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THE AMERICAN DIVERSITY IMMIGRANT VISA PROGRAM AS A NEW PHENOMENON IN IMMIGRATION

Immigration law is an integral part of American politics – not only internal but also external – and its issues have been and still are the subject of presidential campaigns and within the sphere of influence of lobbies. Society's attitude towards the subject is "variable dependent on the economic, social, political and ideological situation"[1].

Since its creation, the United States of America has been a destination for immigrants from all over the world, and the Green Card the most desired document in the world. For several years the US government has run a visa lottery – the *Diversity visa program* – which allows immigration visas – so-called green cards – to be obtained. Obtaining such a visa was out of reach for many years for immigrants who were not subject to the preference system until the first edition of the lottery. Until the 1980s and '90s, there was no program in American history performed on such a grand scale and causing such emotions.

The diversity visa program is meant for people who are not subject to a preference system, and who with a bit of luck will be allowed to settle in the United States, work legally and become a citizen in the future. The program is very popular, even though knowledge about it is rather lacking – not only about its history and the reasons for its establishment, but also about fundamental issues such as the conditions allowing participation in it.

[1] J. Rokicki, *Polityka prezydenta Ronalda Reagana w zakresie imigracji*, [in:] A. Bryk, A. Kapiszewski, *Ronald Reagan a wyzwania epoki*, Kraków 2005, p. 379.

It is crucial to provide a brief presentation of the history of immigration to the USA as well as key immigration bills to show the history of the program, the reasons for its establishment and the aims of its creators.

There is no doubt that immigration policy and society's attitude towards immigration depend on many factors, but mostly they depend on the economic situation. The USA has conducted an open-door policy for most of its existence. The uninhabited territories of the USA gave opportunities to the first settlers from Europe, who created national growth through their hard work. The New World as a land of opportunity – the Promised Land – gave newcomers the opportunity for social advancement according to the slogan "from rags to riches". This was also about "refuge for all oppressed people without regard to their nationality"[2].

During the colonial period immigration to the New World was not restricted by law. Basically everyone who had enough money could migrate to the colony. More than once "actions encouraging immigration" took place – such as in 1619, when the London Company sold 19 women to planters for the price of their transportation. Deportation of convicts from England and so-called street round-ups, which kidnapped men, women and children, "deceitfully abducted the vessel by the ghosts and deported by the sea" were on the agenda.[3]

Despite the lack of a coherent colonial policy in the field of immigration law since 1639, many colonies tried to restrict the immigration of undesirable persons. After the announcement of the Declaration of Independence in 1776 and recognition of the United States in the international arena, immigration to the former colonies began to increase. The federal government, taking into account the needs of the country on hand to work, stimulated immigration because "it was necessary to establish farms in the West, displace the Indians, build a state strong enough not to have fallen into dependence on another power".[4] The period of liberal immigration law lasted as long as there was a need for immigrants in the economy and the state was in the construction and development period.

In the middle of the 19th century immigration from Eastern and Southern Europe was allowed. This was mainly about immigrants seeking a livelihood. The influx of immigrants worsened the already poor economic situation of the country, caused by the Civil War in the years 1861–1865, and led to rising unemployment. This situation increased the antagonism between the old (old stock) and new immigration, and at the beginning of the 20th century the American state faced the problem of quantitative and qualitative immigration restrictions. The period of the 1890s is considered a turning point in the social anti-immigration policy: "It was connected with the end of the period of conquest of the continent and the lack

[2] The resolution was submitted to the third session of Congress 61 of 1864 – according to H. Kubiak, *Rodowód narodu amerykańskiego*, Kraków 1975, p. 102.

[3] C. A. Beard, M. R. Beard, *Rozwój cywilizacji amerykańskiej. Era rolnicza*, Warszawa 1961, Vol. 1, p. 63–64.

[4] W. Pasko-Porys, *Prawo imigracyjne Stanów Zjednoczonych*, Warszawa 1997, p. 20.

of free land and the common belief that too many newcomers will reduce living standards".[5] The turning point for introducing legal regulations can be deemed to be the year 1875,[6] when immigration of undesirable persons, i.e. "sick, lame and infirm and those with immoral reputation", was banned. The *Chinese Exclusion Act* (1882) was another act that restricted immigration to the USA. This act was "the first to introduce the race criteria into immigration policy"[7]. In addition to provisions to ban Chinese people from entering the territory of the United States, the law included provisions on the prohibition of deportation and naturalization. It should be mentioned that banning the Chinese from immigration was not caused by racism, but by economic factors. They were the largest group of immigrants employed in the 19th century in California in railway construction and gold mines. They often worked for the lowest salary, depriving Americans of jobs. The exclusion of the Chinese was abolished in 1943, and they were granted a national quota of 105 (*Chinese Exclusion Repeal Act*).[8]

The subsequent years brought restrictions for entry into the United States due to a lack of skills by workers (*Foran Act 1885*) or due to illiteracy (*Literacy Test Act, 1917*). In the early 1920s, another law was introduced, which determined the right of entry by national origin (*Japanese Exclusion Act, 1924*).

The period of restrictions was started by the Act of 1921 (*Quota Act*). The reasons for passing this law should be found in the economic crisis and strikes of laborers who lost their jobs as a consequence of the influx of cheap labor from Europe. According to the census of 1910 the quota system restricted immigration to the amount of 3% of national groups residing in the United States. Subsequent years brought a reduction in the amount of immigration to 2% of the immigrant population residing in the United States according to the census of 1890, and established an annual limit at a level of 165,000 (*Immigration Act of 1924*). The next act of the quota law was adopted in 1929 (*National Origin Act*). This act lowered the annual limit to the amount of 150,000, and replaced the 2% limit, "the proportion of number of persons of nationalities living in the United States in 1920". The overall annual limit for Western Europe (i.e. for the old immigration) accounted for 85% of visas, but that for Eastern and Southern Europe covered only 15%.[9]

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[5] A. Kapiszewski, *Asymilacja i konflikt. Z problematyki stosunków etnicznych w Stanach Zjednoczonych Ameryki*, Kraków 1984, p. 16.

[6] Although the end of the 19th century is considered as the beginning of the restrictive era, it is worth noting that the 1875 Act is not the first act introducing a reduction in immigration; much earlier, in 1798, the Alien and Sedition Act was introduced which allowed "deportation from the country people dangerous to his peace and security". See H. Kubiak, *op. cit*., p. 109; J. Rokicki, *op. cit*., p. 380.

[7] H. Kubiak, *op. cit*., p. 110; W. Pasko-Porys, *op. cit*., p. 23.

[8] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 10 (01.08.2007).

