries must include the name, date and place of

birth of your spouse and all natural children, as well as all legally-adopted children and stepchildren, who are unmarried and under the age of 21 (do not include children who are already U.S. citizens or Legal Permanent Residents), even if you are no longer legally married to the child's parent, and even if the spouse or child does not currently reside with you and/or will not immigrate with you. Note that married children and children 21 years or older are not eligible for the diversity visa. Failure to list all children, who are eligible, will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview. See: Frequently Asked Question #11.

15. Spouse information—Name, date of birth, gender, city/town of birth, country of birth, photograph. Failure to list your spouse will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview.

16. Children information—Name, Date of Birth, Gender, City/Town of Birth, Country of Birth, and Photograph: Include all children declared in question #14 above.

### Selection of Applicants

The computer will select at random individuals from among all qualified entries. They will be notified by mail between May and July 2008 and will be provided further instructions, including information on fees connected with immigration to the U.S. Those selected in the random drawing are not notified by e-mail. Those individuals not selected will not receive any notification. U.S. embassies and consulates will not be able to provide a list of successful entrants. Spouses and unmarried children under age 21 of successful entrants may also apply for visas to accompany or follow to join the principal applicant. DV-2009 visas will be issued between October 1, 2008 and September 30, 2009.

Processing of entries and issuance of diversity visas to successful individuals and their eligible family members must occur by midnight on September 30, 2009. Under no circumstances can diversity visas be issued or adjustments approved after this date, nor can family members obtain diversity visas to follow to join the principal applicant in their case in the U.S. after this date.

In order to receive a Diversity Visa to immigrate to the United States, those chosen in the random drawing must meet all eligibility requirements under U.S. law. These requirements may significantly increase the level of scrutiny required and time necessary for

processing of applicants for natives of some countries listed in this notice, including, but not limited to, countries identified as state sponsors of terrorism.

### Important Notice

No fee is charged for the electronic lottery entry in the annual DV program. The U.S. Government employs no outside consultants or private services to operate the DV program. Any intermediaries or others who offer assistance to prepare DV entries do so without the authority or consent of the U.S. Government. Use of any outside intermediary or assistance to prepare a DV entry is entirely at the entrant's discretion.

A qualified entry submitted electronically directly by an applicant has an equal chance of being selected by the computer at the Kentucky Consular Center, as does an entry submitted electronically through a paid intermediary who completes the entry for the applicant. Every entry received during the lottery registration period will have an equal random chance of being selected within its region. However, receipt of more than one entry per person will disqualify the person from registration, regardless of the source of the entry.

### Frequently Asked Questions About E-DV Registration

*1. What Do the Terms "Eligibility", "Native" and "Chargeability" Mean? Are There Any Situations in Which Persons Who Were Not Born in a Qualifying Country May Apply?*

Your country of eligibility will normally be the same as your country of birth. Your country of eligibility is not related to where you live. "Native" ordinarily means someone born in a particular country, regardless of the individual's current country of residence or nationality. For immigration purposes "native" can also mean someone who is entitled to be "charged" to a country other than the one in which he/she was born under the provisions of Section 202(b) of the Immigration and Nationality Act. For example, if you were born in a country that is not eligible for this year's DV program, you may claim chargeability to the country where your derivative spouse was born, but you will not be issued a DV-1 unless your spouse is also eligible for and issued a DV-2, and both of you must enter the United States together with the diversity visas. In a similar manner, a minor dependent child can be "charged" to a parent's country of birth.

Finally, if you were born in a country not eligible to participate in this year's DV program, you can be "charged" to the country of birth of either of your parents as long as neither parent was a resident of the ineligible country at the time of the your birth. In general, people are not considered residents of a country in which they were not born or legally naturalized if they are only visiting the country, studying in the country temporarily, or stationed in the country for business or professional reasons on behalf of a company or government. If you claim alternate chargeability, you must indicate such information on the E-DV electronic online entry form, question #6. Please be aware that listing an incorrect country of eligibility or chargeability (i.e. one to which you cannot establish a valid claim) may disqualify your entry.

