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FEDERAL EXPRESS

March 4, 2004

Honorable David Trager
U.S. District Court Judge
U.S. Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 09 2004 ★
BROOKLYN OFFICE

Re: BASOVA v. Ashcroft, Civil Action No. CV-03-4929

Dear Judge Trager:

On February 22, 2003, I filed an amended complaint in the above named action. Nina Anachina is named as a plaintiff in the action. The complaint states that Ms. Anachina had not yet received a decision on her DV-2003 application. Attached, please find a copy of the decision from the United States Citizenship and Immigration Service ("USCIS") in Ms. Anachina's case which we have recently obtained.

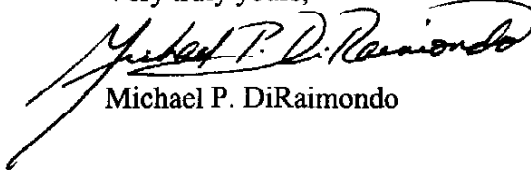
Similar to the other plaintiffs, Ms. Anachina's application for adjustment of status was denied. The reasons stated are: "as your case could not be approved by the indicated cut-off date, and as no visa is currently available, nor cannot be made available, your Application for Adjustment must be, and hereby is, denied as a matter of law."

As indicated in the amended complaint, the actions of the USCIS, namely denying their applications for adjustments of status, are unlawful. The plaintiffs in this case deserve to have their applications for adjustment of status granted, and the continual misconduct of the USCIS should be enjoined.

Please include the attached decision on Ms. Anachina's application for adjustment of status as part of Exhibit "K."

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. DiRaimondo". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Michael P. DiRaimondo

Enclosure

cc: Steven Kim, Esq.
Special Assistant U.S. Attorney



U.S. Department of
Homeland Security

Citizenship & Immigration
Services
26 Federal Plaza
New York, NY 10278

November 04, 2003

Nina Anichina
One 74thth Street, Apt.4N
Brooklyn, NY 11209

Re: 2003 Diversity Visa Lottery / A# 95 960 214
DECISION

Dear Ms. Anichina:

Reference is made to your application for adjustment of status under Section 245 of the Immigration and Nationality Act (as amended), as a candidate in the 2003 Diversity Visa Program.

Section 245 of the Act states, in pertinent part:

(a) the status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence (3) an Immigrant visa is immediately available to him at the time the application is filed.

Additionally, Title 22 of the CODE of Federal Regulations (22 CFR) states, in pertinent part:

(g) Allocation of Visa Numbers

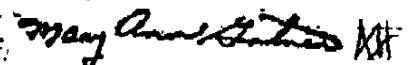
Diversity immigrant visa numbers should be allocated in accordance with INA 203(c)(1) and shall be allotted only during the fiscal year for which a petition to accord diversity immigrant status was submitted and approved. Under no circumstances shall immigrant visa numbers be allotted after Midnight of the last day of the fiscal year for which the petition was submitted and approved.

The 2003 Diversity Visa Lottery program was solely in effect for a period of one fiscal year, from October 1, 2002 through September 30, 2003. Additionally, please note that in this past year (DV-2003), the program was so fully subscribed that the U.S. Department of State was forced to suspend all visa requests before September 30th, because all available visas (55,000 world-wide) had been had been completely allocated.

As your case could not be approved by the indicated cut-off date, and as no visa is currently available, nor cannot be made available, your Application for Adjustment must be, and hereby is, denied as a matter of law.

**Any employment authorization issued in connection with the
aforementioned application for adjustment of status is hereby terminated.**

Sincerely,

 Mary Ann Gantner

Mary Ann Gantner
Interim District Director
New York District

CC: Olga Floroff, Esq.
87-10 Queens Blvd.
Elmhurst, NY 11373