[9] C. K. Kubik, *Amerykański system opieki zdrowotnej. Podręcznik dla wszystkich*, Chicago 1999, vol. 2, p. 1239; J. Rokicki, *op. cit*., p. 380; W. Pasko-Porys, *op. cit*., p. 26.

The period of restriction in immigration law was maintained up until 1952, when the *McCarran-Walter Act* was adopted. It maintained the quota system, established an annual limit on the number of immigrants from the Eastern Hemisphere, but abolished the "racial barriers to naturalization" and introduced a preference system for relatives of citizens and certain qualifications, which in later years would be modified. The assumptions of the restrictive immigration policy had been achieved. In the years of national quotas, immigration fell significantly, in some years reaching a negative balance (predominant emigration over immigration). The economic crisis of the late 1920s and '30s was also significant for the decline in immigration.[10]

Until 1965, immigration to the United States was hampered by the system of national quotas which was in force from the 1920s onwards – as "a rational and logical way to restrict immigration numbers."[11] (*Johnson Act, 1921, Johnson-Reid Act 1924, National Origins Act of 1929, McCarran-Walter Act, 1952*). It should be noted that the purpose of the quota system was to restrict immigration, but with specific regions of Europe, i.e. from the South and East. In the mid-1960s, in the shadow of the struggle for civil rights, the amendment *The Immigration and Nationality Act Amendments of 1965* (*Hart-Cellar Act*) was adopted, which started the liberalization of immigration law and ended the era of discrimination based on race, national origin and ethnicity. A detailed record on this subject was in section 202 (a) of the Act of 1965, which said that "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence". This provision meant the end of discrimination in immigration law – at least theoretically, since many laws were introduced that did not comply with section 202 (a). This concerned among others the Act of 1990 introducing the visa lottery.[12]

The System of Preferences of 1965 divided the pool of immigrant visas as follows: „84 percent of available visas for aliens with relatives residing in the United States, 10 percent for aliens with occupational skills or training needed in the United States, and six percent for refugees".[13]

Amendments to the provisions of the immigration law of 1976 introduced ta system of preferential groups also "in relation to immigrants from the Western Hemisphere"[14]. In practice, in the period from 1965 to 1990 immigration law was based only on a system of preferences for families of U.S. citizens and permanent residents, as well as on the needs of the labor market – treating employees of speci-

[10] *Ibidem*, p. 27–28; C. K. Kubik, *op. cit*., p. 1240; H. Kubiak, *op. cit*., p. 114. "In the hardest year of crisis – 1932 – 35,000 immigrants arrived, and more than 100,000 left the country".

[11] R. Jenks, *Before the Immigration, Border Security, and Claims Subcommittee of the Committee on the Judiciary of the House of Representatives*, www.mygreencard.com/downloads.php?file=Jenks_Jun2005.pdf, p. 2 (21.05.2007).

[12] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 13–14 (01.08.2007).

[13] R. Jenks, *op. cit*., p. 3.

[14] W. Pasko-Porys, *op. cit*., p. 29.

fic professional qualifications in a preferential way.[15] This meant that people without specific qualifications or close family have had little chance of legal immigration to the United States. It was not until the *Immigration Act of November 29, 1990*, which introduced a new type of independent immigrants – known as "immigrants of different nationalities"[16] – that there were *diversity immigrants* who could not covered by the preferential system, and complying with the minimum requirements and a little luck could get a green card for permanent residence and take almost any job in the United States.[17]

Reasons for the introduction of the visa lottery

Not without significance for the shape of today's immigration laws is the fact that, for more than half of the century, a system of national quotas was in force, which were associated with limitation or exclusion of the sources of immigration of strictly defined category of persons from certain regions of the world.

Attempts to change the image of the United States in the international arena as a country where human rights are respected ended with the introduction of the Act of 1965, intended to launch a new era – an era of liberalization in immigration law. However, few see that this law, which abolished the national quota system as a factor for admission into the United States, modified the existing system, introducing a system of preferences which turned out to be unfair for many groups. The attempts to redress ended in the 1980s with the introduction of two lottery programs, allowing even the participation of illegal immigrants. It may even be assumed that the Act of 1965 provides a starting point for reflections on the causes of the introduction of the visa lottery.

The years following the adoption of the Act of 1965 led to a discussion on the shape of immigration law. To this end, in 1978 Congress established the Select Commission on Immigration and Refugee Policy, which aimed at examining the existing laws and immigration policy. In the final report of the commission (August 1981) objectives that should be pursued by U.S. immigration policy were determined. Those aims included:[18]

1. social – family reunification,
2. economic – balanced economic growth through protection of the labor market,
3. cultural diversity "consistent with national unity".

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[15] *Ibidem*.

[16] www.polish.poland.usembassy.gov/poland-pl/img/assets/5816/dv_pl1.pdf (23.05.2007).

[17] Some professions are restricted to US citizens only. See: W. Pasko-Porys, *op. cit*., p. 55–58.

[18] *The Diversity Visa Program of the Immigration Act of 1990 Excerpted from research prepared by the Numbers USA Education and Research Foundation*, www.numbersusa.com/PDFs/TheDiversityVisaProgram.pdf, p. 1 (20.03.2007).

However, the goals developed by the committee on immigration policy are not complete and should be supplemented by another two[19]: moral – supporting human rights, national and economic security – controlling illegal immigration. It is believed that the third goal – cultural diversity – is one of many factors influencing the introduction of the green card lottery program in 1990. The introduction of the visa lottery would not have been possible, and in fact would not have occurred if not for the previously mentioned changes in the immigration law of 1965 and the activities of lobbies, mostly Irish and Italian, which had representatives in the ranks of influential members of Congress. The main goal of the creators (or rather the modifiers) of the preferential system from 1965 was to establish chain immigration – sponsored by the family (*family-sponsored immigration*) – in which the sponsoring person (citizen or resident) must have adequate revenue – "125% of income deemed poverty documented settlement of tax for the last three years".[20]

The system that was created was supposed to honor the relatives of immigrants who had already arrived, from the old and proven dominant and already assimilated wave. Theoretically, the main beneficiaries of the system were to be Europeans, but the effect was different from that intended, because the new provisions of the Act of 1965 benefited from immigrant Asian and Latin families who had come to the United States shortly after World War II[21].

