

# Diversity Visa 2021 Update

Last Updated: September 12, 2021

On September 9, 2021, the U.S. District Court for the District of Columbia preliminarily enjoined the Department of State from applying the November 2020 prioritization policy guidance to diversity visa (“DV”) 2021 applicants and ordered the Department to undertake good-faith efforts to expeditiously process DV applications (including derivative beneficiaries) by September 30, 2021. The court stated that the Department may not rely on the November 2020 prioritization guidance to “foreclose or prohibit embassy personnel, consular officers, or any administrative processing center (such as the KCC) from processing, reviewing, or adjudicating a 2021 diversity visa or derivative beneficiary application” and clarified that the order “does not affect the prioritization scheme as to any other visa category or in any other respect.” The court further explained the order “does not prevent any embassy personnel, consular officer, or administrative processing center from prioritizing the processing, adjudication, or issuance of visas based on resource constraints, limitations due to the COVID-19 pandemic, or country conditions.”

In accordance with the order, the Department of State has instructed consular sections to make every effort within their discretion and subject to posts’ resource constraints, limitations due to the COVID-19 pandemic, and country conditions to prioritize the scheduling and adjudication of additional DV-2021 cases by September 30, 2021. It is important to note that the court did not order the Department to “prioritize DV-2021 applications over other visa applications.” The court also did not order the Department to prioritize the adjudication of DV-2021 applications of plaintiffs who have sued the Department over the DV-2021 applications of non-plaintiffs. The court further said that posts do not have to “drop everything and process DV-2021 applications.”

In accordance with the requirements in the Immigration and Nationality Act and applicable regulations, DV cases will continue to be processed in rank order as required by law, and applicants must be documentarily qualified, have paid all requisite application fees, be able to obtain the required medical exam by a panel physician, and demonstrate that they are eligible for a visa before visa issuance. DV-2021 applicants may be issued a visa through the end of the fiscal year, on or before September 30, 2021.

If a consular section has the capacity to schedule your DV-2021 case, you will receive a notification by email to check the [Entrant Status Check](#) site. Many diversity visa processing posts are getting emails directly from diversity visa applicants. The Department has instructed posts to respond to those general inquiries about the September 9th Order and DV-2021 processing with the following message:

"We are aware of the court order dated September 9, 2021  
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from the U.S. District Court for the District of Columbia regarding the 2021 diversity visa (“DV”) program. In accordance with that order, post is making good-faith efforts to expeditiously process DV applications (including derivative beneficiaries) by September 30, 2021. We will continue to process DV cases in rank order as required by law, subject to our resource constraints, limitations due to the COVID-19 pandemic, and country conditions. If post has the capacity to schedule your case, you will receive a notification by email to check the [Entrant Status Check](#) site.”