

109TH CONGRESS
1ST SESSION

S. 1119

To permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2005

Mr. CHAMBLISS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diversity Visa Fair-
5 ness Act of 2005”.

6 **SEC. 2. DIVERSITY LOTTERY VISAS.**

7 (a) AVAILABILITY BEYOND FISCAL YEAR.—Section
8 204(a)(1)(I)(ii) of the Immigration and Nationality Act
9 (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by striking sub-
10 clause (II) and inserting the following:

1 “(II) An alien who qualifies,
2 through random selection, for a visa
3 under section 203(c) or adjustment of
4 status under section 245(a) shall re-
5 main eligible to receive such visa or
6 adjustment of status beyond the end
7 of the specific fiscal year for which
8 the alien was selected if the alien—

9 “(aa) properly applied for
10 such visa or adjustment of status
11 during the fiscal year for which
12 alien was selected; and

13 “(bb) was notified by the
14 Secretary of State, through the
15 publication of the Visa Bulletin,
16 that the application was author-
17 ized.”.

18 (b) APPLICATION TO PRIOR FISCAL YEARS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, a visa shall be available under sec-
21 tion 203(c) of the Immigration and Nationality Act
22 (8 U.S.C. 1153(c)) if—

23 (A) such alien was eligible for and properly
24 applied for an adjustment of status under sec-

1 tion 245 of such Act (8 U.S.C. 1255) during a
2 fiscal year between 1998 and 2004;

3 (B) the application submitted by such alien
4 was denied because personnel of the Depart-
5 ment of Homeland Security or the Immigration
6 and Naturalization Service failed to adjudicate
7 such application during the fiscal year in which
8 such application was filed;

9 (C) such alien moves to reopen such ad-
10 justment of status applications pursuant to pro-
11 cedures or instructions provided by the Sec-
12 retary of Homeland Security or the Secretary of
13 State; and

14 (D) such alien has continuously resided in
15 the United States since the date of submitting
16 such application.

17 (2) RELATIONSHIP TO WORLDWIDE LEVEL OF
18 DIVERSITY IMMIGRANTS.—A visa made available
19 under paragraph (1) may not be counted toward the
20 numerical maximum for the worldwide level of set
21 out in section 201(e) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1151(e)).

23 (c) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on October 1, 2005.

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