As shown in Figure 1 there was a reduction in the level of immigration from Europe (mainly Western) after 1965, and an increase in immigration from Asia and Latin American countries (in the framework of family reunification). This resulted in a change in the racial and ethnic structure of the United States.[22]

The Act of 1965 contributed significantly to the reduction in the level of immigration from Ireland. In the years preceding the enactment of a seven-level system of preferences, i.e. the years 1951 to 1960, immigration from Ireland reached an average limit of 4,836 immigrants per year, between 1961 to 1970 – 8,597, while in the years 1971 to 1980 immigration from Ireland fell to 1,149 immigrants per year.[23] The situation of Irish people (but not only that of this group) was due to the introduction of a seven-level system of preferences, which, as mentioned earlier, entitled people who have close relatives in the United States or specific professional qualifications to apply for an immigrant visa. In addition, to the detriment of the Irish, in the 1970s non-preferential visas were eliminated because of too many applications, exceeding the number of available visas. Non-preferential visas were

[19] www.urban.org/publications/305184.html (22.02.2011); M. E. Fix, J. S. Passel, M. E. Enchautegui, W. Zimmermann, *Immigration and Immigrants. Setting the Record Straight*, Washington D.C. 1994, p. 3.

[20] W. Pasko-Porys, *op. cit*., p. 167.

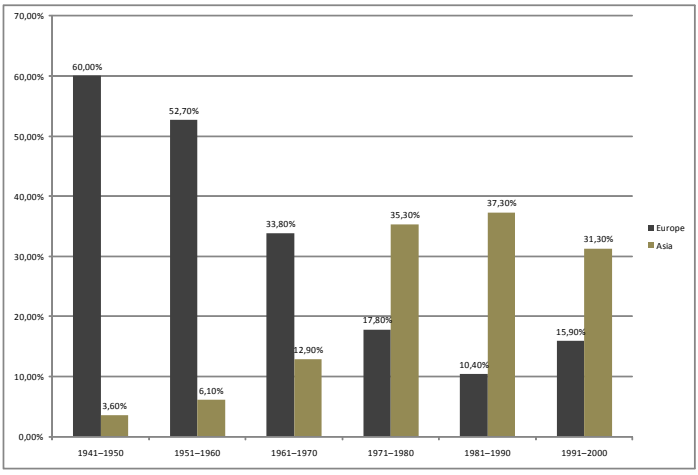
[21] www.answers.com/topic/immigration-act-of-1965 (18.07.2007).

[22] The immigration trends in this form are maintained to the current year. In 2003-2005, many people came to the United States in the guise of family reunification with Mexico, India, China and the Philippines, while the target state was settlement first in California, then following New York, Florida and Texas. See: *U.S. Legal Permanent Residents: 2005*, p. 3–4, www.dhs.gov/xlibrary/assets/statistics/publications/USLegalPermEst_5.pdf (21.05.2007).

[23] A. O. Law, *The Diversity Visa Lottery – A Cycle of Unintended Consequences in United States Immigration Policy*, www.condor.depaul.edu/~psc/faculty/law/diversity.pdf, p. 6 (29.05.2007).

granted to persons who met certain conditions, "and were not subject to any of the [...] categories, provided that the limit [...] of the preferential visas in a given year has not been used".[24]

Figure 1. Legal immigration, 1941–2000



Source: www.answers.com/topic/immigration-act-of-1965, Diagram 1 (18.07.2007).

The abolition of non-preferential visas closed the possibility of legal immigration for Irish people who did not have the requisite qualifications or close relatives. The lack of possibility to legally cross the border of the United States was the reason for the rise in illegal immigration from Ireland. This situation did not remain without a reaction for long. The influential group of Irish representatives in Congress came to their countrymen's aid. The pilot program lottery NP-5 was the result of their actions, by which Irish immigrants who had resided illegally in the United States legalized their status and in the temporary lottery AA-1 program in 1992 received the largest number of immigrant visas, i.e. 14,617. Another group that were disadvantaged (according to subjective assessment by the victims themselves) by the law of 1965 were Italians. Before 1965 they immigrated mainly via the preferential structure introduced in 1952 as immediate relatives (the Act of 1952 defined as the next of kinsiblings; only the law of 1965 included parents in the category of next of kin). Family visas attracted great interest among Italian immigrants, but with the binding force of the principle of first come first served, waiting periods for visas increased to several years.[25]

[24] K. Piotrowska-Breger, *Ameryka, to nie tak miało być*, Kraków 2004, p. 52.

[25] C. K. Kubik, *op. cit*., p. 1240; A. O. Law, *op. cit*., p. 9.

Unlike the Irish, Italians had little chance of a preferential visa for the reason that every year they used the granted limit of preferential visas, i.e. 5,600. The introduction of the Act of 1965 additionally made the situation even more difficult, because people on the waiting list for an immigrant visa were moved to a new waiting list according to a seven-level system of preferences. Representatives of the Italian community went to work in the early 1970s under the slogan "*Do something for the Italians*". The Italian and Irish communities decided to join forces in their battle for reform of immigration law. They attempted to revise immigration law in the 1960s and '70s. The first draft was presented at the end of the '60s, but did not receive approval in Congress. William Ryan, a Democrat from New York and a representative of the Irish minority, was its creator. The bill assumed a lower limit being set for each country from the Eastern Hemisphere, "of which Ireland was a part". The lower limit was to be calculated as follows: 75% of annual limits on immigration visas for each country, awarded during the ten-year period preceding the reform law in 1965. In the event that any of the countries did not use their annual allocation granted after 1965, the difference between the lower limit and the number of visas granted would be additional immigrant visas, even more than the maximum limit of 20,000 visas for the country, and "over limit" immigrants would be exempt from the requirement for professional qualifications. This was to solve the main problem, which was labor certification.[26]

Another bill was proposed, this time by a representative of the Italian minority – Peter Rodino, a Democrat from New York. This bill assumed that the visas which were not granted should be distributed. Similarly to Ryan's bill, those persons who were granted such visas would be exempt from the requirement for professional qualifications. Rodino included in his bill the statement that countries defined as "disadvantaged countries – those which had not used their limit in 1968 – would be allowed to take part in the program", to put on a show of neutrality.

In another bill proposed by Rodino in collaboration with Emmanuel Celler, the draft reform of immigration law, the beneficiaries as in the previous two bills were to be Irish and Italian people. In order to get approval for the bill from Congress Celler and Rodino introduced the concept of "new seed immigrants", according to which a chance should be given to young, independent immigrants based on the requirement of professional competence even without any close relatives in the United States. According to Emmanuel Celler, the pool of visas for immigrants referred to as "new seed" should be determined every year, since immigrants of this category are more valuable, have "pioneering spirit and an immigrant work ethic".[27]

In fact, the concept of new seed immigrants was only a pretext to push through reforms for the benefit of the Irish and Italians. Having experienced failure, Rodino realized that he would not find support for the reform bill, which allows

[26] *Ibidem*, p. 10–12.

[27] *Ibidem*, p. 13.

for the arrival of uneducated and poorly skilled immigrants, in addition not having relatives in the United States.

