

# U.S. Visa Winners Not So Lucky

By Elizabeth Wolfe

STAFF WRITER

Tatyana Leshchinskaya and her husband Ernest assumed they would get their visas last November when they went to the U.S. Embassy for an interview.

Leshchinskaya was one of thousands of applicants worldwide who had won the "green-card lottery," or the diversity immigrant visa program that gives citizens of designated countries

and their immediate family members under 21 the chance to receive permanent U.S. residency.

According to Leshchinskaya, the consular officer asked her to sign her name on a piece of paper 15 or 20 times. After comparing the signatures to her original application, mailed in October 1999 from her sister's home in New Jersey, the officer said he wasn't convinced that Leshchinskaya had signed the original application and sug-

gested that her sister had forged it.

He stamped her passport to note that her request for immigration had been rejected.

"When I signed the application, it never occurred to me that the matter of a signature would be so crucial," said Leshchinskaya, 55, who has a secretarial job lined up in New Jersey that she's not sure will still be waiting for her, if she ever gets there. "My signature is

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inconsistent," she said, "I can't help it."

"She did sign it. I witnessed it," said Yelena Fridman, Leshchinskaya's sister who is in Moscow on a visit. "We need to win [this case] because she is like an out-cast and a liar now. And she is not."

All rejected winners like Leshchinskaya have until Sept. 30, the U.S. Immigration and Naturalization Service deadline for the 2001 lottery, to appeal.

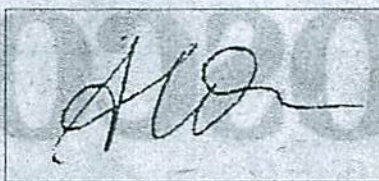
But Leshchinskaya isn't battling alone. She and six other Russian lottery winners who claim to have been wrongly rejected on signature grounds are now being represented by a small Moscow law firm, White and Associates.

"The crux of our argument is that there are objective ways to prove that these people signed their applications — the size of the paper, fingerprints and, the most important, forensics," said Kenneth White, an American who set up his own practice here in 1993 and concentrates partly on business immigration to the United States and Canada.

White found his first client in April when, on a visit to the immigration section of the embassy to check up on another case, he overheard a man complaining to officials. After not getting very far on the case, but suspecting that the problem could be more widespread, White gave an interview to *Inostranets*, a Moscow magazine tailored to immigrants and travelers. Since that interview was published Aug. 14, White's firm has received two or three calls a day from people making similar claims.



Goland's 1995 passport signature, left, and the signature on her lottery application.



The first client, Radmir Geryukov, paid an \$800 initial fee and owes a bonus if his rejection is overturned. But the others are receiving free services. "As for compensation — or lack thereof — I kind of view this as the pro bono that I should have been doing all of these years," White said.

The consular section of the U.S. Embassy said Wednesday that it does not comment on individual cases, but defended its actions by saying that its officers are trained, some more than others, to recognize forged signatures.

"In every case where we suspected [signature fraud] and initially denied someone on the basis solely of signature fraud, we have asked that person to come back," said James Warlick, the new consular general who arrived this month. "Everyone last year got a second hearing. And not from the officer that did the initial interview, but from a fresh perspective."

Leshchinskaya, for one, says that she was never invited back for another look.

Warlick said the lottery program, started in 1996 by the INS to diversify the immigrant pool, has been "enormously successful" in giving that opportunity to people who would otherwise not be eligible for immigration. In this year's lottery, millions of people worldwide are vying for 50,000 spaces, selected

randomly by computer. The consulate would not say how many winners had been rejected by the Moscow office or on what grounds, but said that "an overwhelming majority" who were interviewed were issued visas. Last year more than 2,000 lottery visas were issued in Russia and the embassy expects that number to reach 3,500 next year.

Anna Goland expected to get one of those visas when she went for an interview last October. A Moscow State University economics graduate, Goland, 22, was also turned down for supposedly not having signed the original application. "In so far as I'm sure I signed the application myself, it didn't even enter my head that this could be the reason for rejection," she said. "I was a little confused."

Both Goland, once an assistant to a Yabloko Duma deputy, and Leshchinskaya have had letters from Russian and U.S. politicians written on their behalf. Responding to a letter supporting Goland from Vladimir Lukin, former ambassador to the United States, former Ambassador James Collins stood by the consulate's decision, writing, "I am sure the individual who signed the application for Ms. Goland was simply trying to help her."

Goland and Leshchinskaya's applications were mailed from the United

States, which they think worked against them. The consulate says that the country of origin does not affect a consulate officer's decision. Both applicants are nervous that the rejection stamp in their passports will hinder future attempts to get visas, though the consulate said this should not be a factor.

White has recommended that his clients hire an independent forensics expert, which costs \$600 or more in the United States, to examine copies of the original signatures — provided by the Moscow consulate — with signatures on other official documents, like passports. If necessary, the opinions will be presented to the embassy and would be used if the cases ever go to court.

Warlick said that the consulate would look at the expert opinions, but that they were no guarantee of overturning a decision. "We're very open to repeated appeals ... and we're willing to look at whatever information anybody is willing to provide, and given the choice, we want to issue these visas," he said.

White said that, according to his conversations with INS forensics and former embassy officials, the consulate had a different practice on judging signatures until two years ago: Applicants who did not agree with the consulate's decision could have their signatures sent to an INS forensics laboratory in Washington. If an INS expert rejected it, the applicant would be barred from traveling to the United States, which was meant to serve as a deterrent for groundless challenges to consulate decisions.

The consulate in Moscow said Wednesday that they couldn't recall this practice ever being in place.

"Of course consular officers are not qualified to accurately examine handwriting," wrote Brian Carney, a top forensics expert, in an e-mail to White. "The basic training acceptable in [the United States] is two years."

For his three clients who were turned down in the ongoing 2001 lottery, White submitted appeals Tuesday to have the signatures re-examined by experts. He is planning next week to send a request to the U.S. State Department's visa office. If that effort fails, White said he would pursue litigation, which entails filing a class action suit in an U.S. federal district court.

"We believe that several dozen, possibly more, individuals have been affected," White said.

At the same time, however, White said he applauds the embassy's efforts to weed out fraud from agencies who charge applicants money, forge signatures or submit multiple applications — which is also illegal — and promise a winning ticket to the U.S. Applicants are also known to have let their relatives or acquaintances in the U.S. sign for them.

In a letter to White on Aug. 14, new U.S. Ambassador Alexander Vershbow suggested that false signatures are a particular problem in Moscow, writing that "non-signing of applications or inconsistent signatures with other indicators of non-signing have occurred more frequently than the officers think should be the case, suggesting that applicants are using agents and taking poor advice."

"We want to be fair, we want to make sure that everyone gets a fair hearing," Warlick said. "At the same time we want to uncover fraud, when there is fraud."