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FOR THE HEARING ON

"Why Don't They Just Get in Line? Barriers to Legal
Immigration"

PRESENTED TO THE

Subcommittee on
Immigration and
Citizenship

COMMITTEE ON THE JUDICIARY
OF THE

UNITED STATES HOUSE OF REPRESENTATIVES

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We represent 1,203 Diversity Visa (DV) selectees from the 2020 fiscal year who were not issued visas prior to the September 30, 2020. Under the Immigration and Nationality Act, DVs expire at the end of the fiscal year. Congress can and should extend their use into subsequent fiscal years.

Of those, 961 families are plaintiffs in *Mohammed v Biden*, *Fonjong v Biden*, and *Kennedy v Biden*, lawsuits consolidated with the *Gomez v Biden class action*, and pending before the District Court for the District Court of Columbia.

This hearing asks a telling question: Why don't they just get in line?

Our clients got in line - but it didn't matter. The line stopped moving with 35,000 diversity green cards still to be distributed. Even with thousands of eligible immigrants ready to receive them, the visas ceased to exist under the INA. The Pandemic and the Presidential Proclamation 10014 stopped the line dead in its tracks.

So even more directly than the rest of our broken immigration system, the fate of our clients - selectees for the FY 2020 green card lottery - proves a grim lesson of legal immigration: it's bait and switch.

Many of these families have sold their homes and cars, quit their jobs, or borrowed money to get this far in the DV application process. Even though their visa application journey has continued for two years now, they still have hope to enter America and make this country a better place.

It would be wrong to turn our back on these families.

We ask Congress to make the technical fix that would deliver what it promised to these families. Just roll over the FY2020 DVs for use until they have all been issued to 2020 selectees.

The following Amendment would correct the problem for FY2020 selectees:

IMMIGRANT DIVERSITY VISA ROLL-OVER AMENDMENT

Unused DV from 2020 added to 2021 and subsequent years allocated solely to 2020 selectees.

SEC. ____. (a) For fiscal years beginning with 2021, in addition to the worldwide level of diversity immigrants under subsection (e) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), additional visas shall be made available in accordance with subsections (b) and (c).

(b) The number of such additional visas computed under this subsection is the difference between the worldwide level established for the 2020 fiscal year under subsection (e) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and the number of such authorized visas that were issued and used as the basis for an application for admission into the United States as an immigrant (including admissions pursuant to adjustment of status) described in subsection (c) of the Immigration and Nationality Act (8 U.S.C. 1153).

(c) The additional visas made available as computed in subsection (b) for fiscal years beginning in 2021 all shall be made available to diversity immigrants selected in the lottery for fiscal year 2020.