The reform bills mentioned above did not find recognition in Congress. It was often the case that their life ended in the House of Representatives. Representatives of minorities were so determined in their efforts to reform immigration law that they did not fail to use the at the time very popular slogans about discrimination against the Irish and Italians, or discrimination based on national origin, which in turn was associated with violations of the Act 1965, namely the provisions of section 202 (a). There were also comparisons of the current immigration law and immigration difficulties for the rights of certain groups from the late nineteenth century, namely the *Chinese Exclusion Act* (California's Irish President of the *Irish Immigration Reform Movement* Philip O'Rourke).[28]

At the end of the 1970s the discussion on changes in immigration law was pushed into the background in favour of searching for a solution to the problem of illegal immigration. However, the activities of the lobbies, in particular the Irish representatives, did not stop. Their long-term efforts to reform immigration law brought results – the Act of 1986 (IRCA) provided lottery programs promoting immigration from Ireland.

The history of the legislation process: Work on the lottery program (*Diversity Visa*)

The act introducing the current lottery program was adopted in 1990, but work on the bill had begun much earlier. The first clauses of the lottery schemes were already present in the Act of 1986. They aimed at promoting immigration from certain countries, implementing (at least officially) the guidelines of the Select Commission on Immigration and Refugee Policy report from 1981 concerning the diversification of society.

NP-5 was the first lottery program, sponsored by Brian Donnelly. Having approved the program in the Act of 1986, another draft of the program was prepared to implement the principle of diversity by Sen. Edward Kennedy (Democrat, Massachusetts). The bill assumed the creation of a category of independent immigrants – and in turn dispensing from this pool of immigrants the subcategory of non-preferential (*nonpreferences aliens*) who would be selected from countries with low rates of immigration according to the points system.

The points would be awarded for education, English language skills and professional qualifications.[29]

The bill assumed the award of extra points for immigrants from countries known as being adversely affected. Kennedy's bill included the Commission's gu-

[28] *Ibidem*.

[29] R. Jenks, *op. cit*., p. 7.

idelines, but did not get the approval of Congress and was not adopted. Instead, an amendment to IRCA, which introduced the second lottery program OP-1, was passed in 1988.

In 1988, Senators Edward Kennedy and Alan Simpson (Republican, Wyoming) introduced a draft bill on immigration, the Immigration Act of 1988, which included clauses for the category of independent immigrant who, due to a lack of close relatives in the United States, had no chance of immigration. The draft bill assumed the creation of a subcategory of selected immigrants in the framework of independent immigration. The expected pool of visas was 55,000. Potential immigrants would be emerging based on a points system similar to that which was presented by Kennedy in 1986 (education, English language skills and professional qualifications); the drafters did not foresee additional points for those who came from countries from which immigration was difficult after 1965. The bill was approved by the Senate in 1989 (excluding the provision on the granting of credit for English ability).[30]

At the same time another bill was submitted by Charles Schumer (Democrat, New York). This differed substantially from the bills submitted earlier. Schumer planned the pool of visas to be allocated in the number of 75,000 per year for immigrants of different nationalities (*diversity immigrants*) from countries with low immigration (*low-admission state*). Countries with low rates of immigration were defined by Schumer as those from which fewer than 25,000 immigrants came over the past five years. In the current editions of the DV program, countries eligible to participate in the lottery are those from which fewer than 50,000 immigrants came over the past five years.[31]

Moreover, Schumer's bill anticipated that the number of visas granted in the program may not exceed 7% of the visas for one country from a pool of 75,000 – with the exception of immigrants from Ireland, for whom Schumer reserved 14% of the available pool of visas. A total of 14% of the visas was made up of 7% of the visas allocated to the Republic of Ireland and 7% of visas granted to Northern Ireland, which was treated by Schumer as a separate country, although it is part of the UK, and received its own pool of visas in a quantity of 7% as an independent state.[32]

This preferential treatment of Irish people was associated with Schumer's close cooperation with the Irish Immigration Reform Movement. This cooperation ended, however, when Schumer did not consent to include in the draft a provision on the legalization of Irish immigrants, which was one of the two main objectives of the organization (the second goal was to "increase the possibility of immigration for citizens of Ireland and other countries of Europe").[33]

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[30] *Ibidem*, p. 8; www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 30 (01.08.2007).

[31] *Ibidem*; W. Pasko-Porys, *op. cit*., p. 134.

[32] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 31 (01.08.2007).

[33] W. Pasko-Porys, *op. cit*., p. 118.

After their short cooperation with Schumer, the representatives of the Irish Immigration Reform Movement decided to find another ally in Congress, who would be able to prepare a satisfactory proposal for reform of immigration law. To this end, they reported to Bruce Morrison. In March 1990 Morrison submitted for consideration to the Committee of the Judiciary a bill which was a modified version of the Schumer proposal. This bill, similarly to the Schumer proposal, provided a pool of 75,000 visas annually for immigrants of different nationalities; however, a third of this pool was reserved for illegal immigrants. Surprisingly, despite Morrison's close cooperation with the Irish Immigration Reform Movement, he refused to grant visas to a separate pool for Northern Ireland, and thus prevented the accumulation of a pool of visas for the Irish.

Meanwhile, despite criticism of the proposed bill, after taking into account the reported changes the Committee of the Judiciary adopted a resolution concerning the visa program for immigrants of different nationalities (as defined by Schumer, that is, countries with low immigration).[34]

The adopted draft program was a compromise between the Morrison and Schumer proposals. It assumed creation of a transitional three-year program (*Diversity Transition Program*), in which 25,000 immigrant visas were to be gained per year, including those for illegal immigrants. From 1994, the bill assumed transformation of the transitional program into a permanent one with a pool of visas in the number of 55,000 per year, and it is worth mentioning that they were granted permanently. Also the limit of visas granted in the past five years was increased from 25,000 to 50,000, under which countries were defined as low or high rate of immigration.[35] More specifically, the increase of the limit allowed more countries to take part in the program. The bill also included provision for a separate pool of visas for Northern Ireland.[36] The opponents of the reform of immigration law by Morrison believed that the program was a result of the activities of lobbies and did not implement the objectives of American immigration policy; moreover, it ignored the issues of asylum and refugees.

In spite of the negative voices, Morrison pushed the bill through the House of Representatives, and after its passage by the Senate and signature by the President it became law. The act, commonly known as the *Morrison Act 1990*, granted the right to apply for immigrant visas to immigrants of different nationalities from countries with low immigration, a total of 40,000 visas in the years 1992–1994 in the transitional program (*Diversity Transition Program*), and from 1995 it assumed a permanent visa program and the increase of the pool of available immigrant visas to 55,000 per year. In addition, the points system scheme proposed earlier was eliminated from the lottery and replaced by a secondary education requirement, as the equivalent of two years of professional experience of a candidate immigrant.[37]

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[34] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 31 (01.08.2007).

