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Immigration

Biden Administration Ordered to Hold Thousands of Diversity Visas Past Expiration

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

U.S. District Judge Amit Mehta ordered the Biden administration to hold 7,395 diversity visas for lottery winners who were still awaiting processing when fiscal year 2021 ended and the visas were set to expire. He issued the order in response to a lawsuit filed by 24,000 lottery winners and their families, and the order applies only to the litigants in the consolidated case, not to others who did not participate in the case. Days earlier, U.S. District Judge Tanya Chutkan had ordered the Department of State to hold 966 diversity visas.

Judge Mehta said that the COVID-19 pandemic was “not the primary culprit. That would be the State Department’s complete cessation of adjudicating diversity visa applications for five months and its unlawful deprioritizing of those applications when adjudications resumed.”

The cases are *Goodluck v. Biden*, *Jacob v. Biden*, *Filazapovich v. Department of State*, and *Goh v. Department of State*, in the U.S. District Court for the District of Columbia. In the latter case, Kuck Baxter Immigration LLC represented more than 2,000 clients and obtained a final judgment in their favor.