*2. Are There Any Changes or New Requirements in the Application Procedures for This Diversity Visa Registration?*

All DV-2009 lottery entries must be submitted electronically at [www.dvlottery.state.gov](http://www.dvlottery.state.gov) during the registration period. No paper entries will be accepted.

Several questions and options for answers have been added to DV-2009 to gather additional information, including: "What is the name of the country where you live today? And "What is the highest level of education you have achieved, as of today?" You must choose one of the ten options indicating the highest level of education you have achieved: (1) Primary school only, (2) High school, no degree, (3) High school degree, (4) Vocational school, (5) Some university courses, (6) University degree, (7) Some graduate level courses, (8) Master degree, (9) Some doctorate level courses, and (10) Doctorate degree. "Legally Separated" replaces the term "Separated" used in previous DV programs as an option under the question "What is your marital status?" Legal separation means that a court has formally declared that you and your spouse are legally separated. Legal separation means that your spouse would not be eligible to immigrate as your derivative.

*3. Are Signatures and Photographs Required for Each Family Member, or Only for the Principal Entrant?*

Signatures are not required on the Electronic Diversity Visa Entry Form. Recent and individual photographs of you, your spouse and all children under 21 years of age are required. Family or group photographs are not accepted.

Refer to information on the photograph requirements located in this notice.

**4. Why Do Natives of Certain Countries Not Qualify for the Diversity Program?**

Diversity visas are intended to provide an immigration opportunity for persons from countries other than the countries that send large numbers of immigrants to the U.S. The law states that no diversity visas shall be provided for natives of "high admission" countries. The law defines this to mean countries from which a total of 50,000 persons in the Family-Sponsored and Employment-Based visa categories immigrated to the United States during the period of the previous five years. Each year, the USCIS adds the family and employment immigrant admission figures for the previous five years in order to identify the countries whose natives will be ineligible for the annual diversity lottery. Because there is a separate determination made before each annual E-DV entry period, the list of countries whose natives are not eligible may change from one year to the next.

**5. What Is the Numerical Limit for DV-2009?**

By law, the U.S. diversity immigration program makes available a maximum of 55,000 permanent residence visas each year to eligible persons. However, the Nicaraguan Adjustment and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning as early as DV-1999, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. The actual reduction of the limit by up to 5,000 diversity visas began with DV-2000 and is likely to remain in effect through the DV-2009 program.

**6. What Are the Regional Diversity Visa (DV) Limits for DV-2009?**

The U.S. Citizenship and Immigration Services (USCIS) determines the DV regional limits for each year according to a formula specified in Section 203(c) of the Immigration and Nationality Act (INA). Once the USCIS has completed the calculations, the regional visa limits will be announced.

**7. When Will Entries for the DV-2009 Program Be Accepted?**

The DV-2009 entry period will run through the registration period. Each year millions of people apply for the program during the registration period. The massive volume of entries creates an enormous amount of work in

selecting and processing successful individuals. Holding the entry period during October, November, and December will ensure that selectees are notified in a timely manner, and gives both the visa applicants and our embassies and consulates time to prepare and complete cases for visa issuance. You are strongly encouraged to enter early in the registration period. Excessive demand at end of the registration period may slow the system down. No entries whatsoever will be accepted after noon EST Sunday, December 2, 2007.

**8. May Persons Who Are in the U.S. Apply for the Program?**

Yes, an applicant may be in the U.S. or in another country, and the entry may be submitted from the United States or from abroad.

**9. Is Each Applicant Limited to Only One Entry During the Annual E-DV Registration Period?**

Yes, the law allows only one entry by or for each person during each registration period. Individuals for whom more than one entry is submitted will be disqualified. The Department of State will employ sophisticated technology and other means to identify individuals who submit multiple entries during the registration period. People submitting more than one entry will be disqualified and an electronic record will be permanently maintained by the Department of State. Individuals may apply for the program each year during the regular registration period.

**10. May a Husband and a Wife Each Submit a Separate Entry?**

Yes, a husband and a wife may each submit one entry if each meets the eligibility requirements. If either were selected, the other would be entitled to derivative status.

