

108TH CONGRESS
2D SESSION

S. 2089

To allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

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

A BILL

To allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

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. DIVERSITY LOTTERY VISAS.**

4 (a) PROCEDURE FOR GRANTING IMMIGRANT STA-
5 TUS.—Section 204(a)(1)(I)(ii) of the Immigration and
6 Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended
7 by striking subclause (II) and inserting the following:

8 “(II) An immigrant visa made available under section
9 203(c) may be issued, or adjustment of status under sec-
10 tion 245(a) based upon the availability of such visa may

1 be granted, to an eligible qualified alien who has properly
2 applied for such visa or adjustment of status in the fiscal
3 year for which the alien was selected, notwithstanding the
4 end of the fiscal year. Such visa or adjustment of status
5 shall be counted against the worldwide level set forth in
6 section 201(e) for the fiscal year for which the alien was
7 selected, except that with respect to applications properly
8 filed in 2003, such visa or adjustment of status shall not
9 be counted against the worldwide level set forth in section
10 201(e), and a visa shall be deemed to be available with
11 respect to such applications.”.

12 (b) APPLICABILITY.—The amendment made by sub-
13 section (a) shall apply to—

14 (1) immigrant visas made available for fiscal
15 year 2004 and each subsequent fiscal year; and

16 (2) immigrant visas made available for fiscal
17 years 1998 through 2003, provided that the denied
18 alien applicant, the Secretary of Homeland Security,
19 the Secretary of State, or the Attorney General
20 moves to reopen the alien’s case pursuant to proce-
21 dures or instructions which shall be provided by the
22 Secretary of Homeland Security, the Secretary of
23 State, or the Attorney General as may be appro-
24 priate.