

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.

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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

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## 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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