**11. What Family Members Must I Include on My E-DV Entry?**

On your entry you must list your spouse (husband or wife), and all unmarried children under 21 years of age, with the exception of children who are already U.S. citizens or Legal Permanent Residents. You must list your spouse even if you are currently separated from him/her, unless you are legally separated (i.e. there is a written agreement recognized by a court or a court order). If you are legally separated or divorced, you do not need to list your former spouse. you must list all your children who are unmarried and under 21 years of age, whether they are your natural children, your spouse's children, or children you have formally

adopted in accordance with the laws of your country, unless such child is already a U.S. citizen or Legal Permanent Resident. List all children under 21 years of age even if they no longer reside with you or you do not intend for them to immigrate under the DV program.

The fact that you have listed family members on your entry does not mean that they later must travel with you. They may choose to remain behind. However, if you include an eligible dependent on your visa application forms that you failed to include on your original entry, your case will be disqualified. This only applies to those who were family members at the time the original application was submitted, not those acquired at a later date. Your spouse may still submit a separate entry, even though he or she is listed on your entry, as long as both entries include details on all dependents in your family. See question #10 above.

**12. Must I Submit My Own Entry, or May Someone Act on My Behalf?**

You may prepare and submit your own entry, or have someone submit the entry for you. Regardless of whether an entry is submitted by the individual directly, or assistance is provided by an attorney, friend, relative, etc., only one entry may be submitted in the name of each person and the entrant remains responsible for insuring that information in the entry is correct and complete. If the entry is selected, the notification letter will be sent only to the mailing address provided on the entry.

**13. What Are the Requirements for Education or Work Experience?**

The law and regulations require that every entrant must have at least a high school education or its equivalent or, within the past five years, have two years of work experience in an occupation requiring at least two years training or experience. A "high school education or equivalent" is defined as 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 a high school education in the United States. Documentary proof of education or work experience must be presented to the consular officer at the time of the visa interview. To determine eligibility based on work experience, definitions from the Department of Labor's *O\*Net OnLine Database* will be used.

What Occupations qualify for the Diversity Visa Program? The

Department of Labor (DOL) *O\*Net Online Database* groups job experience into five “job zones.” While many occupations are listed on the DOL Web site, only certain specified occupations qualify for the Diversity Visa Program. To qualify for a Diversity Visa on the basis of your work experience, you must, within the past five years, have two years of experience in an occupation that is designated as Job Zone 4 or 5, classified in a Specific Vocational Preparation (SVP) range of 7.0 or higher.

How Do I Find the Qualifying Occupations on the Department of Labor Web site? Qualifying DV Occupations are shown on the Department of Labor *O\*Net Online Database*. Follow these steps to find out if your occupation qualifies: Select “Find Occupations” and then select a specific “Job Family.” For example, select Architecture and Engineering and click “GO.” Then click on the link for the specific Occupation. Following the same example, click Aerospace Engineers. After selecting a specific Occupation link, select the tab “Job Zone” to find out the designated Job Zone number and Specific Vocational Preparation (SVP) rating range.

#### 14. How Will Successful Entrants Be Selected?

At the Kentucky Consular Center, all entries received from each region will be individually numbered. After the end of the registration period, a computer will randomly select entries from among all the entries received for each geographic region. Within each region, the first entry randomly selected will be the first case registered, the second entry selected the second registration, etc. All entries received during the registration period will have an equal chance of being selected within each region. When an entry has been selected, the entrant will be sent a notification letter by the Kentucky Consular Center, which will provide visa application instructions. The Kentucky Consular Center will continue to process the case until those selected to be visa applicants are instructed to appear for visa interviews at a U.S. consular office, or until those qualifying to change status in the United States apply at a domestic USCIS office.

**Important Note:** Notifications to those selected in the random lottery are not sent by e-mail. Should you receive an e-mail notification about your E-DV selection, be aware that the message is not legitimate.

