

State Department Guidance on DV Issuance Priorities Falls Short

Article By:

Elizabeth A. Evans

Judge Amit Mehta in *Gomez v. Trump* [ordered the Department of State \(DOS\) to make good faith efforts](#) to “expeditiously process and adjudicate DV-2020 diversity visa and derivative beneficiary applications” and [issue visas to those eligible by September 30, 2020](#) – the [deadline for the Diversity Visa program](#).

In response, DOS has issued guidance, but the agency’s “good faith” efforts will not be good enough for many DV applicants. Indeed, DOS said that it does not expect to be able to accommodate everyone. Embassies and consulates have been told they may begin processing DV applications where local health conditions and post resources allow.

Here is the DOS priority list:

- The named plaintiffs in *Gomez*
- Applicants who were already interviewed and are seeking reissuance
- Applicants whose appointments in March, April, and May were cancelled
- Applicants with cases pending at the KCC are at the bottom of the list

DOS has advised:

- DV applicants who had previously scheduled appointments (even if cancelled) are directed to reach out to the relevant embassy or consulate for information about their case.
- If a post is unable to process cases, an applicant may request a transfer to another post by reaching out to the desired post directly – but not all transfer requests will be accommodated.
- DV applicants who had valid visas on April 23, 2020 (and therefore, are exempt from the Presidential Proclamation), but could not travel and now have expired visas, may apply to have their visas reissued before the September 30 deadline.
- Because the 14-Day COVID-19 bans were not part of the *Gomez* case, DV applicants who are subject to the 14-Day COVID-19 bans (China, Iran, the Schengen Zone, UK and Ireland, and Brazil) may be interviewed, but visas will not be issued to them unless they are exempt or fall within an exception to the those bans.

Once a Diversity Visa is issued, the applicant must be able to enter the United States before the visa

expires. In addition:

- Those who fall within an exemption or exception to the July Presidential Proclamation or the 14-Day COVID-19 bans should be able to enter if their visas are issued.
- Because immigrant visas generally expire when the underlying medicals expire, applicants may opt to submit a new medical exam with a later expiration date.
- While there is not much time left and the logistics may not work, it is possible for individuals who are subject to a 14-Day COVID-19 ban to try to wait it out in a non-banned country prior to their visa appointment.

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National Law Review, Volume X, Number 258

Source URL: <https://natlawreview.com/article/state-department-guidance-dv-issuance-priorities-falls-short>