[35] *Ibidem*, p. 33.

[36] *Ibidem*; W. Pasko-Porys, *op. cit*., p. 132.

[37] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 35 (01.08.2007).

NP-5 Program (1987–1990)

The lottery program was implemented in accordance with Section 314 of *The Immigration Reform and Control Act 1986*. The program, also called "Donnelly visa," was the result of the activity of lobbies – mostly Irish and Italian – as well as representatives of those groups in Congress, among others the Democrat representative Brian Donnelly (Massachusetts). Donnelly prepared a draft program for citizens from those countries from which immigration was difficult (*adversely affected*), or even impossible due to the reform of the immigration law of 1965.[38]

Donnelly argued for the introduction of NP-5:

1. reintroduce into the immigrant stream those countries that have been determined to be adversely affected by the reform act of 1965,
2. possibility of legal immigration for those who would normally come illegally (or who were presently illegally residing in the United States),
3. NP-5 would allow for natives of the adversely affected thirty-six countries to compete in a more 'equitable' manner with other nationalities.[39]

In the 1970s, as a result of the Act of 1965, immigration from Europe fell by about 26%, while immigration from Latin America and Asia increased, which is why the list of countries eligible to participate in NP-5 were mainly European countries. The United States Department of State chose 36 countries.[40] These were: Albania, Algeria, Austria, Belgium, Bermuda, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Guadeloupe, Hungary, Iceland, Ireland, Indonesia, Japan, Lithuania, Latvia, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Caledonia, Norway, Poland, San Marino, Sweden, Switzerland, Tunisia, Italy, and the United Kingdom of Great Britain and Northern Ireland. The level of immigration, which could not exceed a 25% limit of visas for each country, was adopted as a criterion for eligibility to participate in the program. In the 1980s, this limit was 20,000.[41]

The program allocated 5,000 non-preferential visas to be obtained in one fiscal year. In the wake of numerous requests the number of available visas was increased to 15,000 and the program was extended for subsequent years (1989––1990).[42]

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[38] *Visa Bulletin*, No. 47, Vol. 7, www.dosfan.lib.uic.edu/ERC/visa_bulletin/9503bulletin.html (01.08.2007); M. M. Hethmon, *Diversity, Mass Immigration, and National Security after 9/11 – An Immigration Reform Movement Perspective*, www.albanylawreview.org/archives/66/2/DiversityMassImmigrationandNationalSecurityAfter9-11-AnImmigrationReformMovementPerspective.pdf, p. 388 (25.05.2007).

[39] A. O. Law, *op. cit*., p. 15–16.

[40] J. Rokicki, *op. cit*., p. 184. There is no agreement as to the number of countries entitled to participate in the NP-5 lottery. Pasko-Porys and Piotrowska-Breger say that 36 countries qualified, but M. M Hethmon gives the figure of 37 countries in: *Diversity*..., p. 388.

[41] A. O. Law, *op. cit*., p. 13, 15.

[42] M. M. Hethmon, *op. cit*., p. 388.

During the NP-5 program, i.e. in 1987–1988 and 1989–1990, a total of 60,000 immigrant visas were granted, that is twelve times more than initially expected.[43]

The NP-5 program, although considered a precursor of the visa lottery, had nothing to do with the lottery – the requirement for getting an immigrant visa was sending the notification within a specified time to the United States Department of State, but the order of applications was decisive. In the first week of admission (January 1987), the United States Department of State received 1.4 million applications. The recipients of most visas in the first edition of the NP-5 were: Irish (3,112), Canadian (2,078), and British (1,181).[44]

Table 1. Number of visas granted in the NP-5 program

Continent	Country	Number of visas granted in NP-5 program
North America	Canada	2,078
Asia	Indonesia	810
	Japan	518
Europe	Ireland	3,112
	Poland	592
	Federal Republic of Germany	311
	Italy	315
	Great Britain	1,181

Source: A. O. Law, *op. cit.*; M. M. Hethmon, *op. cit*., p. 388.

Despite the efforts of their representatives in Congress, Italians received only 315 visas. Including on the United States Department of State list countries from Eastern Europe and South America seems obvious – for many years they were excluded from the wave of immigration, while it is difficult to justify the admission to NP-5 of countries of Western and Northern Europe, from which regions immigration was "privileged" when the national quota system was in force, and restriction of immigration from Western and Northern Europe came in 1976 by the act amending the immigration law, which introduced an annual limit of 20,000 for one country and a system of preferential groups. Only Algeria and Tunisia out of the African countries were admitted to the program, although immigration from other African countries, both before and after 1965, was at a low level.[45]

[43] W. Pasko-Porys, *op. cit*., p. 39.

[44] M. M. Hethmon, *op. cit.,* p. 391.

[45] W. Pasko-Porys, *op. cit.*, p. 25, 29; R. Jenks, *op. cit*., p. 3, 7.

The NP-5 program, as already mentioned, bore signs of amnesty, as illegal immigrants were allowed to participate in the lottery. The group of immigrants who sent and received a visa application thereby legalized their status.

OP-1 Program (1990–1991)

The OP-1 program was the second lottery scheme introduced under the amendments to the act in 1988 (*Immigration Amendments of 1988 § 3 (a)*).

The OP-1 program was known as the "Berman Visa Program" after the Democrat representative in the House of Representatives, Howard Berman. Thanks to Berman, the OP-1 program was introduced for 162 countries referred to as "underrepresented."

"Underrepresented countries" were identified as those countries which in 1988 used less than 25% of the annual limit on immigration visas for the country[46] – assuming that the limit of immigration visas for one country was 20,000, the citizens of the country could not receive more than 5,000 visas, so the state could be qualified for OP-1. The following countries were excluded from the OP-1 program: China (including Taiwan), Colombia, Dominican Republic, El Salvador, Guyana, Haiti, India, Jamaica, Korea, and the United Kingdom (including dependent territories).[47]

In contrast to the NP-5 program in the OP-1 Program, the order of submission of applications did not matter; petitions (in accordance with the principle of one candidate – one application) with the return address were to be sent within a specified period from 1 to 31 March 1989 to the United States Department of State – applications were drawn by means of a computer program. Petitions received sooner or later did not participate in the lottery.[48] The program allocated 10,000 visas in one fiscal year (a total of 20,000 visas), while nearly 3 million applications for visas were received. Similarly to the NP-5 program, illegal immigrants were allowed to participate in the lottery.[49] However, participation in the OP-1 lottery by illegal immigrants was associated with risk, as being drawn for a visa was not

[46] According to M. M. Hethmon, *op. cit*., p. 389; www.groups.google.pl/group/soc.culture.china/browse_thread/thread/49a6b8f2eb890857/694f4f7b61f58f20?lnk=st&q=lottery+OP1&rnum=3&hl=pl#694f4f7b61f58f20 (04.06.2007); W. Pasko-Porys, *op. cit*., p. 39.