#### 15. May Selectees Adjust Their Status With USCIS?

Yes, provided they are otherwise eligible to adjust status under the terms of Section 245 of the INA, selected individuals who are physically present in the United States may apply to the USCIS for adjustment of status to permanent resident. Applicants must ensure that USCIS can complete action on their cases, including processing of any overseas derivatives, before September 30, 2009, since on that date registrations for the DV-2009 program expire. No visa numbers for the DV-2009 program will be available after midnight on September 30, 2009 under any circumstances.

#### 16. Will Entrants Who Are Not Selected Be Informed?

No, entrants who are not selected will receive no response to their entry. Only those who are selected will be informed. All notification letters are sent within five to seven months from the end of the application period to the address indicated on the entry. Since there is no notification provided to those not selected, anyone who does not receive a letter five to seven months from the end of the registration period should assume that his/her application has not been selected.

#### 17. How Many Individuals Will Be Selected?

There are 50,000 DV visas available for DV-2009, but more than that number of individuals will be selected. Because it is likely that some of the first 50,000 persons who are selected will not qualify for visas or pursue their cases to visa issuance, more than 50,000 entries will be selected by the Kentucky Consular Center to ensure that all of the available DV visas are issued. However, this also means that there will not be a sufficient number of visas for all those who are initially selected. All applicants who are selected will be informed promptly of their place on the list. Interviews for the DV-2009 program will begin in October 2008. The Kentucky Consular Center will send appointment letters to selected applicants four to six weeks before the scheduled interviews with U.S. consular officers at overseas posts. Each month visas will be issued, visa number availability permitting, to those applicants who are ready for issuance during that month. Once all of the 50,000 DV visas have been issued, the program for the year will end. In principle, visa numbers could be finished before September 2009. Selected applicants who wish to receive

visas must be prepared to act promptly on their cases. Random selection by the Kentucky Consular Center computer as a selectee does not automatically guarantee that you will receive a visa.

#### 18. Is There a Minimum Age for Applicants To Apply for the E-DV Program?

There is no minimum age to apply for the program, but the requirement of a high school education or work experience for each principal applicant at the time of application will effectively disqualify most persons who are under age 18.

#### 19. Are There Any Fees for the E-DV Program?

There is no fee for submitting an electronic lottery entry. DV applicants must pay all required visa fees at the time of visa application directly to the consular cashier at the embassy or consulate. Details of required diversity visa and immigration visa application fees will be included with the instructions sent by the Kentucky Consular Center to applicants who are selected.

#### 20. Do DV Applicants Receive Waivers of Any Grounds of Visa Ineligibility or Receive Special Processing for a Waiver Application?

No. Applicants are subject to all grounds of ineligibility for immigrant visas specified in the Immigration and Nationality Act. There are neither special provisions for the waiver of any ground of visa ineligibility other than those ordinarily provided in the Act nor special processing for waiver requests.

#### 21. May Persons Who Are Already Registered for an Immigrant Visa in Another Category Apply for the DV Program?

Yes, such persons may apply for the DV program.

#### 22. How Long Do Applicants Who Are Selected Remain Entitled To Apply for Visas in the DV Category?

Persons selected in the DV-2009 lottery are entitled to apply for visa issuance only during fiscal year 2009, from October 1, 2008 through September 30, 2009. Applicants must obtain the DV visa or adjust status by the end of the fiscal year. There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas during FY-2009. Also, spouses and children who derive status from a DV-2009 registration can only obtain visas in the DV category between October 2008 and September 2009. Applicants who apply

overseas will receive an appointment letter from the Kentucky Consular Center four to six weeks before the scheduled appointment.

**23. *If an E-DV Selectee Dies, What Happens to the DV Case?***

The death of an individual selected in the lottery results in automatic revocation of the DV case. Any eligible spouse and/or children are no longer entitled to the DV visa, for that entry.

**24. *When Will E-DV Online Be Available?***

Online entry will be available during the registration period beginning at noon EDT (GMT-4) on October 3, 2007 and ending at noon EST (GMT-5) on December 2, 2007.

**25. *Will I be Able to Download and Save the E-DV Entry Form to a Microsoft Word Program (or Other Suitable Program) and Then Fill it Out?***

No, you will not be able to save the form into another program for completion and submission later. The E-DV Entry Form is a Web form only. This makes it more "universal" than a proprietary word processor format. Additionally, it does require that the information be filled in and submitted while on-line.

