

## Calendar No. 766

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. CHAMBLISS (for himself, Mr. KENNEDY, and Mr. MILLER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 4, 2004

Reported by Mr. HATCH, without amendment

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**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:

1       “(II) An immigrant visa made available under section  
2 203(c) may be issued, or adjustment of status under sec-  
3 tion 245(a) based upon the availability of such visa may  
4 be granted, to an eligible qualified alien who has properly  
5 applied for such visa or adjustment of status in the fiscal  
6 year for which the alien was selected, notwithstanding the  
7 end of the fiscal year. Such visa or adjustment of status  
8 shall be counted against the worldwide level set forth in  
9 section 201(e) for the fiscal year for which the alien was  
10 selected, except that with respect to applications properly  
11 filed in 2003, such visa or adjustment of status shall not  
12 be counted against the worldwide level set forth in section  
13 201(e), and a visa shall be deemed to be available with  
14 respect to such applications.”.

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

17           (1) immigrant visas made available for fiscal  
18       year 2004 and each subsequent fiscal year; and

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

1 State, or the Attorney General as may be appro-  
2 priate.

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