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October 13, 2021

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Welcome to the T&R Newsletter

October 2021

This month we discuss the diversity lottery, Croatia being added to the visa waiver program, extension of USCIS covid-19 policy extending deadlines, as well as increases in the investment and revenue amounts for international entrepreneur rule.

DIVERSITY LOTTERY IS NOW OPEN

The annual Diversity Visa (DV) lottery, also known as the “green card” lottery is now open. The U.S. Department of State started to accept applications for the Fiscal Year (FY) 2023 Diversity Visa (DV) lottery at noon (EST), October 6th and will continue to accept applications until noon (EST) on Tuesday, November 9, 2021.

How to apply: Eligible foreign nationals can apply online at <https://dvprogram.state.gov/>. Applicants can include spouse and minor children in their applications.

When will winners be announced? FY 2023 lottery results will be announced in May 2022. Foreign nationals selected in the lottery can submit their green card applications starting on October 1, 2022.

Who is eligible to apply? Foreign nationals born in countries with low rates of U.S. immigration can apply. This year, nationals born in the following countries are not eligible to apply: Bangladesh, Brazil, Canada, China (including Hong Kong SAR), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Note: Eligibility to apply is based upon country of birth; not country of nationality if they are not the same. Applicants can also be charged to the country of birth of a spouse. Applicants must have at least a high school education (or equivalent) or two years of qualifying work experience within the past five years.

Do I need a lawyer? No, you do not need an attorney to file the application. Simply go to the instructions at the website of the U.S. Department of State and follow the instructions.

CROATIA ADDED TO LIST OF COUNTRIES FOR VISA WAIVER PROGRAM

The United States of America has announced that Croatia will be added to the visa waiver program allowing Croatians soon to be able to travel to the United States without a visa. The effective date of the rule will be before December 1, 2021. It is the 40th country to be added to the visa waiver list.

What does this mean? Croatian nationals will now be able to visit the US without having to apply for a B-1/B-2 visa for tourism or business at the U.S. Consulate. Instead, they will be able to complete the online ESTA (Electronic System for Travel Authorization) form. If approved, ESTA is valid for 2 years and allows travel to the United States as a tourist or business visitor for up to 90 days.

Limits to ESTA: In general, foreign nationals who travel to the United States using ESTA are not able to extend their stay, change their status, or file applications to adjust status to permanent

THE USCIS EXTENDS (AGAIN) THE COVID-19 AUTOMATIC EXTENSIONS FOR RFEs, NOIDS, ETC.

The USCIS is extending its policy until January 15, 2022, that grants an additional 60 days to respond to a request for evidence (RFE), notice of intent to deny (NOID) or revoke a petition, and other notices issued after March 1, 2020. This policy was initially implemented in March 2020 and has been extended multiple times.

This emergency COVID-19 policy also allows for 60 days, instead of 30 days, to file an appeal or a motion to reopen a decision that was issued between these same dates.

The extension of the policy allows additional time when responding to or filing the following:

- Requests for Evidence (RFE),
- Notices of Intent to Deny (NOID),
- Notices of Intent to Revoke or Rescind (NOIR),
- Notices of Intent to Terminate EB-5 Regional Investment Centers (NOIT),
- Form I-290B appeal/motion filing requirements to reopen an adverse USCIS decision, and
- Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings filing date requirements.

We will keep you updated on any further extensions after January 15, 2022.

INVESTMENT AND REVENUE AMOUNTS INCREASE FOR INTERNATIONAL ENTREPRENEUR RULE

As of October 1, 2021, qualifying investors under the International Entrepreneur Rule (IER) need increased amount of investment to qualify as investors and increased revenue amounts to qualify for extensions.

The DHS published the IER final rule in 2017 and the Biden Administration relaunched the rule in May 2021. The IER allows investors of start-up companies to be paroled into the United States if they meet certain requirements. The IER has specific dollar eligibility criteria for investment amounts, qualifying investors, and re-parole considerations. The DHS rule in 2017 provided that these dollar amounts would increase every three years.

On September 13, 2021, the first adjustments were published in the *Federal Register* and took effect on October 1, 2022. These adjustments consisted of increases of about 5 ½ percent overall. These new amounts are shown on the [USCIS website](#).

TROW & RAHAL WEBINARS – THIRD FRIDAY OF EVERY MONTH

Please join Trow & Rahal's monthly webinar from 2:00 pm – 3:00 pm EST on the third Friday (usually) of each month. The format of these webinars will include a brief update of any changes in immigration policies, as well as an overview of one important immigration issue or visa category. Upcoming webinars include:

October 15th webinar: This webinar will be held on Friday, October 15th and will provide immigration updates and TRAVEL DURING THE HOLIDAYS: WILL I NEED A NIE? WILL I BE ABLE TO GET A VISA? You can register for the webinar using the button below:

[Register Here](#)

Trow & Rahal will continue to provide updates to keep our readers apprised of changes on travel requirements, visa issuance at U.S. Consulates, and all other immigration related matters.

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