**26. *If I Don't Have Access to a Scanner, Can I Send Photographs to My Relative in the U.S. To Scan the Photographs, Save the Photographs to a Diskette, and then Mail the Diskette Back to Me To Apply?***

Yes, this can be done as long as the photograph meets the photograph requirements in the instructions, and the photograph is electronically submitted with, and at the same time the E-DV online entry is submitted. The applicants must already have the scanned photograph file when they submit the entry on-line. The photograph cannot be submitted separate from the online application. Only one on-line entry can be submitted for each person. Multiple submissions will disqualify the entry for that person for DV-2009. The entire entry (photograph and application together) can be submitted electronically from the United States or from overseas.

**27. *Can I Save the Form On-line so That I Can Fill Out Part and Then Come Back Later and Complete the Remainder?***

No, this cannot be done. The E-DV Entry Form is designed to be completed and submitted at one time. However, because the form is in two parts, and because of possible network interruptions and delays, the E-DV

system is designed to permit up to sixty (60) minutes between the downloading of the form and when the entry is received at the E-DV web site after being submitted online. If more than sixty minutes elapses and the entry has not been electronically received, the information already received is discarded. This is done so that there is no possibility that a full entry could accidentally be interpreted as a duplicate of a previous partial entry. For example, suppose an applicant with a wife and child sends a filled in E-DV Entry Form Part One and then receives Form Part Two, but there is a delay before sending Part Two because of trouble finding the file that holds the child's photograph. If the filled in Form Part Two is sent by the applicant and received by the E-DV website within sixty (60) minutes, there is no problem. However, if the Form Part Two is received after sixty (60) minutes have elapsed, then the applicant will be informed that he or she must start the entire entry over from the beginning. The DV-2009 instructions explain clearly and completely what information is required to fill in the form. This way you can be fully prepared, making sure you have all of the information needed, before you start to complete the form on-line.

**28. *If the Submitted Digital Images Do Not Conform to the Specifications, the Procedures State That the System Will Automatically Reject the E-DV Entry Form and Notify the Sender. Does This Mean I Will Be Able to Re-Submit My Entry?***

Yes, the entry can be resubmitted. Since the entry was automatically rejected, it was not actually considered as submitted to the E-DV Web site. It does not count as a submitted E-DV entry, and no confirmation notice of receipt is sent. If there are problems with the digital photograph sent, because it does not conform to the requirements, it is automatically rejected by the E-DV Web site. However, the amount of time it takes the rejection message to reach the sender is unpredictable due to the nature of the Internet. If the problem can be fixed by the applicant, and the Form Part One or Two is re-sent within sixty (60) minutes, there is no problem. Otherwise the submission process will have to be started over. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent.

**29. *Will the Electronic Confirmation Notice That the Completed E-DV Entry Form Has Been Received Through the Online System Be Sent Immediately After Submission?***

The response from the E-DV Web site which contains confirmation of the receipt of an acceptable E-DV Entry Form is sent by the E-DV website immediately. However, how long it takes the response to reach the sender is unpredictable due to the nature of the Internet. If many minutes have elapsed since pressing the 'Submit' button, there is no harm in pressing the 'Submit' button a second time. The E-DV system will not be confused by a situation where the 'Submit' button is hit a second time, because no confirmation response has been received. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent.

**30. *How Will I Know if the Notification of Selection That I Have Received Is Authentic? How Can I Confirm That I Have in Fact Been Chosen in the Random DV Lottery?***

After the individuals have been selected at random from among all qualified entries through the State Department E-DV lottery computer program, they will not be notified by e-mail. Those selected will be notified only by letter through the mail between May and July 2008 at the addresses listed on their E-DV entry. Only the randomly selected individuals will be notified. Persons not selected will not receive any notification. U.S. embassies and consulates will not be able to provide a list of those selected to continue the visa process.