[47] The source did not report which Korea is referred to. It was presumed that both South and North Korea were excluded. South Korea on the list of countries excluded from the lottery in present visa lottery (DV-2011). See: www.travel.state.gov/pdf/DV-2011instructions.pdf (22.02.2011); www.groups.google.pl/group/soc.culture.china/browse_thread/thread/49a6b8f2eb890857/694f4f7b61f58f20?lnk=st&q=lottery+OP-1&rnum=3&hl=pl#694f4f7b61f58f20 (04.06.2007).

[48] OP-1 P.O. Box 20199, Washington D.C. 20199-9998, *ibidem*; *The Irish Emigrant*, February 19, 1989, No. 107, www.emigrant.ie/article.asp?iCategoryID=200&iArticleID=25630, (01.07.2007).

[49] K. Piotrowska-Breger, *op. cit*., p. 52; www.groups.google.pl/group/soc.culture.china/browse_thread/thread/49a6b8f2eb890857/694f4f7b61f58f20?lnk=st&q=lottery+OP-1&rnum=3&hl=pl#694f4f7b61f58f20 (04.06.2007).

tantamount to receiving one. To fulfill the formal requirements one had to appear at the consulate or embassy indicated in the application form (usually close to home in the country of origin) and fill in the application for an immigrant visa. In the case of persons illegally residing in the United States there was a real risk that, after leaving the United States and not obtaining a visa in the course of verification, they would be unable to return to the US. The OP-1 program corresponds to the current diversity visa program in its form and terms, particularly with the rule one candidate – one application and strict adherence to the deadline for submitting applications.

Table 2 shows the number of visas granted within OP-1. Despite the fact that there were 162 countries entitled to participate in the OP-1 lottery, the list of beneficiaries contained only a few. Applicants from Bangladesh, Pakistan and Poland received most visas, in the absence of beneficiaries from Ireland and Italy, for whom the program was pushed through.

Table 2. Number of visas granted within the OP-1 program

Country	Number of visas granted within OP-1 program
Bangladesh	4,974
Pakistan	1,837
Poland	953
Turkey	819
Egypt	790
Trinidad and Tobago	597
Peru	585
Iran	525

Source: M. M. Hethmon, *op. cit.*, p. 391.

Diversity Transition or AA-1

The lottery program implemented in 1992–1994 was a transition program before the current visa lottery DV. Some 40,000 visas were to be acquire per year in the program; the largest pool was provided for the Irish, as many as 16,000 in each edition of the lottery. However, in order to avoid allegations of discrimination against other nationalities, there were clauses about reserving a certain number of visas for immigrants from countries where most visas were granted in the previous program, NP-5, that is the Irish.

Immigrants from the following countries had the right to participate in the transitional lottery, in addition to immigrants from Ireland, (according to W. Pasko-Porys): Albania, Algeria, Argentina, Belgium, Czechoslovakia, Denmark, Esto-

nia, Finland, France, Gibraltar, Guadeloupe, the Netherlands, Indonesia, Iceland, Japan, Liechtenstein, Luxembourg, Latvia, Monaco, Germany, Norway, New Caledonia, Poland, San Marino, Switzerland, Sweden, Tunisia, Hungary, Great Britain, Italy and Canada. To participate in the program it sufficed to send a request with one's details to the United States Department of State during a limited period (14.10.1991–20.10.1991 in the first edition).[50] The order of lottery entries was binding in the early editions. Due to the lack of regulation on the number of applications sent, it should come as no surprise that in 1992 the United States Department of State received almost 19 million applications. Moreover, sending several dozen or hundreds of applications to increase one's chances of obtaining a visa was quite frequent.[51]

Half of the applications were rejected due to not meeting the deadline (7.5 million arrived too early and 2.5 million too late[52]). In addition, in as many as three-quarters of applications the return addresses were U.S. addresses, which indicated that a large number of illegal immigrants benefited from the lottery and legalized their status.[53] The program included, as well as the ongoing present program, a family clause, which meant acquisition of a visa by the closest family members, i.e. the children and spouse of the person sending the request.

In later years, the principles of selection of applications changed so that a computer draw was made, so the order of submission was no longer relevant, and candidates were obliged to submit only one application under penalty of disqualification. In the next edition of the program in 1993, once the change to submission of only one application had been introduced, the United States Department of State received 1.1 million applications, of which 115,000 were rejected due to irregularities (usually wrongly completed applications), and 2,000 applications were disqualified due to failure to comply with the provisions of the rule: one candidate – one application.[54]

Tables 3 and 4 above contain data on the number of visas granted in 1992 and the number of visas to randomly selected people in the next edition of the transition program in 1993. It should be emphasized that the number of visas randomly selected was much larger than the number of visas granted. A similar practice is also used in the current editions of the program, where for 50,000 green cards available, notices about being drawn for a visa are received by about 100,000 immigration applicants.

[50] W. Pasko-Porys, *op. cit*., p. 132.

[51] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 35 (01.08.2007).

[52] W. Pasko-Porys, *op. cit*., p. 132.

[53] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 36 (01.08.2007).

[54] W. Pasko-Porys, *op. cit*., p. 132–133.

Table 3. Number of visas granted within the *Diversity Transition* program in 1992

Country	Number of visas granted
Ireland	14,617
Poland	10,391
Japan	5,164
Great Britain	2,484
Indonesia	1,978
Argentina	1,149
France	530
Germany	514
Italy	341
Sweden	206
Czechoslovakia	202
Hungary	196

Source: W. Pasko-Porys, *op. cit.,* p. 132–133.

Table 4. Number of selected visas within the *Diversity Transition* program in 1993

Country	Number of selected visas
Ireland	25,000
Poland	19,856
Canada	2,108
Great Britain	1,052
Japan	970
Indonesia	825
Argentina	446
Germany	270
Algeria	234
Czechoslovakia	205
Finland	169
France	132

Source: *ibidem.*

Irish people received the largest number of visas (14,617), according to the statutory limit on granting most visas to citizens of those countries which won the most visas in the NP-5 lottery. Although Poles were in second place in terms of the number of visas granted, Polish representatives in Congress tried to intervene to

ensure that, as in the case of the Irish, a number of visas from the available pool of 40,000 would be booked – namely 11%, which would give a total 4,400 guaranteed visas every year.[55] The proposal made in the House of Representatives was not accepted.

