

Southern Cross Group E-Bulletin to Members
23 August 2002

US DV Lottery (AKA GREEN CARD LOTTERY)

Dear Southern Cross Group Friends,

On 21 August 2002, the United States Department of State officially announced the 2004 Diversity Immigrant Visa Lottery (also known as the "Greencard Lottery").

The Lottery has been the subject of many queries to the Southern Cross Group from Australians around the world. We have therefore put up a new page on our website with more information on this subject:

http://www.southern-cross-group.org/visas/greencard_lottery.html

If you are considering participating in the Lottery, you will find a link to the official State Department instructions on how to apply on our website. Note that applications have to be received by the US consular authorities between 7 October and 6 November 2002.

Individuals born in Australia qualify to participate in the Lottery. It does not matter what country you are presently living in.

In particular we would like to alert people who are considering participating in the Lottery to two matters which each individual will need to consider further before applying for the Lottery. These concern the implications of a Lottery win on both your current US immigration status (if you are already living in the United States) and your current US tax status (whether or not you are already living in the United States).

If you are presently living in the United States on one of the various types of non-immigrant visas (for example, a H1B visa), and you do not have permanent residency, and you are thinking about participating in the Lottery in the hope of winning the right to apply for a Diversity Visa and then obtaining a Greencard, we urge you to think carefully about whether success in the Lottery would be the best option for you. For example, if you already have an application in progress with the US Immigration and Naturalization Service (INS) for a change of status, a win in the Lottery may delay or complicate your change of status. Further, if you are currently "out of status", you need to consider carefully whether you should apply. Further details may be found on our website.

Regarding taxation, one disadvantage of being a US permanent resident, which many people are unaware of, is that you are then automatically a US tax resident, and your worldwide income must be reported to the US government by 15 April each year, even if you remain outside the US for an entire year. It doesn't matter if a portion or all of that income was earned from investments or business activities carried on outside the United States; a tax resident must report it all. Note that becoming a US tax resident does not necessarily mean that the US Government will actually tax all of your worldwide income. International treaties control whether or not you must pay US taxes on income earned elsewhere. If you do not have US permanent residency but a US non-immigrant visa of some sort, whether you are a US tax resident will generally be determined by the amount of time you physically spend in the US each year. So it is worth considering the tax implications of US permanent residency which could result from a Lottery win.

While the chances of success in the Lottery are slim, there is no doubt that if you are interested in immigrating to the United States, the Diversity Visa Program does offer a fairly straightforward and rapid route to permanent residency, which (as well as the right to permanently reside) brings with it the right to work. After a number of years, US permanent residents can qualify to apply for US citizenship. Now that Section 17 of the Australian Citizenship Act 1948 has been repealed (with effect from 4 April 2002), Australians who become US citizens will no longer forfeit their Australian citizenship under Australian law.

Please pass on this message to anyone else who may be interested in participating in the Lottery. In addition, if you are someone who has previously been granted US permanent residency as a result of a win in a Lottery conducted in previous years, we would be very pleased if you could share your experiences with us.

Please write to info@southern-cross-group.org.

We wish all those who decide to take part in the Lottery the best of luck.

Best Regards

The Southern Cross Group Committee
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