Kentucky Consular Center (KCC) will send the letters notifying those selected. These letters will contain instructions for the visa application process. The instructions say the selected applicants will pay all diversity and immigrant visa fees in person only at the U.S. Embassy or Consulate at the time of the visa application. The Consular Cashier or Consular Officer immediately gives the visa applicant a U.S. Government receipt for payment. You should never send money for DV fees through the mail, through Western Union, or any other delivery service.

The E-DV lottery entries are made on the Internet, on the official U.S. Government E-DV Web site at <http://www.dvlottery.state.gov>. KCC sends only letters to the selected applicants. KCC, consular offices, or the U.S. Government have never sent e-mails to

notify selected individuals, and there are no plans to use e-mail for this purpose for the DV-2009 program.

The Department of State, Visa Services advises the public that only internet sites including the “.gov” indicator are official government Web sites. Many other non-governmental Web sites (e.g., using the suffixes “.com” or “.org” or “.net”) provide legitimate and useful immigration and visa related information and services. Regardless of the content of non-governmental Web sites, the Department of State does not endorse, recommend or sponsor any information or material shown at these other Web sites.

Some Web sites may try to mislead customers and members of the public into thinking they are official Web sites and may contact you by e-mail to lure you to their offers. These Web sites may attempt to require you to pay for services such as forms and information about immigration procedures, which are otherwise free on the Department of State Visa Services website, or overseas through the Embassy Consular Section Web sites. Additionally, these other Web sites may require you to pay for services you will not receive, often including diversity immigration application and visa fees in an effort to outright steal your money. Once you send money in one of these scams, you will never see it again. Also, you should be wary of sending any personal information that might be used for identity fraud/theft to these Web sites.

### 31. How Do I Report Internet Fraud or Unsolicited E-mail?

If you wish to file a complaint about Internet fraud, please see the *econsumer.gov* Web site, hosted by the Federal Trade Commission, which is a joint effort of consumer protection agencies from 17 nations at <http://www.econsumer.gov/english/> or go to the Federal Bureau of Investigation (FBI) Internet Crime Complaint Center or IC3. To file a complaint about unsolicited e-mail, contact the *Department of Justice Contact Us* page.

### 32. If I Am Successful in Obtaining a Visa Through the DV Program Will the U.S. Government Assist With My Airfare to the U.S., Provide Assistance To Locate Housing and Employment, Provide Healthcare or Provide Any Subsidies Until I Am Fully Settled?

No, applicants who obtain a DV visa are not provided any type of assistance such as airfare, housing assistance, or subsidies. If you are selected to apply for a DV visa, before you can be issued a visa, you will be required to provide evidence that you will not become a

public charge in the U.S. This evidence may be in the form of a combination of your personal assets, an Affidavit of Support, Form I-134 from a relative or friend residing in the U.S. and/or an offer of employment from an employer in the U.S.

### List of Countries by Region Whose Natives Are Eligible for DV-2009

The lists below show the countries whose natives are eligible for DV-2009 within each geographic region for this diversity program. The countries whose natives are not eligible for the DV-2009 program were identified by the U.S. Citizenship and Immigration Services (USCIS) according to the formula in Section 203(c) of the Immigration and Nationality Act. Dependent areas overseas are included within the region of the governing country. The countries whose natives are not eligible for this diversity program (because they are the principal source countries of Family-Sponsored and Employment-Based immigration, or “high admission” countries) are noted after the respective regional lists.

#### Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad; Comoros, Congo, Congo, Democratic Republic of the, Cote D'Ivoire (Ivory Coast), Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, The; Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania; Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone; Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

### List of Countries by Region Whose Natives Are Eligible for DV-2009

#### Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei, Burma, Cambodia, East Timor, Hong Kong Special Administrative Region, Indonesia, Iran, Iraq, Israel; Japan, Jordan, Kuwait, Laos, Lebanon, Malaysia, Maldives, Mongolia, Nepal; North Korea, Oman, Qatar, Saudi Arabia, Singapore, Sri Lanka, Syria, Taiwan, Thailand, United Arab Emirates, Yemen.

Natives of the following Asian countries are not eligible for this year's diversity program: China [mainland-

born], India, Pakistan, South Korea, Philippines, and Vietnam. The Hong Kong S.A.R. and Taiwan do qualify and are listed above. Macau S.A.R. also qualifies and is listed below.