The last year of the transitional program was 1994. Polish people drew 21,000 visas in 1994. In total, from the general pool of 120,050 visas Poles gained 44,856 green cards, while Irish citizens gained 37,946, British people 8,977, Japanese 6,416, and Indonesians 2,557 in the transition period.[56]

Despite the great interest in the lottery in 1992-1994 (proven by the number of applications) the entire pool of visas available in the program was not used. Therefore, the number of unused visas (1,404) in the lotteries in the fiscal years 1992–1994 was earmarked for use in the 1995 fiscal year. People from countries that could participate in the lottery NP-5 under the provisions of Section 314 of *The Immigration Reform and Control Act 1986*, namely the so-called *adversely affected,* were eligible for the unused visas. People who had received the unused visas in the transition program were selected from applicants who had sent the declaration within the time designated for the *Diversity Visa* program. People from Ireland and Northern Ireland received additional time for submitting applications (except the one which was for all applicants to the DV program).[57]

To sum up, despite the fact that 32 countries, including Ireland, were admitted to participation in the program, there were only 12 countries, including 9 from Europe, on the list of beneficiaries in 1992, and in 1993 seven of 12 countries. Moreover, in 1992–1994 Europeans drew most immigrant visas – as many as 93,421, Asians were in second place – 9,643, followed by North America (excluding Mexico) – 2,461, Central America and the Caribbean (including Mexico) – 1.958, Africa – 725, and Oceania – 227.[58]

It should not be forgotten that the main objective of the visa lottery was to diversify American society, while there was a duplication of immigration and maintaining standards in the transitional period of immigration visa program, mostly from Europe at a significant level. The reasons for sustaining immigration from Europe on such a significant level in the visa program should be traced back to the 1960s and the system of preferences introduced, of which, as already mentioned, contrary to expectations Asians and Latinos took advantage.

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[55] W. Pasko-Porys, *op. cit*., p. 132. Unfortunately the information about the limit on visas for one country in Diversity Transition was out of reach. In the current editions of the program, no country may receive more than 7% of the pool of available visas to 50,000.

[56] K. Piotrowska-Breger, *op. cit*., p. 52; www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 36 (01.08.2007).

[57] Data has been found indicating that in later years, i.e. 1995-1997, green cards under the interim program were granted. In 1995, 6,944 visas were awarded; in 1996, 545 visas; in 1997, only 14 visas. See United States, Department of Homeland Security, *Yearbook of Immigration Statistics: 2004*, Washington D.C. 2006, Table 4, p. 20, www.dhs.gov/xlibrary/assets/statistics/yearbook/2004/Yearbook2004.pdf (01.08.2007); *Visa Bulletin*, No. 47, Vol. 7, www.dosfan.lib.uic.edu/ERC/visa_bulletin/9503bulletin.html (01.08.2007).

[58] www.numbersusa.com/PDFs/Post1965USImmigrationPolicy.pdf, p. 36 (01.08.2007).

In light of the presented data, the provision of the act concerning the prohibition of discrimination based on race and national origin in lottery programs previously discussed is controversial, as since the beginning they were directed to specific groups of immigrants, and in many cases they were a chance to legalize the stay in the United States.

Moreover, the lottery programs were a kind of affirmative action, a form of compensation for the years of the law that had prevented certain groups of immigrants from settling in the United States; under the guise of social diversification and the prohibition of discrimination based on race and national origin pre-election promises made by representatives of specific groups in Congress were pursued effectively. The immigration policy conducted by Congress was unjust from the standpoint of potential immigrants, causing controversy and political disputes, particularly pre-election. However, it should be remembered that the United States, as a sovereign state under international law, can decide "who and under what conditions may enter [...] and how long [...] stay, how and when to obtain local nationality to become a fully equal member of the national community" even if this is done through sheer luck, rather than the rational needs of the state.[59]

The Diversity Visa Program, and the question concerning the redistribution of visas

The visa lottery was introduced under Section 203 (c) of *The Immigration and Naturalization Act* (INA). Article 131 contained in the act of 1990 amended Article 203 of the INA, thereby establishing a new category of immigrants – *diversity immigrants*. Under this amendment every year the United States Department of State runs the program "Visas for immigrants of different nationalities" who are chosen by lottery, commonly known as the visa lottery.[60]

Some 50,000 immigrant visas entitling recipients to live in the United States with close family and work legally are to be obtained every year – but the immediate family is defined, in the context of the lottery, as a husband/wife "and unmarried children under 21years old until notification has been sent".[61]

During the transition period of the lottery (*transition* or AA-1) in 1992–1994 the limit of visas amounted to 40,000. From 1995 – that is, the year in which the lottery was converted into a permanent program – the visa pool increased to 55,000. However, the pool was then reduced to 50,000 due to an Act of Congress in November 1997, which reserved 5,000 visas for NACARA (*Nicaraguan Adjustment and the Central American Relief Act*) from the DV-2000.[62]

[59] A. Kiedrzyn, M. Madej, H. Nieć, *Wybrane aspekty prawne obywatelstwa i problematyki imigracyjnej*, „Zeszyty Naukowe UJ" (Prace Polonijne), MLXXI, z. 17, Kraków 1993, p. 10.

[60] www.travel.state.gov/pdf/DV_2008_Final.pdf (04.06.2007).

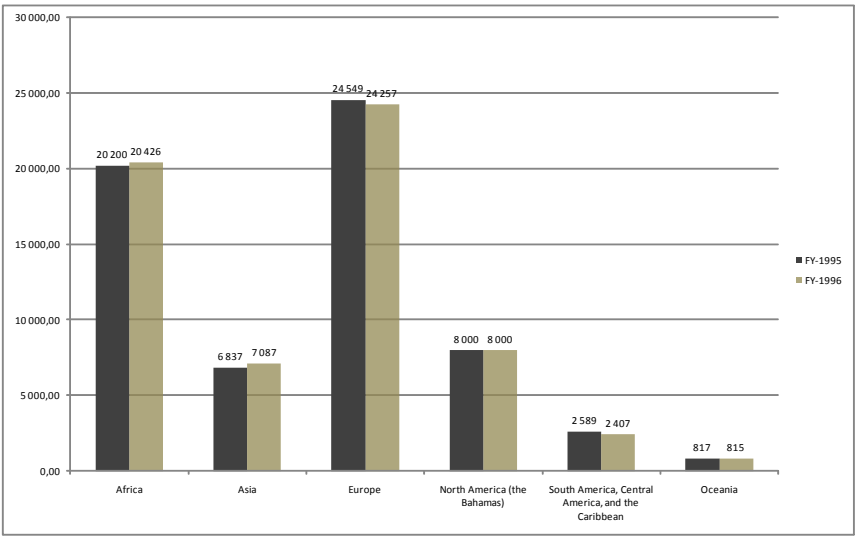
[61] www.wizy.pl/wizy/index.php?target=1&level=2&ids=11&id=11&lang=pl (19.03.2007).

