

105TH CONGRESS
2D SESSION

H. R. 4502

To provide for adjustment of status for aliens who became eligible for such adjustment based on a diversity immigrant visa available for fiscal year 1997 or 1998, but whose eligibility expired due to paperwork processing delays.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide for adjustment of status for aliens who became eligible for such adjustment based on a diversity immigrant visa available for fiscal year 1997 or 1998, but whose eligibility expired due to paperwork processing delays.

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

1 **SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN APPLI-**
2 **CANTS FOR DIVERSITY IMMIGRANT VISAS AD-**
3 **VERSELY AFFECTED BY PROCESSING**
4 **DELAYS.**

5 (a) IN GENERAL.—Notwithstanding the numerical
6 limitations in sections 201 and 202 of the Immigration
7 and Nationality Act, and notwithstanding section
8 204(a)(1)(G)(ii)(II) of such Act, the Attorney General, in
9 consultation with the Secretary of State—

10 (1) shall make available in fiscal year 1999 im-
11 migrant visa numbers to qualified aliens described in
12 subsection (b) (or in subsection (c) as the spouse or
13 child of such an alien), in addition to any immigrant
14 visa numbers otherwise available; and

15 (2) shall adjust the status of any such alien to
16 that of an alien lawfully admitted for permanent res-
17 idence.

18 (b) QUALIFIED ALIEN DESCRIBED.—A qualified
19 alien described in this subsection is an alien who, on or
20 before September 30, 1998—

21 (1) was selected for a diversity immigrant visa
22 under section 203(c) of the Immigration and Na-
23 tionality Act for fiscal year 1997 or 1998;

24 (2) pursuant to such selection, applied for ad-
25 justment of status under section 245 of such Act

1 and submitted the fees associated with the applica-
2 tion;

3 (3) received notice from the Attorney General
4 that the application was accepted;

5 (4) was not determined by the Attorney General
6 to be inadmissible or excludable under section 212 of
7 the Immigration and Nationality Act (excluding any
8 determination that is subject to subsection (d)) or
9 ineligible under section 203(c)(2) of such Act; and

10 (5) did not, due to application processing delays
11 beyond the control of the alien, become an alien law-
12 fully admitted for permanent residence.

13 (c) DERIVATIVE STATUS FOR SPOUSES AND CHIL-
14 DREN.—A spouse or child (as defined in subparagraph
15 (A), (B), (C), (D), or (E) of section 101(b)(1) of the Im-
16 migration and Nationality Act) shall, if not otherwise enti-
17 tled to an immigrant status and the immediate issuance
18 of a visa under this section, be entitled to the same status,
19 and the same order of consideration, provided under this
20 section, if accompanying, or following to join, the alien's
21 spouse or parent.

22 (d) INAPPLICABILITY OF CERTAIN PROVISIONS.—An
23 alien who otherwise qualifies for adjustment of status
24 under the preceding provisions of this section shall not be
25 considered inadmissible under section 212(a)(9)(B)(i) of

1 the Immigration and Nationality Act based upon the
2 alien's presence in the United States during the period—

3 (1) commencing on the date of the alien's selec-
4 tion for a diversity immigrant visa under section
5 203(c) of the Immigration and Nationality Act (or,
6 in the case of an alien described in subsection (c),
7 the date of the spouse or parent's selection); and

8 (2) ending on the date of the alien's adjustment
9 of status under this section.

10 (e) NO APPLICATION FEE.—The Attorney General or
11 the Secretary of State may not require payment of a fee
12 under this section.

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