### List of Countries by Region Whose Natives Are Eligible for DV-2009

#### Europe

Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus; Czech Republic, Denmark (including components and dependent areas overseas), Estonia, Finland, France (including components and dependent areas overseas), Georgia, Germany, Greece, Hungary, Iceland, Ireland; Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macau Special Administrative Region, Macedonia, the Former Yugoslav Republic, Malta, Moldova; Monaco, Montenegro, Netherlands (including components and dependent areas overseas), Northern Ireland, Norway, Portugal (including components and dependent areas overseas), Romania; San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan, Vatican City.

Natives of the following European countries are not eligible for this year's diversity program: Great Britain, Poland and Russia. Great Britain (United Kingdom) includes the following dependent areas: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands. Note that for purposes of the diversity program only, Northern Ireland is treated separately; Northern Ireland does qualify and is listed among the qualifying areas.

### List of Countries by Region Whose Natives Are Eligible for DV-2009

#### North America

The Bahamas

In North America, natives of Canada and Mexico are not eligible for this year's diversity program.

#### Oceania

Australia (including components and dependent areas overseas), Fiji, Kiribati, Marshall Islands, Micronesia, Federated States of, Nauru, New Zealand (including components and dependent areas overseas), Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.



*South America, Central America, And The Caribbean*

Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia, Chile, Costa Rica, Cuba, Dominica, Grenada, Guyana;

Honduras, Nicaragua, Panama, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Countries in this region whose natives are not eligible for this year's diversity program:

Brazil, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Jamaica, Mexico, and Peru.

Dated: September 28, 2007.

**Maura Harty,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. E7-19730 Filed 10-4-07; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2007-35]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** This notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before October 25, 2007.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2007-29293 using any of the following methods:

- *Governmentwide rulemaking web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**FOR FURTHER INFORMATION CONTACT:** Tyneka Thomas (202) 267-7626 or Frances Shaver (202) 267-9681, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 1, 2007.

**Pamela Hamilton-Powell,**  
*Director, Office of Rulemaking.*

#### Petitions for Exemption

*Docket No.:* FAA-2007-29293.

*Petitioner:* Amerijet International, Inc.

*Section of 14 CFR Affected:* 14 CFR 63.37(b)(1) of part 63, appendix C, paragraph (a)(3)(iv)(a).

*Description of Relief Sought:* To allow Amerijet to train its airframe and powerplant mechanics in accordance with a flight time standard through the use of a Level C or D simulator.

[FR Doc. E7-19669 Filed 10-4-07; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Solicitation of Applications for FY 2008 Border Enforcement Grant (BEG) Funding

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice.

**SUMMARY:** FMCSA announces that it has published an opportunity to apply for FY2008 BEG funding on the grants.gov Web site (<http://www.grants.gov>). Section 4110 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (Pub. L. 109-59) established the BEG program. The program is a discretionary grant program that provides funding for border commercial motor vehicle (CMV) safety programs and related enforcement activities and projects. An entity or a State that shares a land border with another country is eligible to receive grant funding. To apply for funding, applicants must register with the grants.gov Web site ([http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp)) and submit an application in accordance with instructions provided. Applications for grant funding must be submitted electronically to the FMCSA through the grants.gov Web site.

**DATES:** FMCSA will initially consider funding of applications submitted by November 1, 2007 by qualified applicants. If additional funding remains available, applications submitted after November 1, 2007 will be considered on a case-by-case basis. Funds will not be available for allocation until such time as FY2008 appropriations legislation is passed and signed into law.

**FOR FURTHER INFORMATION CONTACT:** Mr. Milt Schmidt, Federal Motor Carrier Safety Administration, Office of Safety Programs, North American Borders Division (MC-ESB), 202-366-4049, 1200 New Jersey Ave., SE., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: September 28, 2007.

**William A. Quade,**  
*Associate Administrator for Enforcement and Program Delivery.*

[FR Doc. E7-19677 Filed 10-4-07; 8:45 am]

BILLING CODE 4910-EX-P