[62] www.travel.state.gov/visa/immigrants/types/types_1317.html (26.08.2007); The NACARA program entitles immigrants from Central America to the legalization of an illegal stay.

Countries with low levels of immigration (*low admission states*) are eligible to participate in the lottery. Countries which received a pool of immigrant visas, green cards, i.e. in the last 5 fiscal years did not exceed 50,000, are considered as countries with low immigration to the United States. On the basis of information provided by the United States Department of State and the Bureau of Citizenship and Immigration Services, which specifies the number of immigrants who arrived during the last 5 years to the United States, the General Attorney should each year state countries with a low level of immigration, whose citizens are eligible to participate in the lottery. The data on the number of refugees and visa lottery winners is not taken into account in the calculations.[63]

The countries selected as countries with high immigration (*high admission states*) are not eligible to participate in the lottery. The Department of Homeland Security publishes annually a list of countries that were excluded from the lottery. Additionally visas are distributed among the six geographic regions, while more visas are allocated to regions with low rates of immigration.[64] However, the limit of 7% per country cannot be exceeded (from a pool of 50,000), which gives a maximum number of visas 3,500 for one country (before the reduction in visas for the NACARA program the limit of visas for one country was 3,850[65]).

Figure 2. Redistribution of visas in regions in fiscal years 1995 and 1996



Source: *Visa Bulletin...*, No. 46, Vol. 7; No. 58, Vol. 7.

[63] M. M. Hethmon, *op. cit*., p. 390; www.szukaj.gazeta.pl/archiwum/1,0,244862.html?wyr=loteria%2Bwizowa%2B (23.10.2006).

[64] U.S. Department of State Foreign Affairs Manual, Vol. IX: Visas, www.foia.state.gov/masterdocs/09FAM/0942033N.PDF (11.06.2007); www.polish.poland.usembassy.gov/poland-pl/img/assets/5816/dv_pl1.pdf (04.06.2007).

[65] W. Pasko-Porys, *op. cit*., p. 133.

Figure 2 shows an example of redistribution of visas between the six geographical regions in the 1995 and 1996 fiscal years. Immigrants from Europe and Africa could receive the most immigrant visas by lottery in the following years. The lowest limit of visas was established for North America, because of high levels of immigration primarily from Mexico (family reunification), which therefore is not entitled to participate in the visa lottery. It should be stressed that in order to ensure the use of the entire pool of visas in the DV program usually twice as many visas are drawn, while in the 1992–1994 edition of the transient lottery typically 20% more visas were drawn than there were expected in the pool. During the first edition of the permanent DV program in 1995 it was intended to draw 110,000 people to use the whole pool, but the computer drew 195,000 people, and they all were sent winning notifications.

Despite the established limits for the various regions, including Europe, at 24,549 visas, 93,000 people in Europe received notifications of winning a visa.[66] This mistake was noticed after a long time and, at the end of 1994, the processing of applications for immigrant visas was blocked without the people who had been notified of winning and were waiting for a meeting with the consul being informed. Poles living in the United States who drew green cards and whose status was not regulated – that is they were there illegally – were required to pay a special charge of $650 in addition to the fees for the visa procedure, which was not refundable.

The Polish American Congress stood in defense of all Polish victims, and its then National Executive Director Les Kuczynski promised to intervene in the White House, the United States Department of State and Congress. At a meeting at the United States Department of State Kuczynski proposed three solutions for the situation:

1. granting all persons who received the notice of winning a visa from the pool of unused visas in previous years,
2. granting so-called "laissez" to victims, legalizing their stay,
3. granting visas to all persons who received the notice of winning from the pool of visas for the subsequent years.[67]

The proposed solutions did not gain recognition; however, after numerous perturbations the federal government recognized the mistake and granted visas from the pool for subsequent years to all persons who had received a winning notice. For this reason, the limit of visas was over, and in subsequent years Poles were excluded from the visa lottery program.[68]

[66] *Ibidem*, p. 180.

[67] *Ibidem*, p. 181.

[68] K. Darewicz, K. Groblewicz, *Loteria, czyli można wygrać i można zarobić*, "Rzeczpospolita", 07.10.2000.

Final remarks

A profile of the visa lottery could be made in a few words. At first glance the rules are simple and transparent. The difficulties begin when the question about the reasons for establishing and about the sense of conducting an annual visa lottery is raised. There were many factors that contributed to the establishment of the program, including two interrelated major ones. Immigration policy is one of the factors which undoubtedly had a big impact on immigration law and establishing the lottery, because trends in American immigration policy changed depending on the economic situation or the balance of power in Congress.

The liberal immigration policy of the formation of the United States period was replaced by a selective policy at the beginning of the 20th century, in order to minimize or completely eliminate certain groups from the wave of immigration. The United States, as a host country, has decided whom and under what conditions to grant permission to enter its premises, even if those rules are controversial. Without a doubt, the second factor that contributed to the introduction of lottery was the activities of lobbies, whose representatives fought for their entry rights, pointing to the discriminatory nature of immigration policy. Their actions, which lasted for several years, eventually led to the establishment of programs and the current lottery – Diversity Visa. However, it is surprising that countries like Italy or Ireland, for which the programs were established, lost interest in them at some point. The Diversity Visa Program is a scheme directed to persons from countries with low immigration (*low admissions states*) – hence the high proportion of immigrants from Africa, Asia and Eastern Europe.[69] The reasons for establishing the lottery are a result of pressure from the representatives of the nationalities who were victims of the preferential and quota system. The rules of selecting candidates for immigration are based on novel rules not found anywhere else, primarily drawing, in which the factor of luck or chance is of great importance, and so called "lottery" immigrants, who are excluded from the allocated annual quotas for each country, form a new network links and are the first link in a chain of new immigration.[70]

The visa lottery is a program in which no country has guaranteed participation in the next edition, and admission to the program is not determined by political alliances, but by strict rules governing the level of immigration from a country.

Finally, several questions should be raised as to the future of the visa lottery. Which will be the last edition and what will be the cause of the abolition of the visa program? Will the decision about its elimination wbe rational, or will the lottery perhaps be withdrawn as it was introduced, through the action of lobbies? Unfortunately, no one can give an unequivocal answer to these questions, since U.S. immigration policy is unpredictable, and Americans may yet surprise us with yet another lottery.

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[69] www.travel.state.gov/pdf/FY06AnnualReportTableVII.pdf (17.03.2007).

[70] W. Pasko-Porys, *op. cit*., p. 127.